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इन्दिरा गाँधी राष्ट्रीय मुक्त विश्वविद्यालय

उत्तर प्रदेश राजर्षि टण्डन मुक्त विश्वविद्यालय

UGPA-02

Indian Administration

- FIRST BLOCK** : Historical Context
- SECOND BLOCK** : Central Administration
- THIRD BLOCK** : State Administration
- FOURTH BLOCK** : Local Administration
- FIFTH BLOCK** : Citizen and Administration
- SIXTH BLOCK** : Emerging Issues
- SEVENTH BLOCK** : Administrative Reforms



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BLOCK I HISTORICAL CONTEXT

This is the Introductory Block titled 'Historical Context' of Course 2 on Indian Administration. This Block is divided into five units. This will give you a good idea regarding the evolution of administration in India.

UNIT 1 ADMINISTRATIVE SYSTEM AT THE ADVENT OF BRITISH RULE

In this unit, we will discuss about the administrative system prior to the Moghuls. We will also explain the Moghul administration which was by and large inherited by the East India Company and trace the roots of some of the present day administrative practices and Institutions.

UNIT 2 BRITISH ADMINISTRATION 1757-1858

In this unit, we will discuss the landmarks in British East India Company administration from 1757-1858. A discussion on Regulating Act of 1773 and Pitt's India Act of 1784 will be made. The features of Central Secretariat, civil services, divisional and district administration and administrative system of revenue, criminal justice and police will also be dealt with.

UNIT 3 REFORMS IN BRITISH ADMINISTRATION : 1858 to 1919

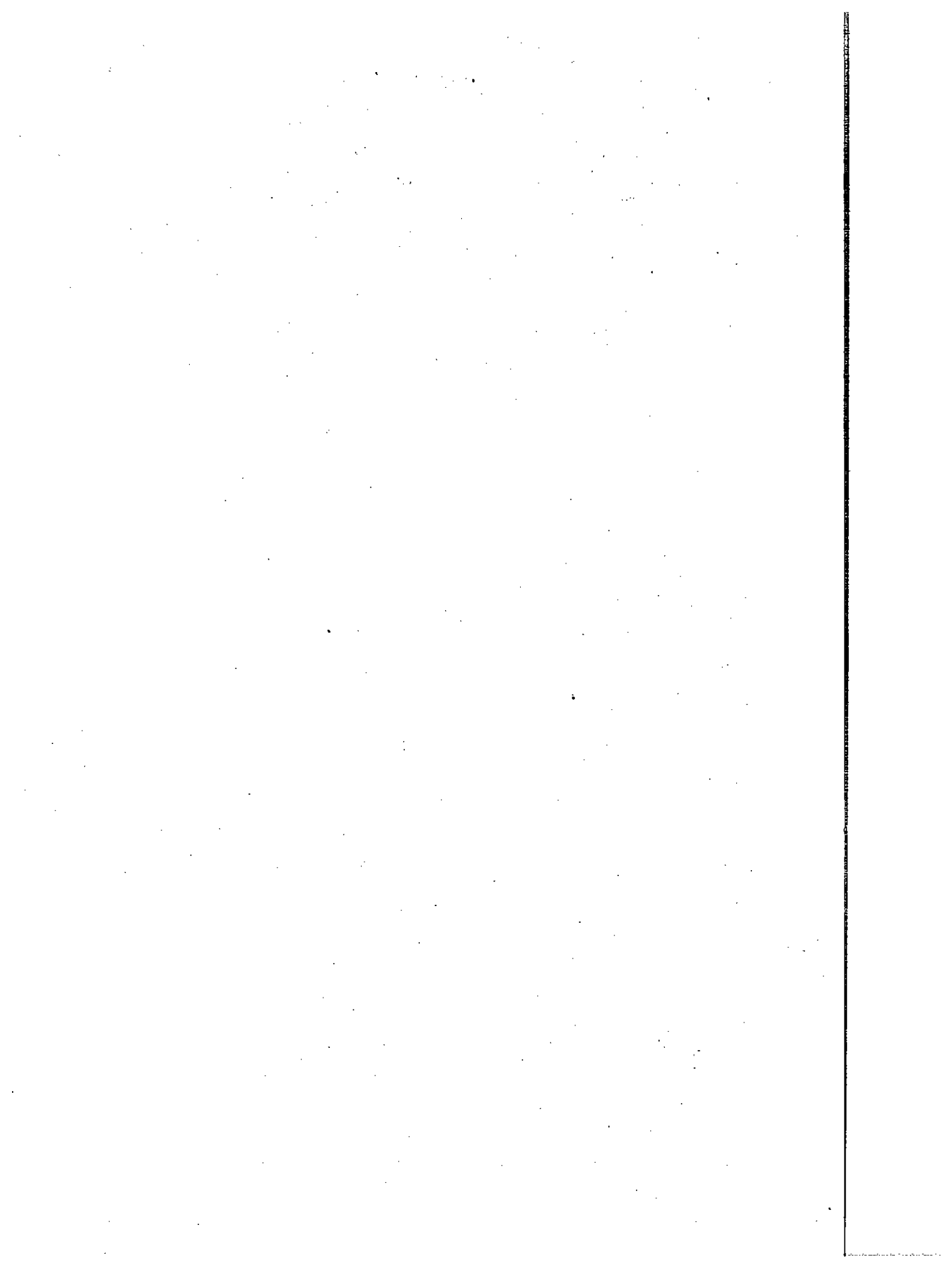
In this unit we will discuss the reforms in British Administration in India from 1858-1935. We will also explain the features of Indian Councils and impact of nationalist movement on administrative reforms. A discussion on Morley Minto Reforms and Montague Chelmsford Reforms will be made. All enactments will be dealt within the context of changing political and economic demands of that period.

UNIT 4 ADMINISTRATIVE SYSTEM UNDER 1935 ACT

In this unit we will discuss the developments that led to the Government of India Act 1935 and its main provisions affecting the structure of government and administrative arrangements. We will also discuss the reasons behind the failure of the Act of 1935 and highlight the events inevitably leading to the new constitutional exercise for free India.

UNIT 5 CONTINUITY AND CHANGE IN THE INDIAN ADMINISTRATION: POST 1947

In this unit, we will study about the changes that have been brought in the Administration after independence. An attempt to describe the institutions that have continued to exist over a period of time will be made. We shall also explain the structure of Public Services in the comparative backdrop of the British Administration in India and the direction Indian Administration has acquired in the Post 1947 period.



UNIT 1 ADMINISTRATIVE SYSTEM AT THE ADVENT OF BRITISH RULE

Structure

- 0 Objectives
- 1 Introduction
- 2 Mauryan and Gupta Administration
- 3 General Characteristics of Moghul Administration
 - 1.3.1 Role of the King
 - 1.3.2 Bureaucracy
 - 1.3.3 Army
 - 1.3.4 Police
- 4 Structure of The Moghul Administrative System
 - 1.4.1 Central Administration
 - 1.4.2 Provincial Administration
 - 1.4.3 District and Local Administration
- 5 Revenue Administration
 - 1.5.1 Land Revenue as the Primary Source of Income
 - 1.5.2 Types of Land Tenurial Systems
 - 1.5.3 Administration of Land Revenue
 - 1.5.4 Important Revenue Reforms
 - 1.5.5 Modus Operandi of Revenue Collection
- 6 Administration of Justice
 - 1.6.1 Administration of Civil Justice
 - 1.6.2 Administration of Criminal Justice
- 7 Let Us Sum Up
- 8 Key Words
- 9 Some Useful Books
- 10 Answers to Check Your Progress Exercises

1.0 OBJECTIVES

In this unit the overall objective is to examine the political and administrative environment in India at the advent of British rule. After studying this unit you should be able to:

- understand the administrative system prior to the Moghuls
- explain the Moghul administration which was by and large inherited by the East India Company; and
- trace the roots of some of the present day administrative practices and institutions.

1.1 INTRODUCTION

The main focus of this unit is on Moghul administration as it was known in the days of the great Moghul emperor, Akbar, who is singled out as the most outstanding ruler of India known for his administrative abilities of a high order.

This unit gives a detailed coverage to Moghul administration because it incorporated features of earlier administrative systems and continued in essence their basic features and provided the setting for British rule.

Before we examine the nature of the British rule, its distinguishing features and style of functioning, we must examine the administrative environment in India at that time. In other words, we must examine Moghul administration at great length and take a peep into pre-Moghul and post-Moghul developments to get a comprehensive picture of the administrative system at the advent of British rule.

1.2 MAURYAN AND GUPTA ADMINISTRATION

Indian administration can be traced to the Indus Valley Civilisation which is about 5,000 years old that forms the basis of our civilisation and culture.

In the ancient period we know of the Magadha, Mauryan and the Gupta Ages. Kautilya's Arthashastra, a political treatise on ancient Indian political institutions examines statecraft, gives an account of State administration and reflects the rule of the Mauryan kings.

In the Mauryan administration, the State had to perform two types of functions. The constituent (component) functions related to maintenance of law and order, security of person and property and defence against aggression. The ministrant (welfare) functions had to do with provision of welfare services. All these functions were carried out by a highly organised and elaborate governmental machinery. The empire was divided into a Home Province under the direct control of the central government and 4 to 5 outlying provinces, each under a Viceroy who was responsible to the Central Government. The provinces had considerable autonomy in this "feudal-federal type" of organisation. Provinces were divided into districts and districts into villages with a whole lot of officials in charge at various levels. There was city government too and two types of courts corresponding to the modern civil and criminal courts. All the administrative work was distributed among a number of departments, a very important department being the special tax department, managed by an efficient and highly organised bureaucracy which was supplemented by the army and the secret police.

The king was all-powerful and everything was done in his name. He was assisted by the 'parishad' and the 'sabha'. The administrative system was a close combination of military force and bureaucratic despotism. An outstanding feature of Mauryan administration was that the State, through a new class of officials, known as 'dharma mahamautras' carried out the policy of moral regeneration of the people. Ashoka, the great Mauryan king, set up a new department called the Ministry of Morals.

The Guptas continued the legacy of the Mauryans in many respects. The divine character of the king was upheld and the king controlled all the levels of the administrative machinery. The empire was divided, like the Mauryan, for administrative purposes into units styled as 'Bhukti', 'Desa', 'Rashtra' and 'Mandala'. Villages had their own headmen and assemblies and towns and cities had special officers called 'nagarapatis' and even town councils. The king had the help of various functionaries to share the burden of administration. Apart from the confidential adviser there were civil and military officials, feudatories, district officers and many others.

1.3 GENERAL CHARACTERISTICS OF MOGHUL ADMINISTRATION

The Moghuls upheld the earlier traditions in political and administrative matters. The Moghul emperor was a perfect autocrat and the administration was "a centralised autarchy". The king symbolised the state and was the source and centre of all power and authority. Provincial governments were more in the nature of administrative agencies. The Moghuls did succeed in building up a "monolithic administration".

When compared to the Mauryas, the Moghuls moved in the direction of greater centralisation. They did not pay much attention to social services of health and welfare as also morals which were areas of special concern for the Mauryan kings. But the Moghuls had an efficient civil service. They recognised merit and accepted Hindu intelligentsia in the higher civil service. Its only drawback was that it was 'land-based' it means it mainly concerned with revenue functions and was a "highly urbanised institution".

1.3.1 Role of the King

Administration was personalised. It has aptly been described as paternalistic. The entire administrative machinery revolved round the king who was viewed as a "father

figure" or a "despot" by his people. Most of the time the king was seen as a benevolent despot who worked for the welfare of his people. The theory upheld was that of absolute monarchy based on the divine right to rule. The king was everything to his people. He was all powerful and supreme. He was the source of all authority and the fountain-head of justice. The administrative system was highly centralised and personalised. Everything therefore, depended on the character and person of the king. Hence, when Aurangzeb showed himself as a religious bigot and indulged in religious persecution of the worst kind, while indulging in endless wars in the South, central authority weakened, efficiency suffered and administration collapsed. Rajputs, Marathas, Jats, Sikhs and other local elements sought their independence and thus set into motion, forces of disintegration.

1.3.2 Bureaucracy

Organisation of the administrative machinery was unstable. It depended on the whims and fancies of the king. Recruitment was on the basis of caste, kin, heredity and personal loyalty to the king. Administration was based on fear of force. In the name of the king, the officials struck terror in the hearts of men. They wielded much awe and respect among the people.

Officials were primarily engaged to maintain law and order, safeguard the interests of the king from internal uprisings and revolts, defend and extend the boundaries of the empire and collect revenue and other taxes.

Every officer of the State, held a mansab or official appointment of rank and profit and was expected to supply a certain number of troops for the military service of the State. Hence, bureaucracy was essentially military in character. Officials or mansabdars were classified into 33 grades, ranging from Commanders of 10 to those of 10,000. Each grade carried a definite rate of pay, out of which its holder had to provide a quota of horses, elephants etc. State service was not by hereditary succession, nor was it specialised.

Officers received their salaries either in cash or through jagirs for a temporary period. The officer did not have ownership of lands in their jagirs, but only the right to collect the revenue equivalent to his salary. The jagir system provided scope for exploitation of the masses and gave undue power and independence to the holders of jagirs. These evils were difficult to check when the Emperor was weak.

1.3.3 Army

The army must be understood largely in terms of the Mansabdari system. In addition, there were the supplementary troopers and a special category of "gentlemen troopers" who were horsemen owing exclusive allegiance to the king. The army had cavalry which was the most important unit, the infantry, made up of townsmen and peasants and artillery with guns and navy.

The Moghul army was not a national army but a mixture of diverse elements. As it grew in numbers it became too heterogeneous to be manageable. The soldiers did not owe direct allegiance to the Emperor but were more attached to their immediate recruiters or bosses and as such were busy with their bitter rivalries and jealousies. Above all, the pomp and splendour of the army proved to be its undoing. The army on the move was like a huge moving city, with all its paraphernalia of elephants, camels, mares, bazars, workshops etc. Soon indiscipline set in and the inevitable deterioration was fully manifest in the time of Jahangir. No longer capable of swift action, the Marathas, under Shivaji could score over the Moghuls in battle.

1.3.4 Police

In the rural areas, policing was undertaken by the village headman and his subordinate watchmen. This system continued well into the 19th century. In the cities and towns police duties were entrusted to Kotwals. Among their many duties Kotwals had to arrest burglars; undertake watch and ward duties, regulate prices and check weights and measures. They had to employ and supervise work of spies and make an inventory of property of deceased or missing persons. However, the Kotwal's main job was to preserve peace and public security in urban areas. In the districts, law and order functions were entrusted to Faujdars.

Check Your Progress 1

Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

1 Explain the Mansabdari System.

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2 Enumerate the special features of Moghul administration.

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1.4 STRUCTURE OF THE MOGHUL ADMINISTRATIVE SYSTEM

1.4.1 Central Administration

Central administration, like administration in general, was personal and paternal. The system operated with a fair degree of efficiency as long as the king was able to exercise control from above. As soon as his grip loosened, the system fell to pieces as seen in the reigns of Shah Jahan and Aurangzeb.

The two highest officials were the 'Vakil' and the 'Wazir'. The Vakil, in fact, was higher of the two. He functioned as regent of State and was in over all charge of the State. The 'Wazir' or high diwan was the highest officer of the revenue department. He was actually known as 'Wazir' when he acted as Prime Minister.

The Chief diwan supervised revenue collection and expenditure. He was head of the administrative wing of Government. He supervised the work of all the high officials. He controlled and guided provincial diwans who along with their subordinates were in touch with him. He signed all kinds of documents and put his seal authenticating government transactions.

The Moghuls had many diwans. Under the high diwan diwan-i-ala there was the 'diwan-i-tan' in charge of salaries and 'diwan-i-khalsa' in charge of State (crown) lands. At times, the diwans were also successful military commanders. There was also the 'mustaufi' who audited income and expenditure and the 'waqia- navis' who kept a record of all important farmers.

Among other officials there was the 'Khan-i-saman' or the high steward in charge of royal expenditure, the 'diwan-i-buyutat' who was the understudy of the 'khan-i-saman', the 'mir-i-Bakshi', the paymaster-general of the empire and the 'Sadr-i-sudur', the head of the ecclesiastical department.

Apart from the major officials of the central government there were several others of minor importance who kept the system going. The administrative pattern was based on regulations, traditions and practices.

1.4.2 Provincial Administration

Given the centralised and personalised character of Moghul administration, provincial authorities were only administrative agencies of the Centre.

The Empire was divided into 'subahs' or provinces. At the head of the province was the 'Subahdar' or Governor. He was appointed by imperial order and was given the insignia of office and instrument of instructions which defined his powers, functions and responsibilities. As executive head, he was in charge of the provincial administrative staff and ensured law and order in the province. He tackled local civil and intelligence staff with a firm hand and realised tributes from the local chiefs under him. He also controlled the local zamindars and contained their political influence.

The provincial diwan was selected by the imperial diwan. Though next in importance to the governor, he functioned independently of him and was subordinate to the imperial diwan. He was in charge of the finances of the province and appointed 'kroris' and 'tahsildars' to induce ryots to pay government dues in time. The diwan also exercised functions of an auditor and exercised full control over public expenditure. His establishment included the office superintendent, the head accountant, the treasurer and clerks.

The provincial 'bakshi' performed a role similar to that of the 'bakshi' at the Centre. He was responsible for the maintenance and control of troops and kept an account of the salaries and emoluments of all provincial officers in terms of their 'mansabs'.

The 'Sadr' and the 'Qazi' were the two officers at the provincial level which were sometimes united in the same person though there was a distinction in the jurisdiction of the two. 'Sadr' was exclusively a civil judge, but did not handle all civil cases. 'Qazi' was concerned with civil suits in general and also with criminal cases.

1.4.3 District and Local Administration

The 'Subah' or province was divided into 'Sarkars' which were of two types. There were those ruled by officers appointed by the emperor and those under the tributary rajas. At the head of each sarkar was the Faujdar who was the executive head. Although Faujdars were subordinate to the provincial governors, they could have direct communication with the imperial government. On his appointment, a 'Faujdar' received advice regarding policy and conduct. He was also in charge of a military force and saw to it that rebellions were put down and crimes investigated.

Apart from the 'Faujdar', the other head of the 'sarkar' was the 'amalguzar'. He was in charge of revenue. Each of them had their own set of subordinate officials. The 'kotwal' did policing of the town and its suburbs.

A 'sarkar' was divided into 'parganas'. Each 'pargana' had a 'shiqqdar', an 'amil' and a 'qazi'. The 'shiqqdar' was executive head and combined in himself the functions of the 'Faujdar' and 'kotwal' of the 'sarkar'. He took care of law and order, criminal justice and general administration. The 'amil's duties were similar to those of the amalguzar and the 'qazi's were judicial.

The 'parganas' were further divided into 'chaklas'. 'Chaklas' were created to facilitate and improve the realisation and assessment of revenue and had their own set of local officials like the 'chakladars'. Each of the officials was responsible and accountable to those above.

Check Your Progress 2

- Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

Make a list of important officials at the Central level.

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2. Make a list of important officials at the provincial and district levels.

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1.5 REVENUE ADMINISTRATION

1.5.1 Land Revenue as the Primary Source of Income

The Revenue system needs to be closely studied because land revenue has been traditionally, the primary source of income of the State. The State and the cultivator were two parties to the contract. The right of the State to a share of the produce was recognised as a principle of political economy from time immemorial. What was disputed and had to be determined periodically was the fixing of the share of each.

In ancient times, the State's share was defined by law-givers as one-twelfth, one-eighth or even one-fourth. However, about one-sixth was realised. While in the 14th century, the State took half, Akbar kept it at one-third.

1.5.2 Types of Land Tenurial Systems

There were three types of land tenurial systems in India. The zamindar system was prevalent in Bengal and was extended by the British to parts of Madras. Here the zamindars as the intermediaries played a crucial role. In the Mahalwari system as seen in the North West Provinces, the settlement of land revenue was with zamindars who held their Mahal (estate) in joint proprietorship and not on an individual basis. The Ryotwari system, seen in North India and the Deccan did away with all kinds of intermediaries between the State and the ryots or peasants. Though the actual cultivators of the soil were responsible for the annual payment of the fixed revenue, they did not have proprietary rights. These continued to be vested in the State.

1.5.3 Administration of Land Revenue

Land tenures were pretty complex and varied from place to place. They can be divided into three groups.

i) Non-proprietary tenures were held by peasant cultivators who worked as tenants and rent-payers. They held land on various conditions and got a share of the produce in cash or kind. Though in theory they could be evicted by the proprietor, yet custom recognised their right to continue as tenants as long as they paid rent.

ii) The superior proprietary tenures were held by a mixed group. They were descendants or representatives of ancient chiefs and nobles military chiefs or even middlemen called 'assignees'. They also included hereditary officers and men of local influence who acted as temporary or permanent owners of the government share of the produce or rent so long as they paid a certain tribute or revenue to the State. They usually took 10% of Government share and were responsible for law and order, land improvement and even administration of justice. These various types of assignees formed the feudal structure of society. They often farmed out their lands and this system of revenue farming was oppressive to the cultivators.

iii) The subordinate proprietary tenures came in between the earlier two. Their existence came to light as a result of the painstaking researches of Holt Mackenzie and Sir Charles Metcalfe. In the North West Provinces, these formed a large part of the proprietary community and their counter-parts were found in Punjab, Bengal, Bihar and Orissa.

Since the bulk of the State's income came from land revenue, administration of revenue was very critical. The machinery for collection was elaborate and hierarchical. Apart from the official bureaucracy there were a whole lot of intermediaries who had a role to play in revenue collection. The net result was that the peasants were exploited and

timised. They were the worst sufferers in the system because of undue extortion. The only gain for them was a certain amount of security in that they could not be evicted from their holdings for default of payment.

5.4 Important Revenue Reforms

Important revenue reforms were introduced during the reign of Akbar when Todar Mall was appointed the Diwan-i-Ashraf. Todar Mall established a standard system of revenue collection, the chief features of which were survey and measurement of land, classification of land and fixation of rates. Hence, the overall success or failure of the revenue system depended on the king and the quality and nature of the centralised administration. Akbar is credited with having scientifically organised his land revenue system. It continued till the 18th century though it gradually lost its vigour and was injurious to the interests of the peasants.

5.5 Modus Operandi of Revenue Collection

Attention has been made of the modus operandi of revenue collection. The Empire was divided into 'subahs', which were subdivided into 'sarkars' and 'sarkars' into 'parganas'. The 'amalguzar' was the chief revenue collector in charge of a district and assisted by a large subordinate staff. Among other officials, mention must be made of the 'Qanungo' who kept revenue records, the 'Bitikchi' or accountant and the 'Todar' or district treasurer.

Check Your Progress 3

- i) Use the space below for your answers.
- ii) Check your answers with those given at the end of the unit.

Distinguish between the zamindari, Mahalwari and Ryotwari tenurial systems.

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Who were the "assignees"? What were their functions in the society?

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Mention three important revenue officials.

6 ADMINISTRATION OF JUSTICE

6.1 Administration of Civil Justice

The Moghul State, being a Muslim State was based on Quranic law. The judges followed the Quranic precepts, the 'Fatawas' or previous interpretations of the Holy Law by eminent jurists and the ordinances of the Emperors. They did not disregard customary laws and sought to follow principles of equity. The Emperor's interpretations prevailed, provided they did not run counter to the sacred laws.

For the dispensation of justice there were two types of tribunals. There was the Chief 'Qazi' with subordinate 'Qazis' who followed the Islamic law, both civil and criminal. The other was the 'mir' adl,' a secular officer who took care of suits not specifically provided for by the religious laws of the two communities. The king was the supreme court of both original and appellate jurisdiction.

The office of 'mir'adl' was limited to big cities and towns where the mixed population and advanced commerce gave rise to cases not covered by Quranic law. Here too, there were opportunities for corruption and misuse of authority. Where the 'mir'adl' and 'qazi' were both present, the former exercised a general controlling authority over the 'qazi' who acted under him as a law officer.

1.6.2 Administration of Criminal Justice

The Quran was the guide for conduct of criminal justice for Muslims as well as non-Muslims. According to Muhammadan law, crimes were classified under three main heads: 1) Crimes against God, 2) Crimes against the sovereign, 3) Crimes against private individuals. The principles on which crimes were punished were also three: 1) 'Huda' or punishment specified by Quranic law which included death, flogging etc. 2) 'Qisas', or retaliation due as a right of man and 3) 'Tazir' or punishment inflicted at the discretion of the judge, but not defined by law. It included admonition, exposure to public insult and even exile and scourging.

By modern standards of justice, punishments were very severe and barbarous. Whipping to death was common. Persons were flayed alive for treason and conspiracy against the State. In the reign of Aurangazeb no Muslim could be convicted on evidence of a non-Muslim, but the latter could be readily punished on the testimony of a Muslim or any other person.

The operation of regular courts was seriously affected. With the disintegration of the Mughal authority and the collapse of the empire, the operation of regular courts was confined to chief towns where the provincial governors continued to wield a measure of autonomy.

British administration was especially concerned with criminal branch and sought to do away with the inequities and inadequacies of Islamic law and order to meet the needs of a more advanced society as well as to conform to principles of natural justice and equal citizenship.

Check Your Progress 4

- Note: i) Use the space below for your answers.
- ii) Check your answers with those given at the end of the unit.

1) Describe the types of tribunals for judicial administration.

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2) Explain the distinguishing features of the Moghul judiciary.

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1.7 LET US SUM UP

At the advent of British rule, the administrative system, was paternalistic, centralised and personalised. There was an elaborate network of officials at the centre constituting the central secretariat which was repeated at the provincial and local levels. In total control of the state was the emperor. Land revenue was the principal source of income and land tenures were complex, elaborate and a mix of rules, regulations, customs and traditions. The judicial system was under executive dominance and was poorly structured. Society was feudal, with the toiling masses often given a raw deal.

1.8 KEY WORDS

Bureaucratic Despotism: Absolute and domineering rule of bureaucrats in a society

Centralised Autarchy: Government by an individual or a group with absolute and unrestricted authority

Intelligentsia: The educated or intellectual people in a society

Monolithic Administration: Undivided and unitary administration

Paraphernalia: Miscellaneous

1.9 SOME USEFUL BOOKS

Majumdar, R. (et. al) 1967. *An Advanced History of India*; Macmillan: New York

Misra, B.B. 1959. *The Central Administration of the East India Company 1773-1834*; Manchester University Press : Manchester

Puri, B.N. 1975. *History of Indian Administration Volume II, Medieval Period*; Bharatiya Vidya Bhawan : Bombay

1.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1 Your answers should cover the following points:

- Functions of the officers holding 'mansabs'
- Classification of mansabdars into grades
- Exploitative nature of mansabdari system

2 Your answers should cover the following points:

- Army
- Mansabdari System
- Police
- Bureaucracy

Check Your Progress 2

1 See Sub-Section 1.4.1

2 See Sub-Sections 1.4.2 & 1.4.3

Check Your Progress 3

1 Your answers should cover the following points:

- Differences relating to role of intermediaries
- Differences relating to payment of revenue
- Differences relating to places where they existed

2 Your answers should cover the following points:

- Composition of Assignees
- Source of Income of Assignees
- Responsibilities of Assignees

3 See Sub-Section 1.5.5.

Check Your Progress 4

- 1 Your answers should cover the following points:
 - Two types of tribunals
 - Role of the Chief 'Qazi' and subordinate 'Qazis'
 - Role of 'mir'adi'
- 2 Your answers should cover the following points:
 - Justice in mughal period was based on Quranic Law
 - Classification of crimes into three main heads
 - Nature of punishment
 - Discrimination between Muslims and non-muslims
 - Dominance of executive authority
 - Gradation of Courts

UNIT 2 BRITISH ADMINISTRATION :

1757-1858

Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 The Nature of Administration
 - 2.2.1 Characteristic Features of The East India Company
 - 2.2.2 The Regulating Act of 1773
 - 2.2.3 The Amending Act of 1781
- 2.3 Constitutional Changes between 1784-1834
 - 2.3.1 Pitt's India Act 1784
 - 2.3.2 The Amending Act of 1786
- 2.4 The Central Secretariat
 - 2.4.1 The Departments of Secretaries to Government
 - 2.4.2 Changes in The Secretariat between 1787-1808
 - 2.4.3 Financial and Colonial Departments
 - 2.4.4 Reconstruction of Departments in 1815
- 2.5 Departments under the Governor General and other Civil Departments
- 2.6 The Administration of Revenue
 - 2.6.1 The Imperial Grant of the Diwani
 - 2.6.2 Formation of the Board or Council of Revenue
 - 2.6.3 District Administration and the District Collector
- 2.7 Board of Revenue
- 2.8 Role of Divisional Commissioners
- 2.9 The Administration of Criminal Justice and Police
- 2.10 The Civil Service
- 2.11 Let Us Sum Up
- 2.12 Key Words
- 2.13 Some Useful Books
- 2.14 Answers to Check Your Progress Exercises

2.0 OBJECTIVES

After studying this unit you should be able to:

- understand the important landmarks in the British East India Company administration from 1757-1857;
- explain the features of Regulating Act of 1773 that effected major changes in administration in India and Pitt's India Act of 1784 that effected major changes in England;
- describe the features of Central Secretariat as it took shape in its formative years;
- understand the administrative system of revenue criminal justice and police; and
- explain the features of divisional and district administration during the days of the East India Company.

2.1 INTRODUCTION

British administration in India till 1858 was mainly that of the East India Company. Though the British Government passed Acts from time to time, and interfered with and regulated the Company's administration, the complete take-over by the Crown took place in 1858. Also, the Company, which began as a purely commercial corporation, gradually attained the status of a Government or ruling body.

While the British started trading operations from 1600 A D, other foreign powers like the Portuguese, the Dutch and the French were already in the trading business. So the

British were in competition with other European powers to capture the trade with the East. Simultaneously, they competed to acquire territorial supremacy. This was possible because of the collapse of the Moghul empire and the mutually destructive wars between princes and nawabs. For instance, through the Carnatic wars, the English secured the Northern Circars which were previously administered by the French. By winning the Battle of Plassey in Bengal in 1757 and through the Treaty of Allahabad, the British got in 1765, the Diwani of Bengal, Bihar and Orissa and the right of administering these provinces and collecting their revenue.

In a hundred years, from the Battle of Plassey (1757) to the Sepoy Mutiny (1857) the British virtually captured the whole of India and India soon became the brightest jewel in the British Crown.

2.2 THE NATURE OF ADMINISTRATION

2.2.1 Characteristic Features of the East India Company

The East India Company was a monopoly, mercantile Company. A trading station, with a number of factors was called **Factory**. A settlement (number of Factories) was under an **Agent**. **Factor** was the term applied to an agent transacting business as a substitute for another in mercantile affairs. Employees were graded as apprentices, writers, factors and Merchants.

Recruitment of officials, their nomenclature, terms and conditions of service were governed by rules and practices appropriate to commercial business. Generally, patronage was the method of recruitment and promotion in the services. Patronage was in the hands of the Proprietors or Directors of the Company.

In these early years of Company rule, officials were frequently moved around, from one district to another. They had no training on the job and learnt the hard way by trial and error. They were ignorant of the laws, customs and languages of the local people. Given very low salaries the Company's servants were known to be corrupt.

The system of governance was commercial in character. It was basically government by Council. The Council had executive and legislative powers with the Governor or the Governor-General having the casting vote. With the acquisition of more territorial sovereignty and the need to take prompt decisions, more power came to be concentrated in the head or Chairman of the Council, but the fundamental principle of collective rule and responsibility remained.

It was also a government by Boards. After the Board of Trade, the next in importance was the Military Board. But the Board of Revenue had the longest history and the most distinguished record of work. Later, there was also the Railway Board. The Board made possible counselling, discussion, deliberation and even legislative and judicial activity. Questions of policy and principle, conduct and action were settled in the Board.

It was a government by record. When transactions were commercial, records were brief and manageable. But political dealings made record keeping cumbersome and voluminous. Notes, minutes, despatches and reports became an integral part of British administration. All this was in a way necessary because only, through written reports and records could control be exercised by officials in the governmental hierarchy. With the Company headquarters in far away England, record keeping helped check absolutism and uncontrolled power.

The East India Company mismanaged administration of acquired territories in India. A case in point is Clive's Double or Dual Government of Bengal, Bihar and Orissa. While the Company took over direct responsibility for defending these territories from outside attack, internal matters, like revenue collection was still left to the Nawab and his officers who did so on behalf of the Company. This was because the Company did not know the local customs and practices and felt comfortable leaving the existing system of revenue collection intact. But this resulted in exploitation of the worst kind as maximum revenue was extracted from the people. Though it was done in the name of the Company which got a bad name on this account, the Nawab and his men pocketed a lot and grew rich at the cost of the Company.

UNIT 2 BRITISH ADMINISTRATION : 1757-1858

Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 The Nature of Administration
 - 2.2.1 Characteristic Features of The East India Company
 - 2.2.2 The Regulating Act of 1773
 - 2.2.3 The Amending Act of 1781
- 2.3 Constitutional Changes between 1784-1834
 - 2.3.1 Pitt's India Act 1784
 - 2.3.2 The Amending Act of 1786
- 2.4 The Central Secretariat
 - 2.4.1 The Departments of Secretaries to Government
 - 2.4.2 Changes in The Secretariat between 1787-1808
 - 2.4.3 Financial and Colonial Departments
 - 2.4.4 Reconstruction of Departments in 1815
- 2.5 Departments under the Governor General and other Civil Departments
- 2.6 The Administration of Revenue
 - 2.6.1 The Imperial Grant of the Diwani
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 - 2.6.3 District Administration and the District Collector
- 2.7 Board of Revenue
- 2.8 Role of Divisional Commissioners
- 2.9 The Administration of Criminal Justice and Police
- 2.10 The Civil Service
- 2.11 Let Us Sum Up
- 2.12 Key Words
- 2.13 Some Useful Books
- 2.14 Answers to Check Your Progress Exercises

2.0 OBJECTIVES

After studying this unit you should be able to:

- understand the important landmarks in the British East India Company administration from 1757-1857;
- explain the features of Regulating Act of 1773 that effected major changes in administration in India and Pitt's India Act of 1784 that effected major changes in England;
- describe the features of Central Secretariat as it took shape in its formative years;
- understand the administrative system of revenue criminal justice and police; and
- explain the features of divisional and district administration during the days of the East India Company.

2.1 INTRODUCTION

British administration in India till 1858 was mainly that of the East India Company. Though the British Government passed Acts from time to time, and interfered with and regulated the Company's administration, the complete take-over by the Crown took place in 1858. Also, the Company, which began as a purely commercial corporation, gradually attained the status of a Government or ruling body.

While the British started trading operations from 1600 A D, other foreign powers like the Portuguese, the Dutch and the French were already in the trading business. So the

al Context
transformation from a trading body to a Corporation of a new kind, entirely administrative in its object and subordinate to Parliament.

Defects of the Regulating Act

Though the Act was expected to regulate and centralise administration to provide better justice and bring in a system of checks and balances, it was found to have serious drawbacks in practice.

Defects relating to the Supreme Court were the following:

- i) The ambiguity of jurisdiction between the Supreme Council i.e. (Governor-General in Council) and the Supreme Court was a drawback in the Act of 1773. The Regulating Act entrusted the entire civil and military administration of the diwani provinces to the Governor-General and Council. But the Supreme Court was also authorised to take cognizance of cases not only against British but also native employees of the Company. It could punish all persons who committed acts of oppression either in the exercise of civil jurisdiction or in the collection of revenue. But the Act did not specify whose authority would be final in case of a conflict between the Council and the Court. These difficulties arose because the Company which was the virtual sovereign of the diwani provinces was not declared to be so by Parliament.
- ii) The Regulations passed by the Governor-General in Council had to be registered by the Supreme Court before they were executed as law. This the Court refused to do, thus hampering the smooth working of the administration.
- iii) The Act did not clearly specify which law had to be applied while trying cases. The Court applied English law in all cases even where Indians were charged with offences. This was resented by the Indians.
- iv) The Provincial and other Courts were not recognised. All these defects did much harm. The British Government corrected these defects through the Amending Act of 1781.

Drawbacks relating to the Governor-General-in-Council.

The Governor-General was answerable to the Directors and was held responsible for all acts pertaining to the administration in India. But he was not given a free hand as he was bound by the majority decisions of his council. Though this is understandable as part of the system of checks and balances, yet it resulted in the Council taking decisions for which the Governor General alone was held accountable. There was constant friction between the Governor-General and his Council, as a result, administration suffered.

Though the Governors were subordinate to the Governor-General, yet, in actual practice, they acted independently of Bengal. They justified their action by saying, the matter was urgent and decisions could not be delayed. In this way, the idea of unity and uniformity sought by the Act was defeated in practice.

According to the Regulating Act, the East India Company was to supply all correspondence relating to military, administrative and financial matters to the British Government. This indirect control did not work satisfactorily in practice and the Proprietors and Directors followed a policy based on personal considerations rather than administrative need.

2.2.3 The Amending Act of 1781

This Act amended the jurisdiction of the Supreme Court. It was deprived of its right to actions arising in the collection of revenue. Landholders, farmers or other persons connected in land revenue work were not covered by the Supreme Court.

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No person just by virtue of being the Company's employee, could be subjected to the Court's jurisdiction. Even though the Court's jurisdiction extended over all the inhabitants of Calcutta, the Court had to take into account personal laws of Hindus in case of Hindus and Quranic law in case of Muslims.

Government he was determined to introduce a bill on India and see it through. At the first attempt it was defeated by a narrow majority and on second attempt after Pitt's party was returned to power it was introduced.

Pitt's India Act provided for a body of six commissioners popularly known as the Board of Control. It consisted of one Secretary of State, the Chancellor of the Exchequer and four Privy Councillors appointed by the king and holding office during his pleasure. Three of the six formed a quorum and the President possessed a casting vote in case opinion was equally divided. The Secretary of State was to preside over the meeting of the Board; in his absence, the Chancellor of the Exchequer or a Senior Commissioner.

The Board of Control was empowered to superintend, direct and control the Company's affairs in India with regard to civil, military and revenue work. The Directors of the Company had to deliver to the Board, copies of all correspondence with the Company. The orders of the Board on civil and military government or revenues of India became binding on the Directors. According to the Act, the Board could transmit, through a secret committee of three Directors, secret orders to India on the subject of war, peace, or diplomatic negotiation with any of the country powers.

The Proprietors lost most of their powers. They could no longer revoke or modify a decision taken by the Directors with the approval of the Board of Control.

The Directors retained their control of commerce and right to patronage except in the appointment of the Governor-General, the Governors of Madras and Bombay and the Commanders-in-Chief of the three Presidencies.

The arrangement made by Pitt's India Act operated till 1858. Indian Government was subjected to a system of dual control in which the Company could initiate proposals subject to the revising and directing authority of the Board.

The Act reduced the number of members of the Governor-General's Council to three. One of them was to be the Commander-in-Chief. This change enabled the Governor-General to get a majority even if he could get the support of only one Councillor, because he continued to have his casting-vote.

The Act clearly indicated the subordinate character of the Governments of Bombay and Madras and made independent action on their part, impossible. The Governor-General in Council had the power and authority to superintend, direct and control the other Presidencies in all matters. The entire diplomatic relations of the Company in India as also the finances necessary to support them were entrusted to the Governor-General in Council. The subordinate governments were directed not to disobey any of the orders of the Supreme government on the ground of competence. They had to obey such orders in all cases except when they received positive orders and instructions from the Directors or the Secret Committee. They also had to send true and exact copies of all such orders, resolutions or acts to the Governor-General-in-Council.

Pitt's India Act invested the Governor-General in Council with much discretionary power to deal with emergencies. Though they had to obey orders from home, they could act on their own when the situation warranted it. Generally, in matters of war and peace, the Governor-General in Council was to be guided by instructions of the Court of Directors.

Hence, through Pitt's India Act, the Control of the Crown over the Company, of the Company over the Governor-General in Council and of the supreme government over the subordinate Presidencies was greatly improved and fairly well defined.

2.3.2 The Amending Act of 1786

This Amending Act of 1786 took care of the problem related to the Councils of the Governor-General and Governors. The Act invested the Governor-General or Governor with power to override the decision of his Council and act without its concurrence in extraordinary cases involving in his judgement the interests of the Company or the safety and tranquility of British India.

If the Governor-General or Governor had to use this extraordinary power to overrule the majority, both sides had to put in writing their respective positions on the issue

nder dispute. If the Governor-General or Governor, finally chose to act in his own ay, he was personally to bear the responsibility of the measure adopted without the nconcurrence of the Council.

4 THE CENTRAL SECRETARIAT

1784, the Central Secretariat had three main branches. General, Revenue and ommercial. A judicial branch was later established in 1793. Between 1793 and 1834, ie Central Secretariat worked through four branches. Of these, the civil section of the eneral branch was under the immediate control of the Supreme Board which nsisted of the Governor-General in Council and it was administered through ecretaries to Government in various departments.

4.1 The Departments of Secretaries to Government

efore 1756 all transactions of business were handled by one general department with ie help of a Secretary and a few Assistants. Due to pressure of business and exigencies f war, the General Department had to be reorganised to secure efficiency and espatch. Accordingly, a plan was drawn up to have two Departments i.e. the Public epartment which dealt with the affairs of trade, shipping, revenues, accounts and her matters of a public nature and the Secret Department which dealt with military ans and operations and all transactions with country powers. Separate records should e maintained for each. The two departments had to be jointly managed by a Secretary nd an Assistant Secretary, with a sub-Secretary attached to each Department. There ould be eight Assistants for the Public Department and seven for the Secret. Their ecific duties were defined. The President and Council at Fort William accepted this an and implemented it from 1764. But this arrangement lasted only for a year. The onctions of the Secret Department were taken over by Clive and his Council in order o centralise authority in the office of the Governor. In 1774 the Governor-General nd Council took over the entire civil and military government of Bengal under the egiating Act.

With increase in the volume of administrative work and the supervision of military perations against the Marathas and Mysore, the Public and Secret Departments had ach a Secretary. The post of Assistant Secretary was abolished and a sub-Secretary as attached to each of the two departments. The duties of each were specified again nd the Secret Department was removed to a separate house so that its records and apers were not "exposed to improper inspection."

Foreign Department

he affairs of foreign nations in India were part of the business of the Secret epartment. These were now separated and recorded in a Foreign Department which as established in 1783 and placed under the charge of the Secretary to Government i the Secret Department.

Military Department

atters relating to military expenditures, ranks, pensions and other claims of a military ature were previously dealt with by the Government in its General or Public epartment. Warren Hastings, in 1776, suggested that military matters spread over iffereent departments should be brought together under a new Military Department. his was done in 1777.

Revenue Department

When the Company acquired Diwani provinces in 1765, the collection of revenue was eft to Indian officers who acted as agents for the British. This arrangement continued ll 1769 when the President and Council appointed Supervisors in all districts to acquire nowledge of revenue resources and report on abuses in the current system. But since heir powers were limited and they failed in their duties, a new management was created. here was to be a Controlling Council of Revenue at Murshidabad and another at atna. Since these lacked co-ordination, a Controlling Committee of Revenue was set p in 1771 at Calcutta with powers to inspect, control and direct revenue affairs.

administration through its own men. So a Committee of Circuit was formed which worked along with the Controlling Committee of Revenue. Finally in 1772 it was decided to have a Revenue Department at Calcutta in place of these various bodies. The Department had a Secretary, an Assistant Secretary, a sub-Secretary, a Persian Translator, an Accountant-General and several Assistants.

In addition to Departmental Secretaries to Government who acted under the direction and control of the Council there were three inferior Boards to take care of details of execution.

These were:

- 1) The Committee of Revenue formed in 1781 to take care of revenue, justice and police.
- 2) The Board of Ordinance, formed in 1775 to manage military stores.
- 3) The Board of Trade formed in 1774 for commercial transactions.

In 1785, these were reconstituted as the Board of Revenue, the Military Board and the Board of Trade.

In 1786, the old Secret Department continued as Secret Political Department. The Foreign Department was designated as Secret and Foreign. A new Secret and Military Department was set up, with Edward Ray as the Secretary of all the three Departments. The old Military Department was reconstituted in 1786 as the Military Department of Inspection and was distinct from the Secret and Military Department. With slight changes in nomenclature like dropping the words Secret in titles of Departments and creating a new Secret Department these continued after 1787.

2.4.2 Changes in the Secretariat between 1787-1808

Cornwallis reorganised the Secretariat. A Secretary-General was appointed for the Public, Secret and Revenue Departments while each continued to have a sub-Secretary. This arrangement preserved the independence of each department while uniting all under the Secretary-General.

Cornwallis also established a separate Judicial Department with proceedings kept under two distinct heads, civil and criminal.

Wellesley reconstituted the Secretariat and the changes he effected proved to be of a permanent nature. By now there were four groups of Departments. They were:

- 1 The Secret, Political and Foreign Departments.
- 2 The Revenue and Judicial Departments
- 3 The Public Department including Commercial branch
- 4 The Military Department.

Each of these departments had a sub-Secretary and all acted under the orders of a Secretary-General who was usually nominated as Secretary to Government. Sub-Secretaries were usually men of inferior rank, with little work experience and who moved out as soon as they got better qualified and lucrative jobs came their way.

Under Wellesley's new plan, the Secretary became 'Chief Secretary' and the four sub-Secretaries became 'Secretaries'. The Chief Secretary had powers of general control and authority, but execution of details was not his job. Individual Secretaries were fully responsible for transaction of business in their respective Departments. There was a considerable increase of salaries as well. He also opened new Departments since new territories were acquired by the Company. Wellesley, in sum, raised the status of the Secretaries to Government by raising their salaries and augmenting their responsibilities to include research and planning.

2.4.3 Financial and Colonial Departments

With Wellesley's arrangement, secretaries had come to shoulder greater responsibility and distinguished themselves as extraordinary administrators. When Minto took charge, he chose to depend on his Secretaries and be guided by them rather than act on his own views and principles.

into added two new Departments Financial and Colonial. The Financial business of government was separated from the Public Department in 1810 and established as a distinct Financial Department.

The Colonial Department was designed to manage the affairs of Mauritius and Java which had come under the Company.

4.4 Reconstruction of Departments in 1815

The organisation of the Secretariat was again revised in 1815 in conformity with a plan proposed by the Governor-General. This was partly in conformity with the requirements of the Charter Act of 1813 which had directed that separate accounts to be maintained of the Company's territorial and commercial revenues. This separation had also been ordered by the Court of Directors and was necessitated by the policy laid down by Parliament and the home authorities. Accordingly, a new Territorial Department was created.

Check Your Progress 2

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

How did Pitt's India Act alter the administrative machinery in England?

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Between 1793 and 1834, the Central Secretariat worked through the following four branches. (Tick those 4).

- | | |
|------------|--------------|
| 1 General | 4 Public |
| 2 Judicial | 5 Commercial |
| 3 Secret | 6 Revenue |

Enumerate the five stages in the setting up of the Revenue Department.

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..... Reorganised the Secretariat and appointed a Secretary-General.

..... brought in the post of Chief Secretary.

..... added the Financial and Colonial Departments.

5 DEPARTMENTS UNDER THE GOVERNOR-GENERAL AND OTHER CIVIL DEPARTMENTS

The office of the Governor-General consisted of the official establishment of his Private Secretary, his Interpreter and a number of Assistants.

One of the main duties of the Private Secretary was to administer Darbar charges which were stipends paid to the Nawab of Bengal and others. Residents were appointed in various parts of the country. A Resident was appointed to get complete knowledge of what transpired at Courts of native rulers and uphold British interest against those of other foreign powers. The administration of political residencies, though conducted through the Secretary to Government in the Secret and Political Departments, was essentially linked up with the office of the Private Secretary to the Governor-General. Residents soon became very powerful and had large administrative staff.

The other civil Departments included the Treasury which handled money, managed the financial resources of Government and control of its expenditure, the Department of Audit and Accounts, the Persian Department and the Agencies specified as the Agent for stationery, agent for Indigo and agent for despatching ships to Europe. There was also the Post Office, the Mint and other establishments like that of Surgeons and Chaplains, the Clerk of the Market and the Coroner, under the Civil Department.

2.6 THE ADMINISTRATION OF REVENUE

Land revenue was the most important source of income for the Government and revenue settlement was one of the most complicated functions of the Government. It involved the consideration of a multiplicity of rights and obligations and it differed in fundamental principles and details from place to place. The Company's servants had to gather proper information as to the economic resources and social traditions of the people and the methods of revenue administration followed in the past. On the basis of facts thus collected, they had to frame suitable regulations for imposition of revenue and suitable machinery for its collection.

2.6.1 The Imperial Grant of the Diwani

The Company got the grant of Diwani i.e. the right to collect taxes in Bengal, Bihar and Orissa in 1765. But it did not assume direct charge. Expediency and policy dictated such a course of action wherein the Company through the Resident, restricted its authority only to the superintendence of the collection and disposal of revenues. Because the British lacked knowledge and experience of revenue collection and they did not want to antagonise or alienate the natives, they preferred civil administration to continue in the hands of the Nawab or his ministers. This meant that power was divorced from responsibility.

The native officers, zamindars and others exploited the peasants. They were guilty of acts of oppression without any fear of punishment from the British Government as long as they satisfied its revenue demands. Soon in 1769, the Government appointed supervisors in the districts of the diwani provinces to look into the produce of the land, revenues, taxes etc. In 1770, two controlling Councils of Revenue, one at Murshidabad and another at Patna were appointed. No appointment could be made by the Nawab's men without their permission. These piecemeal measures did not go far in solving the basic problems which related to power being divorced from responsibility. The outbreak of famines, especially the one of 1770, added to the sufferings of the common people. However, the Supervisors did do some good work in reconstructing revenue records.

In 1771, the Directors stated that they would take over, through the agency of the Company's servants, the entire management of the revenues of Bengal, Bihar and Orissa. To give effect to his decision, a Committee of Circuit was appointed in 1772 and supervisors were nominated as Collectors.

2.6.2 Formation of the Board or Council of Revenue

With the collection of revenue given over to Collectors, the Committee of Circuit favoured the discontinuance of the Controlling Committee of Revenue at Calcutta. Control had to be exercised by the Supreme Council. In 1772, therefore the Committee of Circuit recommended the formation of the entire Supreme Council into a Board or Council of Revenue. This Board first met on 13th October 1772, when the Controlling Committee of Revenue at Calcutta also came to an end. The Committee of Circuit was abolished in 1773. The structure of Revenue administration was greatly simplified. It consisted of the Board of Revenue at the Presidency, with Collectors in the districts, assisted in joint responsibility by the native diwans.

2.6.3 District Administration and the District Collector

The position of the District Officer was the foundation on which British rule in India rested. District administration by the agents of the Central Government has been a basic feature of our Governmental system from time immemorial. The Mauryan empire was divided into a number of provinces and each province was further divided into districts. Villages were governed by village communities. The district officer was responsible to the Provincial Governor and ultimately to the Emperor. A similar arrangement prevailed under the Guptas. The District continued to be an important area of administration even under the British.

In 1772, Warren Hastings placed a district under a Collector who was a Britisher. Two years later this arrangement was abandoned and again picked up in 1781. By 1786, the district came to occupy a central place in the scheme of local administration.

In 1829, some districts were grouped together and formed a Division which was under a Commissioner of Revenue and Circuit. This Commissioner was given powers of supervision and control over the administration of the districts. Later, districts were sub-divided into sub-divisions each under a sub-divisional officer.

One school of British administration readily accepted the theory that an oriental principle of government was that all power and authority should be concentrated in one officer at the head of each unit. Though it was not generally accepted, given the anarchy in the 18th Century, there seemed to be no way out but to have such an arrangement.

After the district was made the basis of administration in 1786, the Collector performed the duties of a Revenue Collector, Judge and Magistrate. The District Officer had to assess and collect the revenue, try civil and revenue cases and maintain law and order.

Lord Cornwallis was not happy with this arrangement for an officer who assessed the revenue, had to hear complaints against that assessment. The temptation would be to justify in his judicial capacity what he had done as a Revenue Officer. Accordingly, in 1793, a new Regulation was adopted by the Governor-General in Council by which Collectors would not try the revenue cases any longer.

In each district, there were two important officers — Collectors for collection of Revenue and the Judge-Magistrate to maintain peace, supervise police work, apprehend thieves and robbers, try them as Magistrate and function as the Civil Judge.

In 1831, there was a further change in the duties of District officers. Uptil this time, Collector collected revenue, while Judge-Magistrate was to act as the Civil Judge, maintain law and order, discharge other duties of general and administer lower criminal justice. The civil judicial duties were now (1831) handed over to a separate Civil Judge while the rest of the functions of the Judge—Magistrate were entrusted to the Collector. The Collector now discharged all functions of the Chief Executive officer of the district including the collection of revenue, administration of lower criminal justice and maintenance of law and order. This was much too heavy a burden for the Collector especially because he did not have a well organised police force at his command nor trained assistants to help him. Lawlessness became a rife and in 1836, Lord Auckland appointed a Committee called Bird Committee (presided over by W.W. Bird) to investigate. The Committee was of the opinion that these functions were too exacting and District Officer could not cope up with them. Since he paid more attention to revenue collection and neglected duties of general and police administration, something ought to be done. The Committee recommended that revenue functions should be placed in the hands of separate functionaries called Collectors. This was effected and put into operation by 1845. But this division of labour did not improve the efficiency of police administration. Towards the close of 1853, changes were again effected and there was a reunion of magisterial and revenue functions, because the separation of the offices of Collector and Magistrate had been injurious to the character of the administration and the interests of the people. The oriental theory of government was clearly annunciated and the principle of unity of authority in District administration advocated.

In fact, there were three officers in a district, between 1838 and 1859 namely the District Magistrate, District Collector and District Judge. In 1859 there was a reunion of offices of Collector and District Magistrate and hence forth they were held by one and the same officer.

Later, the British came firmly to believe that if District Magistrate could not punish the law-breakers himself, his authority would be undermined. They upheld the combination of criminal justice with executive administration.

2.7 BOARD OF REVENUE

British administration in its initial stages, had a number of Provincial Revenue Councils at work and above them was a Secretariat at Calcutta. These Provincial Revenue Councils came to be replaced by a Board of Revenue which came to assume tremendous importance both in revenue collection and general administration for nearly 140 years. The jurisdiction of the Board extended to the whole field of revenue administration including settlement, collection and receipt of public revenues.

In 1788, Cornwallis revised the constitution of the Board of Revenue. The Board was concerned with deliberation, superintendence and control. The details of management of revenue were left to Collectors who were responsible to the Board. In the exercise of its powers, the Board could summon any officer to explain his conduct, fine him or even suspend him with the final consent of Government.

The Collectors became very important because they supplied, in the first instance, all the data on the basis of which the Board's report to Government would be prepared. Once decisions were taken and instructions issued, the execution of details was left to the Collectors who with the discretionary power they wielded, became supreme in district administration.

Two more reforms were effected in the Board of Revenue on the recommendations of John Shore in 1788. They sought to effect total control of revenue administration by the convenanted civil servants.

In 1790 a regulation was passed which empowered the Board to Act as a Court of review as well as appeal in all revenue cases. In the same year the Governor-General in Council, constituted the Board of Revenue into a Court of Wards. This was to bring under the Board, the affairs of all such estates as belonged to females, minors, idiots, lunatics and persons of doubtful character. From time to time, regulations were issued to guide the Board in this activity. Subsequently, Divisional Commissioners came to be appointed.

In the history of the Board of Revenue from 1786, one sees two main developments — one jurisdictional and the other functional in character. Jurisdictionally, the extent of territories under its control increased progressively till 1807, when it covered Bengal, Bihar, Orissa, Benares as well as the ceded and conquered Provinces. Then began a process of decentralisation which was first marked by the establishment of the Board of Commissioners for the ceded and conquered Provinces. This process continued until two district Boards of Revenue came to be established in 1831 with a number of Commissioners of Revenue to take care of local supervision.

Functionally, the controlling and supervisory character of the Board of Revenue remained unchanged. As for judicial powers, the Cornwallis principle (which favoured separation of judicial from revenue work) was reversed. This was necessitated by the exigencies of periodical assessment in the ceded and conquered Provinces where frequent judicial matters came up.

A third development was the tendency of the Government to reduce the number of Board members or to vest in a single member, the powers and authority exercised by the Board as a whole. This was done for the sake of speedy conduct of business, economy, and the want of trained men.

2.8 ROLE OF DIVISIONAL COMMISSIONERS

The territorial jurisdiction of the Board of Revenue was unmanageable. So in 1822, three separate Boards of Revenue were reconstituted. These were the Board of Revenue for the Lower Provinces or the Sadar Board, Board of Revenue for the Central Provinces or the Western Board.

2.9 THE ADMINISTRATION OF CRIMINAL JUSTICE AND POLICE

We have examined in the earlier unit, the Moghul administration of criminal justice and police. It was based on Quranic law which was applied to Muslims and non-Muslims alike. With the collapse of the Moghul Central authority, there was a breakdown of the law and order machinery. Zamindars, farmers and other agents of revenue took over control though they did not have the right to do so. However they prevented a situation of anarchy.

Hastings had four objectives when he sought to improve criminal administration.

- 1) To reconstitute the criminal courts.
- 2) To establish an efficient machinery of supervision and control.
- 3) To offset the inadequacies of Muslim criminal law.
- 4) To restore power of Faujdars.

Hastings, as per his plan in 1772, had a criminal court in each district and a superior court of criminal jurisdiction at Murshidabad. The Collector had to exercise supervision and control and keep an eye on judicial proceedings.

In 1781, the Governor-General and Council abolished the office of Faujdars and transferred their duties to the Company's convenanted servants acting primarily as judges of the Courts of diwani adalat. They became designated as Magistrates.

In 1787, on orders from the Directors, Cornwallis united in the office of Collector, the duties of Magistrate and Civil judge. In addition, he conferred on the magistracy, part of the authority exercised by the criminal courts themselves. Though contrary to Islamic jurisprudence, police and judicial functions were for the first time united in the office of the Magistrate on a general plan.

Cornwallis wanted the authority of the Magistrate to be more effective and complete. But the administration of criminal justice remained practically unaltered. It was still outside the sphere of the Company's responsibility.

Cornwallis Europeanised and functionalised the Civil Service. He did not have faith and trust in Indians especially in the administration of Criminal justice. He set up four courts of circuit, one for each of the four divisions of Calcutta, Murshidabad, Dacca and Patna in place of the darogas of criminal courts. Each of these courts of circuit was under two convenanted civil servants who were designated Judges of the Court of Circuit. They were assisted by a qazi and a mufti as law officers.

The police duties of the Magistrate continued. He was to apprehend criminals and peace breakers and have them tried before the Judges of Circuit.

Cornwallis introduced measures to reform the administration of police in 1792. These had three features:

- 1 Landholders and farmers who maintained thanadars and chaukidars were divested of their entire police authority.
- 2 Districts were divided into thanas or police jurisdictions. At the head of each was an officer of Government called daroga of police.
- 3 Duty of rural police like chaukidars and others was to assist the daroga in the apprehension of criminals and to undertake intelligence work.

In his police reforms of 1792, Cornwallis had been guided by administrative and political considerations.

Administratively, police administration at the hands of the zamindars was unsound in principle. There was much exploitation and personal revenge. Politically, the thanadari system was risky because it meant continuance of small pockets of local influence which was prejudicial to the Company's interests. Cornwallis' daroga system was hailed as an innovation which strengthened the Magistracy.

But after 1793, the crime rate steadily increased. Bengal was known for gang robbery. Thugs operated in the Upper Provinces. These and many social evils increased considerably. The police system of Cornwallis suffered because it did not have roots in society. Moreover, the resumption of the whole or part of the lands previously adjusted in the rentals of the zamindars for the support of their police establishments was resented. The resumption of service lands of village watchmen and zamindari servants led them to combine with the zamindars and make common cause against the darogas of Police. A gap developed between the official police under Magistrate and rural police under zamindars with their roots in society.

The darogas of police were unfit and negligent. But they had extensive powers. Ill-paid, they indulged in corrupt practices. The administration of police suffered in addition from the union of the Magistracy with the office of the Judge.

Between 1793 and 1813, several measures of reform were designed to:

- 1 seek the cooperation of zamindars,
- 2 remove the inadequacy of the stipendiary police
- 3 to impart efficiency and speed to criminal administration and
- 4 to modify Muslim criminal law as well as the established mode of trial.

Respectable Hindus and Muslims were appointed as amins and commissioners of police who could assist a daroga in maintenance of law and order. The police amins were to preserve peace, help suppress crime, control village watchmen and the like. The idea was to unite the influence of zamindars with the power of darogas through the police amins.

The Government increased the establishments of the Kotwali and Thana police. Apart from a general increase in the establishment of the stipendiary force, provisions were made to meet local exigencies. Also, not only was there an increase in the powers of the Magistrates, Joint and Assistant Magistrates were appointed. Above all, modifications were introduced in criminal law.

The necessity of decentralising the powers of superior courts arose mainly because of increase in the bulk of crime. Magistrate's powers were increased, courts of circuit appointed and later on in their place, divisional commissioners assigned tasks.

By and large in administration of criminal justice and police, an attempt was to have an effectual administration of justice and liberalise criminal law by reducing severity of punishment, by having trial by jury and bringing dangerous social customs under purview of law. In short, the effort was to make the law conform to principles of liberalism and natural justice.

2.10 THE CIVIL SERVICE

With responsibilities of ruling territorial possessions in India, the British Governors and Councillors needed assistants in the Central offices and in districts. They also had

to study the manners and customs of the people, collect necessary facts and make timely recommendations. To begin with, the men to fill this important role in public service were drawn from the ranks of writers, factors and merchants of the Company. It was not till 1769 that some of these officers were appointed supervisors over large areas and charged with responsibilities. Though most of the men did not prove equal to their tasks there were a few like John Shore, Charles Stewart, Charles Grant and Jonathan Duncan who did outstanding work. The Court of Directors continued to send every year fresh batch of writers without realising that a revolutionary change had taken place in the Company's role and functions and therefore better equipped men were required. None of the Acts of Parliament between 1773 and 1793 looked into the education and training of civil servants in India.

To the open question as to whether administration would be efficiently conducted by only Indians, a mixed agency or exclusively by the British, Cornwallis provided the answer by deciding on the policy of complete Europeanisation. All higher positions in Government service were filled by the Company's British covenanted servants. The Charter Act of 1793 took care of this and provided the Charter or Rights of civil servants. Promotion was by seniority. Duties of different departments were defined. Salaries were proportionate to responsibility.

Wellesley realised that civil servants of the Company had to discharge functions of Magistrates, Judges, Ambassadors etc. To discharge these duties efficiently they had to be not only well acquainted with the languages, laws and usages of the people but be well informed on the British Constitution and be well versed in Ethics, Civil Jurisprudence, the laws of nations and general history. To provide all these Wellesley set up the College of Fort William in Calcutta. The civil servants of Bombay and Madras had to undergo training at the College like those of Bengal for 3 years.

The 3 year course provided for instruction in liberal arts, classical and Modern History and Literature, Law of Nations, Ethics and Jurisprudence. The syllabus also included Indian languages, different codes and regulations. The college aroused mental and intellectual powers of the civil servants and improved their morals to a considerable extent. But the College was short-lived. After 7 years it was continued as only a language school.

In 1805, the Haileybury college was set up in England and that really spelt the end of the College at Fort William. The young recruits to the covenanted Civil Service had to spend two years at Haileybury and for the next 50 years the ICS was the product of the Haileybury College.

The syllabus drawn up by Wellesley for his College was followed at the Haileybury College. The young civil servants had to continue their mathematical and classical education for two years under expert guidance. They had also to read Political Economy, principles of jurisprudence, elements of Indian history and rudiments of Indian legal codes and regulations and Indian languages.

But admission was still on the basis of patronage. Each of the Company's Directors could nominate one candidate while Chairman and Deputy Chairman could nominate two candidates each. Though there was an entrance test it was so simple that no one ever failed it. Though candidates did equip themselves with liberal education the standard at Haileybury was not really high or else it would have resulted in a high rate of failures. The admission system, though modified later, was at best, one of qualified patronage.

Despite this, the College had a good name and its products were known for their corporate outlook and spirit of comradeship which they brought to India. These men, in far flung parts of India still upheld old Haileybury ties. They set healthy traditions especially in honesty and integrity. But at the same time they felt high and mighty and some did become despotic in outlook and dictatorial in behaviour.

In 1837, an arrangement was made for the preliminary examination to Haileybury College. Yet it did not achieve the expected results. The men who came out to India were not of the level of competence demanded by the work. Meanwhile, opposition was developing in England against patronage since 1833, when the Company lost the last vestige of commercial monopoly. The Northcote Trevelyan Report submitted to Parliament in 1854 suggested that patronage must give place to open competitive examination. Among those happy to promote merit system was Macaulay. Once the

principle of competition was accepted, the necessary regulations had to be framed. For this, an expert body was appointed of which Macaulay was Chairman. The committee recommended that candidates be between ages 18 and 23 and the examination should be in subjects of liberal study. The introduction of the competitive test meant the end of the Haileybury College.

First competitive examination was held in 1855. From 1858 the exams were conducted by the British Civil Service Commission.

It must be noted that the Civil Service established a great reputation for itself as a most efficient, honest and upright organ of government. But civil servants had limited functions to perform. They were essentially concerned with law and order and revenue administration.

Check Your Progress 4

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

How did Hastings improve criminal administration?

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Critically evaluate Cornwallis' darogas of police.

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What was the contribution of Wellesley to improving the civil service in India?

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2.11 LET US SUM UP

We have seen how administration in India till 1858 was in the hands of the East India Company which was a monopoly trading body. To regulate its management of Indian affairs the British Parliament passed 2 major Acts, the Regulating Act and Pitt's India Act. Subsequently Acts of 1793, 1813, 1833 and 1853 were passed by which the Company was steadily deprived of its authority and power in India and its privileges

curtailed. Finally, the Act for the better Government of India, 1858 passed after the Sepoy Mutiny, brought the governance of India directly under the Crown.

The Central Secretariat took shape over the years and responded to the exigencies of the time. Important departments were those dealing with military, political, foreign and revenue matters.

Administration of Revenue has had a long and interesting history with the Collector emerging as the kingpin at the district level. Administration of criminal justice and police was very much the concern of the British though they did not achieve much here. What is creditable is the Indian Civil Service tradition that was built up and which continued through the Indian Administration Service to modern times.

2.12 KEY WORDS

Court of Wards: The Board of revenue, looking after matters of estates belonging to females, minors, lunatics, etc.

Ecclesiastical Matters: Matters relating to the Church

Patronage: The practice of making appointments to the Company's Office through favour

Quorum: The minimum number of members required to be present in an assembly or any meeting before any business can be transacted

2.13 SOME USEFUL BOOKS

Aggarwala, R.N., 1962. *National Movement and Constitutional Development of India 4th edition*; Metropolitan Book Co. (P) Ltd. Delhi

Mahajan, V.D., 1956. *Constitutional History of India*; S. Chand & Co., (P) Ltd., New Delhi

Mishra, B.B., 1956, *The Central Administration of the East India Company 1773-1834*; Oxford University Press; Bombay

Roy, N.C., 1958, *The Civil Service in India*, K.L. Mukhopadhyay; Calcutta

2.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 Your answers should cover the following points:
 - The East India Company was a mercantile company.
 - Its rules and practices were appropriate to commercial business.
 - The system governance was commercial in character.
- 2 Your answers should cover the following points:
 - Ambiguity of jurisdiction between the Supreme Council and the Supreme Court.
 - Uncertainty in the application of law.
 - Non-recognition of provincial and other Courts.
- 3 Your answers should cover the following points:
 - Curtailing of the jurisdiction of the Supreme Court.
 - Governor General having appellate jurisdiction and acting as a Court of record.
 - Governor General-in-Council legislation was to be approved by the Court, and not subject to the registration in the Supreme Court.

Check Your Progress 2

- 1 Your answers should cover the following points:
 - Setting up of the Board of Control.
 - Powers of the Board of Control.
 - Indian Government subjected to a system of dual control.

- 2 1, 2, 5, 6,
- 3 See Sub-Section 2.4.1
- 4 Cornwallis
- 5 Wellesley
- 6 Minto

Check Your Progress 3

- 1 Your answers should cover the following points:
 - Combining the Collections duties as Revenue Collector, Judge and Magistrate in 1786.
 - In 1793 the Collector could not try the revenue cases.
 - The functions of the Judge-Magistrate given to the Collector in 1831.
 - Appointment of separate functionaries for revenue functions in 1845.
 - Revision of magisterial and revenue functions in 1853.
- 2 Your answer should cover the following points:
 - Jurisdiction of the Board over revenue administration.
 - Board of Revenue as a Court of review and appeal in revenue cases
 - Board of Revenue as a Court of Wards.

See Section 2.8

Check Your Progress 4

Your answers should cover the following points:

- Reconstitution of the criminal courts.
- Establishment of an efficient machinery of supervision and control.
- Offsetting the inadequacies of Muslim Criminal Law.
- Restoration of powers to the Faujdars

Your answer should cover the following points:

Merits

- It brought an end to exploitation and personal revenge.
- Discontinuation of local influence which was based on the company's interest.
- Strengthening of the Magistracy

Demerits

- Development of gap between the official police under Magistrate and rural police under zamindars.
- Negligence, corrupt practices among the Darogas.
- The administration of police suffered due to union of magistracy and Office of the Judge.

Your answer should cover the following points

- Europeanisation of Civil Service under Cornwallis.
- Setting up of four courts of circuit.
- Designation of civil servants as judges of the Court of Circuit.

Your answer should cover the following points:

- Realisation of variety of functions to be performed by the civil servants as Magistrates, Judges, Ambassadors etc.
- Need to make them well acquainted not only with the laws, languages of people, but also about the British constitution, ethics, jurisprudence etc.
- Setting up of College of Fort William in Calcutta to provide training on various aspects to the civil servants.

UNIT 3 REFORMS IN BRITISH ADMINISTRATION: 1858 TO 1919

Structure

- 3.0 Objectives
- 3.1 Introduction
- 3.2 The War of Independence and After
- 3.3 The Indian Councils Acts
 - 3.3.1 The Need for Policy of Association
 - 3.3.2 The Indian Councils Act 1861
 - 3.3.3 The Indian Councils Act 1892
- 3.4 The National Movement and Administrative Reforms
 - 3.4.1 The National Movement and Constitutional Reforms
 - 3.4.2 Demands for Administrative Reforms
- 3.5 The Morley Minto Reforms 1909
 - 3.5.1 The Main Provisions
 - 3.5.2 Examination of the Reforms
 - 3.5.3 Pointer to Further Reforms
- 3.6 The Administrative Structure
 - 3.6.1 Reorganisation of Departments
 - 3.6.2 The Civil Service
 - 3.6.3 Financial Administration
 - 3.6.4 Police Administration
 - 3.6.5 Local Administration
- 3.7 The Montague Chelmsford Reforms 1919
 - 3.7.1 The Preamble of the Government of India Act 1919
 - 3.7.2 The Central Government
 - 3.7.3 Machinery of Dyarchy at the Provinces
 - 3.7.4 The Balance Sheet of Reforms
- 3.8 Let Us Sum Up
- 3.9 Key Words
- 3.10 Some Useful Books
- 3.11 Answers to Check Your Progress Exercises

3.0 OBJECTIVES

After the study of this unit, you should be able to:

- understand the reforms in British administration in India from 1858 to 1935;
- explain the features of Indian Councils Acts; and
- understand the impact of Nationalist movement on administrative reforms.

3.1 INTRODUCTION

So far we have covered the administrative system of our country at the time when the British arrived here and its evolution to their needs first as traders and then as rulers of this colony. In this unit we shall try to account for the main reforms introduced by the British government in India during the period 1858-1935, as it adjusted itself to the growing needs of administration. We will also read these enactments in the context of changing political and economic demands of an awakening nation.

3.2 THE WAR OF INDEPENDENCE AND AFTER

The outbreak of 1857, called by Dr. Pattabhi Sitaramayya as the First War of Independence was a shock to the British government and its bureaucracy. Economic

exploitation, social deprivation, and political unrest made 1857 outburst inevitable. The British rulers had to revise their policy of conquest and annexations and to adopt a cautious and calculated policy of association and cooperation.

The Act of 1858 ended the Company rule and the system of Double Government Board of Control in England and the Court of Directors of the company, introduced by the Pitt's India Act, 1784. Indian Administration came directly under the crown. The Act created the office of the Secretary of State who was a cabinet minister in the British cabinet. His salary and establishment was paid from the Indian revenue. He was assisted by a council of fifteen members to make him familiar with Indian affairs. With the end of the East India Company, British Parliament lost much interest in Indian affairs and the Secretary of State for India became the defacto government of India. He had overriding powers over the Council in deliberations, appointments and the supremacy of Home government over the Government of India was firmly established. The enlightened Indian opinion always criticised the constitution and functioning of his council.

The various changes introduced by the Act of 1858 were formally announced by a proclamation of Queen Victoria. The Queen felt that such a document should lead to feeling of generosity, benevolence and religious toleration. It assured the native princes their rights, dignity and honour. This would pacify them and would make them act as a reactionary block against any progressive force raising its head against the British rule.

3.3 THE INDIAN COUNCILS ACTS

3.1 The Need for Policy of Association

The war of 1857 was an eye opener for the British rulers. Ruling such a vast colony from a distance was a great risk — if such institutions were not provided to get the feel of the Indians. The addition of the native element to the Council therefore became necessary unless one was prepared for the perilous experiment of continuing to legislate for millions of people with few means of knowing except by a rebellion, whether the suits them or not. 'Sir Bartle Frere (Montford Report, p.31). Also there was very inadequate representation for provincial governments on the Central Council. Along with the administrative need for larger association, the British government wanted to distinguish between Executive and law making functions and stop the legislative council moving towards a 'petty parliament'. Industrial capitalism needs enlightenment as an associate and representation becomes the sign of development of the society.

3.2 The Indian Councils Act 1861

The advance made by the Indian Councils Act 1861 over the 1858 Act was mainly in the inclusion of a number of non-official members in the Executive Council of the Governor General. The Governor General's executive council consisted of five members. And for the purpose of legislation, the council was reinforced by nominated members between six to twelve for a two-year term. Half of these were to be non-officials, both European or Indian not in the service of the crown. There were similar councils at the provinces.

The powers of the Governor General increased more in the field of legislation. The council was presided over by the Governor-General. His prior approval was necessary to introduce measures affecting public finance, religion, discipline and maintenance of military and naval forces and relations of the Government with foreign princes and states. His consent was necessary for any Act passed by the legislature and his ordinances had the validity of an Act. The idea was that the legislature should conduct business like a 'Committee' or a 'Commission', their publicity being limited to official reports only. The aim of the Act, according to Sir Charles Wood, Secretary of State for India, was to prevent the legislature from interfering with the functions of the executive government. In the official despatch he avoided the word 'legislative council' and there was no mention of session in the rules of business. The executive government became too strong as legislature had power without control, association without representation. The belief of the British rulers was that the most successful rule over conquered millions is a despotism and the most tyrannical is that of lower members of a dominant class.

The earlier non-official members were mostly ruling princes, or their diwans or big landlords. They had little interest or initiative in its working. And their representation was hardly 'public'. European interests settled in India differed from the purely imperial interests rooted in Britain. The practice of private correspondence between the Secretary of State and the Viceroy bypassed the majority of the council. Also as the functions of the council were merely legislative, it was a step backward with the provisions of the 1853 Act. It looks as if that the British Statesmen and thinkers both conservative and liberals felt sincerely (though wrongly) that parliamentary form of government was unsuitable for India. Even John Stuart Mill, the liberal, believed that India was not in a sufficiently advanced state to aspire for a representative government.

3.3.3 The Indian Councils Act 1892

The Indian Councils Act 1861 naturally could not satisfy the progressive public opinion in India. In its very first session the Indian National Congress passed resolution to make these councils broad based, elective and with powers, over budget and powers to interpellate the Executive. To move too fast is dangerous, but to lag behind is more dangerous still (Lord Ripon). The liberal Governor-Generals and Viceroys advocated the need for making councils more popular. Also the Government of India felt that it would strengthen its position vis-a-vis the British government with the help of elected Indian members. European business interests in India also favoured larger elective element and broader functions entrusted to the councils. Lord Dalhousie's policy of providing for legislation on the basis of petitions from individuals and their associations contributed to the organisation of opinion for reforms. Constitutionalism and consultative machinery thus moved towards a government based on popular representation.

Lord Dufferin's Egyptian experience in the establishment of elected provincial councils was encouraging. He wanted to experiment the same in India. The main recommendations of the Dufferin Committee (1888) were (1) the expansion of Presidency councils and enlarging their functions (2) providing representation to important interest (3) representation to muslims in proportion to their population (4) reservation of a few seats to be filled by nomination as a safeguard against any inequality in the results of elections. The provincial councils would be of two tiers. The first representing hereditary trade, professions, commercial interest. The first directly elected and the second indirectly. The provincial administration would also be divided in two parts — general and local and the councils would have larger powers in local matters.

As the British Statesmen were still influenced by the feeling that 'constitutional principles could not be applied to a conquered country and that there would be no relaxation of 'bureaucratic despotism', The Indian Councils Act 1892 did not much satisfy local aspirations. It expanded the Executive Council of the Governor-General. Nominations were to be made by provincial councils, local bodies, professional bodies etc. The members had now a right to put questions and discuss on matters of budget. Though a previous notice was necessary and the question could be disallowed without assigning any reason, this right was more than symbolic. Obviously official majority was maintained in both the Supreme as well as provincial councils.

The Act really was an advance over the 1861 legislation as it gave rights to the council which were parliamentary in nature. It was an attempt at a compromise between the official view of the council as 'pocket legislatures' and the educated Indian view as embryo Parliaments (Pradhan: India's struggle for Swaraj). The right of interpellation without the right to veto carries little meaning and less weight. The extremist element in the National Congress was dominating and the practice of the Act also defeated its purpose of 'giving further opportunities to the non-officials and native element in Indian society to take part in the work of the government'.

Check Your Progress 1

Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1. Comment on the changes brought about by the Act of 1858.

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2. Explain the features of Indian Councils Act of 1861

Explain the impact of National Movement on administrative reforms.

3.4 THE NATIONAL MOVEMENT AND ADMINISTRATIVE REFORMS

3.4.1 The National Movement and Constitutional Reforms

While the British established a regular system of government in India from 1857 to 1947, the slow pace of constitutional experiments show uneasy compromises, the British Statesmen were making with the exigencies in the Indian situation. The policy of apparent association therefore went hand in hand with the policy of oppression, and constitutional advances were always barbed with restrictive conditions so that the core of executive bureaucratic responsibility would remain untouched. Such contradictions seem to be inevitable with imperialism because imperialism itself is incompatible with democratic theory and practices.

The contradictions were clearly exposed in Lord Lytton's repressive policy, the Arms Act, the Vernacular Press Act, holding of Imperial Darbar during severe famine, abolition of cotton import duty to serve British textile interests. (This was the first time when the veto power was exercised by the Governor General in India.) The Ilbert bill controversy (1883) also was an eye opener to Indians. The bill was to empower Indian magistrates to try criminal cases of white people which was objected by the whites. Equally eye opening were the attempts to keep Indians out of higher jobs, especially in the Indian Civil Service. All clearly indicated the imperialist belief in white man's supremacy.

The Indian National movement organised itself in the Indian National Congress (1885). Initially influenced by the Western educated upper middle class, it aimed at securing reforms through peaceful and constitutional means. The British rulers also felt that this could remove misunderstanding about the intentions of the government and would save the empire. The moderates had faith in the British sense of justice and fairplay.

Their aim was gradual reforms with constitutional means. The Congress programme tossed between extremists and liberals till it became a mass movement, in the real sense and demanded nothing short of 'Purna Swaraj'.

3.4.2 Demands for Administrative Reforms

The early Congress requested the British Government to reform administration by making it broad based and representative. Various issues that rose during its early phase show that the National Congress was concerned with wider interests and larger sections of the people. It advocated reduction expenditure on military and home departments and establishment of military colleges in India. On the economic side it advocated repeal of cotton excise duties, reduction of salt duties, reduction in land revenue and opening of agricultural banks. It proposed changes in tenancy laws to help peasants. On the industrial side, it advocated establishment of technical and industrial educational institutions revival of old industries and establishment of new ones, protective tariff for new industries and extension of irrigation work. In Social and Individual field it promoted temperance, repeal of various laws, restricting individual liberty and appointment of Indians to higher posts. In the political field, it advocated the abolition of Indian Executive Council and reforms in the Legislative Councils established under the Indian Councils Act 1861, more powers to local bodies, reducing official interference in their functioning and removing restrictions on press. The Indian National Congress thus wanted to be representative of all classes and interests that were Indian. It was an interesting blend of liberals and extremists. Constitutional in means, it turned agitational in spirit. Further constitutional dose became necessary to boost liberals faith and to prevent the National Congress going progressively under the influence of the extremists. The Morley Minto Reforms 1909 as the Indian Council's Act 1909 indicate the line of action taken by the British government — the line of apparent association and adoption of the divide and rule principle.

3.5 THE MORLEY MINTO REFORMS 1909

3.5.1 The Main Provisions

The Indian Council's Act (1909) substantially increased the strength of legislative councils — the Imperial and provincial. For the Imperial the Supreme Council the number of additional members was raised from 16 to 60. For major provincial councils, the number was raised to 50 and for minor provinces it was fixed at 30. The additional members were both nominated and elected. The principle of election was functional representation. In the Supreme Legislative Council, the official majority was maintained but in the provincial councils, the non-officials formed the majority. The Act definitely expanded the functions of the legislative councils. These concerned discussions on the budget (The Annual Financial statement), discussion on any matter of general public interest and thirdly the power of asking questions. The Act also increased the number of Executive Councillors in the three major Presidencies — Bombay, Madras and Bengal. Indians were now appointed as members of the Secretary of States' Council (1907) and members of the Governor-Generals' Council (1909).

3.5.2 Examination of the Reforms

Both Lord Morley, the then Secretary of State and Lord Minto, the then Governor General of India, felt that it was not desirable to introduce a responsible government in India and it would never suit the Indian conditions. 'The safety and welfare of this country must depend upon the supremacy of the British administration and that supremacy can in no circumstances be delegated to any kind of representative assembly' (Lord Minto).

The reforms introduced Indians to the legislative culture — developing opinions out of the interaction of different interests. This is the essence of parliamentary institutions. The transfer of parliamentary responsibility now became the logical next. Introduction of elections (though indirect-elections), the power of asking supplementary questions (though restricted), the right of voting on some part of the budget (the votable part). The right of moving resolution on the matters of public interest strengthened legislative practices. The non-official and elective base also was sufficiently advanced as compared to the earlier Acts. The Indian National Congress, dominated by the Moderates said

hat the scheme was a 'large and liberal instalment of reforms'. Morley had discussed these reform proposals with Gokhale, the liberal leader.

But the rules and regulation made under the Act and the implications of certain provisions defeated the liberal spirit. The indirect system of elections inspired little interest and offered less political education. The representation of different functional interests affected the team spirit of the non-officials. The most harmful was the provision for separate representation for Muslims. This was the beginning of the communal representation, the communal electorate which logically led to the partition of the country on communal basis. The Muslims objected to the joint electoral colleges but the role of the Government has also been very evident and positive in introducing communal electorates. The Muslims had got proportionately more representation than their population on the assumption of their political importance. Similar protection was not extended to Hindu minority in muslim majority provinces. Also the Governor General had powers to reject the appointment of any elected member to the council. And this provision restricted the freedom of the electorate.

The non-official majority in provincial councils was not elective. The Europeans in the Indian eyes were as good as officials. The landlords and nominated members habitually voted with the government. The representation gave Indians only personal influence. But not power in legislative councils. The constituencies were small (the largest which returned a Member directly and 650 voters).

Even with enlarged functions, the powers and position of legislative councils were secondary. The resolutions of the council were not binding on the Government. Its deliberations were of advisory nature. The official members were fully controlled by the official mandate and had little freedom in legislative participation.

3.5.3 Pointer to Further Reforms

The policy of change with caution was bound to fail. As the reforms did not provide responsible government, the moderates in the National Congress were also unhappy. The association of the Government of India with the Allies in the first World War, the Congress League Lucknow Pact of 1916, the Extremists rejoining the National Congress and the Home Rule Movement made it necessary for a further attempt of constitutional reforms leading not only towards a good government but a responsible government. Montague, the Secretary of State for India declared in August 1917 the policy of increasing association of Indians in every branch of administration and gave direction and purpose for future constitutional development. Montague toured India with Lord Chelmsford, and the Montague-Chelmsford report, an expression of liberal philosophy, proposed the reforms of 1919. It has been a milestone in the constitutional development of India.

3.6 THE ADMINISTRATIVE STRUCTURE

3.6.1 Reorganisation of Departments

Constitutional reforms were reflected in the changing structure of the governmental machinery as the government moved towards the federal form. Creation of new department, their reorganisation and setting procedures for smooth conduct of departmental business naturally became inevitable.

Departmental organisation not only makes administration smooth but streamlines its processes and secures economy in its operation. In the beginning administration was grouped under two broad segments one covering General, Foreign and Finance and the second covering Secret, Revenue and Judicial departments. In 1843, administration was divided into four departments, Military, Foreign, Home and Finance. The Home department dealt with legislation also. In 1855, a separate department of Public works was established with the development of irrigation and railways. In the course of time three main departments were established. The Legislative Department (1869) took over the legislative work of the Home Department. Obviously it did not initiate or originate legislation. The second department was Agriculture, Revenue and Commerce created in 1871 mainly to work as a guiding agency in the context of recurring famines. The third department was Industries and Commerce established in 1905. The Railway Board also was constituted in the same year. It was to look after the Industrial and commercial

development of the country. Due to the controversy between Curzon and Kitchner over the military administration of India, the Military department was divided into two separate departments, the Army Department and the Military Supply Department. In 1911, Education department was created. The creation of department reflects the growing volume of work attended by them.

It is during this period that the concept of departmental responsibility grew: Lord Dalhousie assigned each member of the Council some specific departments and introduced the classification of papers as urgent, routine, unimportant and important only urgent papers would go directly to the Governor-General. Finally in 1862 the portfolio system came into operation. The distribution of work was made specific and the system of noting was introduced. In 1882 the flat file system was adopted. Lord Curzon improved upon this system to reduce delay and to minimise official pedantry. The emphasis was on discouraging excessive noting and encouraging personal communication.

3.6.2 The Civil Service

Before the Charter Act of 1833, the Court of Directors of the East India Company controlled the selection and appointment of Civil Servants. The nominations were made individually by the Directors. Young Englishmen took writership as a career and they entered into a covenant to serve the company faithfully and honestly. They were therefore called as 'Covenanted Servants'. The uncovenanted personnel were not a part of regular graded service. Also the Security of service was limited. The distinction between the two was however getting blurred over a period. With the Act of 1833 the disciplinary control of the Government of India was established over civil servant. The important issues in the development of civil service were the age of recruitment, division of service between executive and judicial branches and the need and entry of Indians into these services. Lord Salisbury in 1874 reduced the upper age limit to nineteen and the lower to seventeen. This affected Indian candidates. Though the division of service into administrative and judicial branches was not favoured, Sir Campbell devised the system of Parallel lines of Promotion and a covenanted servant would choose after some years of service one of the other line. As the number of covenanted servants was restricted, the need for expanding uncovenanted services to fill in subordinate services was felt. This became obvious with provincial services and growth in governmental work. This subsequently led to the demand of Indianisation of these services as later reflected in the Lee Commission report (1924).

3.6.3 Financial Administration

A centralised financial system was introduced in 1833 as the earlier structure was too diffused for effective control and economy. Lord Ellenborough created the post of a Finance Secretary at the Central level and brought all financial operations under the review of the Government of India. It realised effective control and economy but ended in delay in final approval. Ellenborough really wanted to have a Finance Member on his council. For Central control the office of the Comptroller-General of Accounts was created and he remained in charge of appropriation audit. In 1860, the system of budget was introduced. Financial relations were decentralised for the first time in 1870 when Lord Mayo made provincial government responsible for the management of local finance in some areas which were primarily of provincial interest. This relieved the Imperial Finance too. Because provincial governments were expected to raise additional revenue by raising local taxes. Obviously provincial budgets were required to be submitted to the Government of India for approval.

3.6.4 Police Administration

The law and order was earlier a community function and was administered by a non-official force controlled by individual zamindars. Lord Cornwallis introduced the daroga system in 1792, replacing zamindari thanadars under the direct control of the district head and on its pay roll. At the village level, village patels performed the functions, both revenue and police. With the experiment in Sind by Sir Charles Napier, a separate self contained expert police force came into existence. At every district there was a Superintendent who was subordinate to the District Magistrate but departmentally under the control of the Commissioner of Police. In 1860 the Government of India appointed a Police Commission. It recommended the

establishment of a single homogenous force of civil constabulary. It was controlled by the Inspector General of Police. He was assisted in his work at the district level by a District Superintendent. The District Magistrate retained his judicial authority in the administration of criminal justice. The codification of penal and procedural law also was undertaken.

3.6.5 Local Administration

Local government institutions are both natural and useful. Village community government existed in India with a village headman performing both civil and judicial functions. But the present system of local government is entirely a British creation. The principle of election and the concept of representativeness were foreign to the old local government system. The Mayo resolution of 1870 stressed the need for introducing self government in local areas to raise local resources to administer locally important services and also to provide local interest and care in the management of their funds. Municipal Acts were accordingly passed in many provinces with elective local bodies coming into existence. The first local government, the Madras Corporation was established in 1687. In a course of time, other Presidency towns also formed local governments. Lord Ripon's resolution of 1882, has been regarded as the landmark in the history of local government in India. The resolution declared that 'it was not primarily with a view to improvement that this measure is put forward — It is chiefly desirable as an instrument of political and popular education.' The resolution extended election principle with an elected non-official Chairman. Ripon wanted to provide for the new educated middle class an opportunity for association and thereby check rigid bureaucracy.

3.7 THE MONTAGUE-CHELMSFORD REFORMS 1919

3.7.1 The Preamble of the Government of India Act 1919

'It is the declared policy of the Parliament to provide for the increasing association of Indians in every branch of Indian administration and for the gradual development of self governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the Empire.' In response to the spirit of the preamble, the Act provided complete popular control as far as possible in local government areas. There was also maximum popular representation and freedom to provincial government. This is reflected in the system of dyarchy. The Government of India was still to be responsible to the British parliament. But Indian legislative council was enlarged and made more popularly representative. In tune with the spirit of the declaration, the control of British parliament over the Indian Government was relaxed and that of Central Government over the provincial government was reduced. The basic convention was that where the Government of India and the Central legislature were in agreement, the Home Government would not interfere.

3.7.2 The Central Government

The Central Government was more representative and responsive but not responsible. The Governor General at the apex of administration was still an autocrat. He had the powers of superintendence, direction and control over the entire administration and these were very effective powers. In theory, the Government of India was ruled by the Government of England and the Governor General who differed from the policy of the Secretary of State had no alternative but to resign. But in actual practice, the Governor General as the man on the spot carried a great deal of power and influence. He could overrule the decisions of his Executive Council. He was 'the' executive. The executive councillors were virtually his nominees. He had full control over foreign and political department (department dealing with princely States in India). Every bill passed by the Central or Provincial Legislature needed his assent, in certain cases his prior assent. He could put any bill on the statute, also restore cuts. He has used his powers to override the legislature (e.g. Princes' Protection Act 1923, the Finance Bill 1925 raising salt duty):

The Legislature was broad based (the strength of the Council of States 60, and the Central Legislative Assembly 140). But its composition was faulty and powers very much restricted. The Communal representation introduced in the 1909 Act for Muslims was now extended

to other communities like the Sikhs, the Europeans thus encouraging separatist tendencies in the Indian people. The Governor General thus had too much powers and was not responsible to the legislature.

3.7.3 Machinery of Dyarchy at the Provinces

The division of subjects into Central and Provincial (Federalism) and the further division at the provincial level between Reserved and Transferred subjects was a novel feature of the Montford Reforms. Dyarchy means double government at the provinces. The 'Reserved' subjects in charge of councillors, 'nominated' by the Governor and transferred subjects in charge of councillors, — Ministers 'appointed' by him. The reserved subjects were really 'key' departments while transferred subjects were felt 'safe' even if placed in the Indian hands. The councillor in charge of reserved subject was not responsible to the legislature but along with the Governor was responsible to the Secretary of State and the British Parliament. The ministers in charge of transferred subjects were responsible to the provincial legislature. The Governor exercised effective powers over the whole administration through the Instrument of Instruction and Executive Business Rules.

3.7.4 The Balance Sheet of Reforms

The experiment of dyarchy failed. The Indian National Congress boycotted the first elections (1920). Though it participated in the second election (1924), its expressed objective was to wreck the reforms.

Dyarchy was bound to fail. It was structurally weak and insincere in spirit. It could not therefore evolve those conventions and practices which are very necessary for administration of any constitutional experiment of such a magnitude. The division of subject also was wrong as a subject would be partly covered as reserved and partly transferred e.g. irrigation was reserved but agriculture which very much depended on irrigation was transferred. The division affected the organic nature of government and also the concept of joint responsibility of the council. The division of Council between councillors and Ministers and the excessive control of Finance Department (reserved subject) over the administration of transferred subject affected their smooth functioning. Transferred subjects starved financially as they needed more money for development. And to their disadvantage the sources of revenue were kept 'joint'. The Secretaries of the Departments, belonging to the ruling class also did not cooperate with ministers in charge of transferred subjects.

But it created parliamentary atmosphere in the legislature and gave people an opportunity to have a look in administration. Some major reforms pertaining to local government (Bombay, Bengal) and Education Social Welfare (Madras) were carried out during this period. Almost in every province, right to vote was extended to women.

Dyarchy failed but it showed the way to further reform — a federal government which should be more representative and more responsive.

Check Your Progress 2

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

1 Bring out the main provisions of Morley Minto reforms.

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3.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should cover the following points:
 - Significant changes were brought about by the Act of 1858, which ended the rule of Company and the system of Double Government.
 - Indian administration put directly under the crown and creation of the Office of the Secretary of State.
 - Powers of the Secretary of State.
 - Establishment of supremacy of Home Government over the Government of India.
- 2) Your answer should cover the following points:
 - Increase in powers of the Governor General in the field of legislation.
 - Inclusion of non-official members in the Executive Council of the Governor General.
 - Strengthening of the Executive government.
- 3) Aim of the Indian National Movement to bring about reforms in administration through Constitutional means.
 - Various types of reforms advocated by the National Congress in political field, economic, industrial, fronts, social and individual field.

Check Your Progress 2

- 1) Your answer should cover the following points:
 - Increase in the strength, functions and powers of the Legislative Councils.
 - Increase in the number of Executive Councillors.
 - Representation of Indians in the Council of Secretary of State and Governor General.
- 2) Your answer should cover the following points:
 - Provision of complete popular control as far as possible, even in local government areas.
 - Increase in powers of the Governor General who was at the apex of the administration, which strengthened his position as an autocrat.
 - Introduction of dyarchy at the provinces.
 - Creation of parliamentary atmosphere in the legislature.
- 3) Your answer should cover the following points:
 - Failure to evolve conventions and practices necessary for administration of machinery of dyarchy.
 - Improper division of subjects under transferred and reserved categories.
 - Lack of coordination between the Secretaries of the Departments and Ministers.

UNIT 4 ADMINISTRATIVE SYSTEM UNDER 1935 ACT

Structure

- 0 Objectives
- 1 Introduction
- 2 Prelude to the Reforms
 - 4.2.1 The Simon Commission (1927)
 - 4.2.2 The Nehru Scheme
 - 4.2.3 Responses
- 3 The Government of India Act 1935
 - 4.3.1 Main features
 - 4.3.2 Comments
- 4 Administrative System at the Centre
 - 4.4.1 All India Federation
 - 4.4.2 Failure of the All India Federation
- 5 Provincial Autonomy
 - 4.5.1 Legislature and Executive at the Provinces
 - 4.5.2 The Working of Provincial Autonomy
 - 4.5.3 The Gains
- 6 The Administrative Structure
 - 4.6.1 Organisation of Departments
 - 4.6.2 The Public Service
 - 4.6.3 Administration of Finance
 - 4.6.4 Administration of Justice
 - 4.6.5 Local Administration
- 7 Towards the New Constitution
 - 4.7.1 The Deadlock
 - 4.7.2 The Process of Change
 - 4.7.3 The Legacy of British Rule
- 8 Let Us Sum Up
- 9 Key Words
- 10 Some Useful Books
- 11 Answers to Check Your Progress Exercises

0 OBJECTIVES

After the study of this unit, you should be able to:

- explain the prelude to the Government of India Act of 1935
- explain the features of the Government of India Act of 1935, and
- understand the administrative structure under the Government of India Act of 1935.

1 INTRODUCTION

In unit 3 we covered administrative development during the period from the War of Independence (1857) to the Montague-Chelmsford Reforms (1919). The general observation was that the policy of the British government to associate people with the stem of government seemed to be more apparent than real and therefore failed. In this unit we will discuss developments that led to the Government of India Act 1935 and its main provisions affecting the structure of government and administrative arrangements. We will also locate the reasons for the failure of the Act of 1935 and highlight the events inevitably leading to the New Constitutional exercise for Free India.

4.2. PRELUDE TO THE REFORMS

4.2.1 The Simon Commission (1927)

The 1919 Act had provided for the appointment of a Commission to review the provisions of the Act in the light of its working and to extend, modify or restrict the degree of responsible government in India. The Commission was to be appointed in 1929 as per the provisions of the Act. But for various political reasons it was appointed in 1927 with Sir John Simon as its Chairman. The all European composition of the Commission was taken as an insult to Indian nationalism. The Indian National Congress therefore decided to boycott the Commission at every stage and in every form. The slogan 'Simon Go Back' has an electrifying effect. There was also a revival of terrorist activity reflecting the anger of the people due to the manner in which the national leaders like Lala Lajpat Rai were treated by the police. The Commission however completed its work. The recommendations of the report were further examined by the Joint Select Committee of the Parliament.

The Simon report recommended the discontinuation of the dyarchy and leave provincial government in the hands of ministers responsible to provincial legislatures. Some safeguards however were retained in the interest of minorities in the grant of special powers to the Governor. It recommended a Federation like structure at the Centre—a 'Council of Greater India' representing both the interests—the British India and the princely States. Political atmosphere in India was hostile to the acceptance of the report. Otherwise some of the recommendations of the Simon Commission would have hastened the process of fully responsible government in the provinces as well as at the centre.

4.2.2 The Nehru Scheme

Boycotting the Simon Commission was a negative way of response. The challenge was to frame a proposal of constitutional reforms acceptable to all. An All Party Conference was therefore called at Delhi in February 1928 and it came out with a report within six months (August 1928), known as the Nehru Report. It was named after Pandit Motilal Nehru, the Chairman of the Committee which was constituted to draft the recommendations. The Indian National Congress ratified the Nehru report in its Calcutta session held in December 1928.

The report recommended responsible governments both at the provinces and the Centre. The Central government had bicameral legislature. Its lower house (The House of Representatives) was directly elected from joint non-communal constituencies. The distribution of power was on federal basis with residual powers retained with the Centre. It recommended to set up a defence committee with advisory functions. It also provided Fundamental Rights in the constitution. The Report suggested reorganisation of provinces (creation of Sind, and raising the status of North West Frontier province) so as to help Muslims have majority in four provinces. It recommended princely states to hasten the introduction of similar changes.

4.2.3 Responses

Though Congress accepted the Nehru Report, Muslims rejected it. Under Jinnah's Fourteen points (1929), they favoured residuary powers to the provinces, one third representation to Muslims in Central legislature and ministries, concurrence of three fourth members of a community before a bill affecting its interests is passed, protection of Muslim culture and due representation in governmental services.

Congress also was not happy with the goal of dominion status as recommended by the Nehru Report. Obviously the Report had favoured Dominion status not as an ultimate goal but the next immediate step in constitutional reforms. The Simon Commission's recommendations were discussed in three Round Table conferences 1930, 1931 and 1932. The first Round Table had the background of Gandhi's Civil Disobedience Movement. The second met when sympathetic labour party was voted out of power in Britain. The Third worked in the shadow of the Communal Award of MacDonald (1932 Aug.) which accorded separate electorates on communal basis thereby perpetuating communal tensions and encouraging separatist tendencies. The Poona Pact (1932

Sept.) between Mahatma Gandhi and Ambedkar modified the provisions of the Communal Award with respect to the depressed classes. Ambedkar agreed to joint electorates and in exchange got more representation. The third Round Table finalised the sub committee recommendations. The three conferences collectively shaped the most important constitutional reform in the Indian history — the Government of India Act: 1935.

4.3 THE GOVERNMENT OF INDIA ACT 1935

4.3.1 Main features

The White Paper and the Joint Select Committee report shaping the Act of 1935 dropped and altered many suggestions of the Simon Commission and the recommendations of the Round Table conferences. This confirms that 'British nation has no intention whatsoever of relinquishing effective control of Indian life and progress' (Winston Churchill). The Act retained the supremacy of the British Parliament and also the Preamble of the Act of 1919. It meant 'gradual realisation of self governing institutions' as the goal and there was no mention of Dominion status and the inclusion of provisions to attain it. All rights of amending, altering or repealing the provisions were kept with the British Parliament. The Act removed dyarchy of the provincial level but introduced it at the Central level. It also introduced safeguards under the name of Individual Judgement and Area of Discretion and these safeguards operated in the interest of the British. For the first time the wide range of subjects were classified in the three list system and assigned to appropriate levels of government. This was a novel experiment.

4.3.2 Comments

Looking at the provisions of the Act of 1935 it appears that the Joint Select Committee moved away from some of the recommendations of the Round Table conferences and the White Paper e.g. introduction of indirect system of election for the Federal Council or the restrictions on the powers of the Federal court to preserve the supremacy of the Privy Council. The nature of safeguards, residuary powers with the Governor General, composition of the Federal legislature make it clear that the Act provided a Federal form, but lacked Federal spirit.

4 ADMINISTRATIVE SYSTEM AT THE CENTRE

4.1 All India Federation

The Act proposed a federation of British provinces and Princely States in India. The Princely States had an option to join the Federation and the nature of relationship could differ from state to state according to the Instrument of accession. But the Instrument of accession once extended would be irrevocable. The Act provided a bicameral legislature — the Lower House elected indirectly and the Upper House with a composite representation to princely states and affluent classes. The Act also gave more powers to the Upper House (The Council of States)—that of voting grants and making ministers responsible to the Council too. The subjects allotted to the Federal and Provincial governments were detailed in the Three list system. Muslim representatives wanted the U.S. model with strong provincial governments. The Liberals favoured the Canadian model with strong Centre by keeping with it the residuary powers. At the Round Tables, Lord Sankey, the Chairman of the Federal Structure Committee therefore suggested the model of three list system detailing powers of both the Centre and the provincial governments and doing it exhaustively as to leave very little powers in the residuary area. The subjects of common interest to the whole country and which demanded a uniform treatment were covered by the Federal list. These included 59 items. Subjects primarily of provincial interests and where no uniform treatment was necessary were put in the provincial list. This contained 54 items. A third list covered subjects primarily of provincial interests where

uniform action was or would be desirable. These numbered 36. Residuary powers to accommodate future needs were vested in the hands of the Governor General. The Act provided a Federal Court to interpret the provisions and to decide over inter-province disputes. The principle of Dyarchy i.e. dividing governmental administration into reserved and transferred subjects and treating them differentially was introduced at the Centre. The Act thus proposed a Federal form of government for India and for the first time tried to bring British provinces and Indian States under one common constitution. It carried the essential features of Federation — a written constitution, division of subjects between federal and provincial governments and thirdly a Federal Court to interpret the provisions of the Constitution. The Act not only pointed out the direction of our constitutional development but also greatly influenced our constitution making in independent India.

4.4.2 Failure of the All India Federation

The proposed All India Federation did not materialise. It was conceptually inadequate and structurally defective. It could convince nobody — the National Congress, the Muslim league, the Hindu Mahasabha or the Princely States. Muslims opposed the majority rule. Princes opposed the forces of democracy and Congress opposed Federation by courtesy. It thus remained 'a lost ideal'.

Federation is a political mechanism. The members entering into a union should be independent, legally equal and should voluntarily form the union. Here the Princely States had an option to join the Federation and also to decide their relations with the Federal government through the provisions of the Instrument of accession. Also undue weightage was given to the Princely States. They could send their nominees (and not elect representatives like British provinces) and the representation was proportionately larger than their geographic or demographic strength. With roughly one fourth of the population of British India, the princely states had 104 seats out of 260 in the Council of State and 125 out of 375 in the House of Assembly. This created a reactionary block in the legislature as the Princely States were lagging behind the provinces in the introduction and practice of democratic reforms:

In a federation, Constitution is supreme. But in the Act, supremacy of the British Parliament was retained. The Secretary of State for India and the Governor General were the ultimate authority and they were above the Act. The Act gave Area of discretion, Area of individual judgement and Special responsibility to the Governor General. This made Governor General not responsible to the legislature. As the dyarchy was introduced at the Centre, his control over reserved subjects was absolute and over transferred subjects very effective. All the Governors and ICS officers acted under his instructions. Federal constitution on the other hand tries for a balance in power in its different organs and levels. Provincial autonomy was also restricted in practice in the context of safeguards provided in the Act. Such provincial governments with an unrepresentative and powerless Central legislature made negation of the spirit of Federalism. Though the distribution of power through the Three-list system could be condoned as being the first attempt and could have been improved upon, keeping residuary powers with the Governor General was harmful.

The Act could have developed some healthy conventions and certain powers given to executive been accepted as natural if the executive would have been responsible to the legislature and the legislature supreme, in its field. Both these aspects were missing. Atlee called therefore the key note of act as 'mistrust and distrust'. The line of thinking now changed and Congress felt that the struggle for self government could not further be carried within a constitutional frame but need to be carried on a mass base. This indicated the full decline of the liberals and the endorsement of Mahatma Gandhi's mass agitational movements. The logic of Quit India thus becomes clear.

Check Your Progress I

- Note: i) Use the space given below for your answers.
 ii) Check your answers with those given at the end of the unit.

1 What are the recommendations of Simon Commission?

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What are the features of Nehru Report?

What are the features of Government of India Act, 1935?

5 PROVINCIAL AUTONOMY

5.1 Legislature and Executive at the Provinces

The 1935 Act discontinued the application of dyarchy introduced at the provincial level under the Act of 1919 as the experiment failed miserably. The distinction between transferred and reserved subjects was removed and the whole administration was entrusted with the ministers responsible to the legislature. The provinces were given a separate legal status, specified subjects to operate according to a three-list system and provided a federal relationship with the Centre. But the All India Federation did not materialise and the powers given to the provinces became delegated authority under the devolution rules of the 1919 Act. Significantly the Joint Parliamentary Committee report stated that each province will possess executive and legislature. It meant duality of power in ministers and the Governor at the provincial level. The special powers of the Governor and overriding legislative and executive functions of the Governor General show that the legal meaning to these phrases had significance in practice. The Governor General was the final authority in case of conflict between the Centre and provinces over the concurrent list. Many bills in the provincial legislature needed prior approval of the Governor General. The executive authority of the provincial government was restricted. The Governor General could, in any direction, issue instructions to the Governor regarding the manner in which executive authority could be exercised in certain matters. Also all matters where the Governor acted in his discretion or in his individual judgment, he was bound by the instructions of the Governor General. On the face of it many of these provisions would appear formal and natural in the context of the formation of a federal state from the otherwise unitary administration. Restrictions of similar nature have found place in the present constitution too. Centre State relations are more political than administrative. As it would have it, the 1935 Act put these powers in the executives who were politically not responsible to the elected legislature. Governor's power of acting

in his discretion and in individual judgement to discharge his special responsibilities were very comprehensive. He had special powers with regard to Police Department and Services. Also the power of making ordinances. Further the powers under 'Governor's Act' were more drastic than the power of certification given to him under the 1919 Act. Here he could bypass the legislature. The legislatures were broad based and elections direct. But the principle of communal representation was extended to promote new classes. Voting qualifications were minimum level of literacy and other Monetary-qualifications like payment of income-tax etc. The voters thus constituted hardly 27 p.c. of the adult population of British India. It was an advance over the 1919 Act, but it was too short of adult franchise which would make democracy broad based. The legislative and financial powers too were restricted because of the ordinary and extraordinary powers of the Governor.

4.5.2 The Working of Provincial Autonomy

In the elections Congress obtained clear majority in six provinces. In three provinces, Bengal, Assam and North West Frontier provinces, it was the single largest party. Only in the Punjab and Sind it could not come close to power. Congress victory in North West Frontier provinces was more significant giving it the real national representative character. After receiving assurance from the Governor General that Governor will not interfere in the day to day administration and that he would reach his decisions with full understanding of the ministers' arguments, Congress assumed power. The ministries were entrusted with large developmental activities and engaged in introducing social change. These covered primary education, prohibition, tenancy laws, agricultural indebtedness, rural development, industrial wage disputes, cottage industries and improvement of weaker sections of the society. But political issues created problems and made clear the reality of Governor's overriding authority e.g. release of political detainees in U.P., and resignation of the Congress ministries in Oct. 1939 on the issue of unilateral declaration by the British Government, of India's joining the World War II on the side of the Allies.

4.5.3 The Gains

Whatever the powers, the record of provincial ministries was satisfactory. It gave administrative expertise and Indian people proved worthy of it. It also proved that the Indian National Congress while agitational in political programmes was equally a constructive force in Indian politics. The Act gave first taste and practice of parliamentary self government and established good parliamentary conventions. The working of provincial autonomy thus furthered the cause of nationalism.

Check Your Progress 2

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

1 What are the reasons for the failure of All India Federation proposed in the Act of 1935?

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2 Elaborate the gains of provincial autonomy.

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4.6 THE ADMINISTRATIVE STRUCTURE

4.6.1 Organisation of Departments

The reorganisation of departments, natural grouping of subjects and administrative branches was the main consideration. The work load of the department also was a factor in reorganisation. The whole administration was organised into eleven departments. Council of Agricultural Research was established in 1929. In 1937, the Foreign and Political Department was divided into two departments. Similarly Department of Industries and Labour was bifurcated into two separate departments. In 1942, there was reorganisation in Food Department and also three separate departments of Education, Health and Agriculture were established. However departmental reshuffling was not always rational but influenced by economy considerations and the exigencies of war. In 1947, there were nineteen departments, Home, External Affairs and Commonwealth relations, Finance, Transport, Railways, Education, Health, Agriculture, Food, Industries and Supplies, Political (States), Legislative Works, Mining and Power, Labour and Information and Broadcasting.

Procedural changes aimed at reducing delay in administrative process. The Secretariat Procedure Committee 1919 advocated delegation of power (Financial delegation), simultaneous circulation of papers to concerned levels and informal communication between the Member, Secretary and Dy. Secretaries in a Department. The Maxwell Committee (1937) looked into the Minister-Secretary relationship in the context of administrative continuity. Gorawala Committee (1951) looked into the question of administrative integrity while Appleby Committee (1953) focused on training needs of officials especially the middle level officials and the need to establish Organisation and Method Department for continuous appraisal of administration structures and processes.

4.6.2 The Public Service

The 1935 Act classified services as superior and other services. The superior services, the Indian Civil Service, Indian Police and Indian Medical (Civil) Services were classified as superior services and controlled by the Secretary of State. These continued to enjoy special rights and privileges. (No adverse order against a member of the superior service could be passed without concurrence of the Governor. They had right to appeal to the Secretary of State against an adverse order.) The 1919 Act had recommended for the establishment of the Federal Public Service Commission and through it, Indianisation of Services was realised. The profile of service that developed was that of a generalist associated with the formulation of policies and their implementation. As a whole Public Service retained an All India character.

4.6.3 Administration of Finance

The financial arrangements under the Act of 1935 were based on the recommendations of the Niemeyer Committee, Revenue sources followed the list system. As such receipts from provincial subjects formed the main income source for provinces. Provinces were given some additional sources of revenue too, e.g. share in succession duty other than landed property, share in income tax, grant in aid etc. The provinces were also given power to raise loans on the security of their resources. The Centre to secure financial stability for itself could for a period retain such sums as might be prescribed in the form of a fixed percentage of income tax assigned to the provinces. The Auditor-General of India occupied a key position in financial administration. He controlled the accounts both of the Centre as well as the provinces. The Reserve Bank of India was established in April 1935. Financial control over expenditure was exercised through the Public Accounts Committee of the legislature. The centralised machinery of finance has been a feature of the Indian system since the Charter Act of 1833. The position of the office of the Comptroller and Auditor General in India, a statutory office in our present constitution derives strength from this historic fact.

4.6.4 Administration of Justice

The Act of 1935 established the Federal Court to interpret the provisions of the Act and also to deal with inter province conflicts. It is a prerequisite of a federal form of government. The privy council still continued as the highest court of appeal for India (it indicates uneasy compromise). The Federal court made substantial contribution to the constitutional development of India. Much credit for this goes to Sir Maurice Gwyer, as the first Chief Justice in the formative period of its working. It established the cardinal principle of Independence of Judiciary in the critical period of its functioning. The immediate aim was to protect the autonomy of provinces and to emphasise order in the politically activated atmosphere.

4.6.5 Local Administration

Local government being a 'transferred subject' received attention since the introduction of dyarchy under the Act of 1919. All provisions enacted in this field made local governments more representative and popularly controlled. The legislation also provided for representation for backward and depressed classes and for labour class. But as local bodies were drawn in the nation wide political surge through civil disobedience movement, they lost the priority of attention. The traditional panchayat system had long been defunct. And the new local government could not take firm roots. The fact is that local government rural or urban grew as administrative necessity of managing local funds. Ripon's objective of political education was lost in executive directions that followed the Resolution. Older village panchayat system was based on a corporate spirit and the British tenancy legislation affected this base. The British administration of Justice was also centralised. The defunct panchayats therefore became a sink of localism and a den of narrowmindedness (Ambedkar). The Decentralisation Commission also looked at the problem from administrative angle. It was only with the experiment of Community Development Movement and its subsequent development in Panchayati Raj that rural government structure became meaningfully involved in the larger processes of participative development.

4.7 TOWARDS THE NEW CONSTITUTION

4.7.1 The Deadlock

The Act of 1935 was introduced in provinces. It was expected that the All India Federation would follow and provinces would get status of Federal units. But the All India Federation did not materialise, the Governor General in Council exercised the executive authority on behalf of His Majesty. Even though the Federation did not come into existence, Federal Court, Federal Public Service Commission and Federal Railway Authority started functioning. Unilateral decision on the part of the British Government of India's participation in the second world war on behalf of the Allies provoked Congress. It wanted the British Government to declare that India would be free after the war. The Government declared that it would undertake the review of 1935 Act immediately after consulting with various representatives of communities and Princely States. Participation in the Advisory Consultative Group suggested by the Governor General was felt inadequate as the Governor General could accept its advice at his will. Under these circumstances Congress ministries under the resolution of the Working Committee resigned from their offices in October 1939 creating a political deadlock. Declaration of constitutional breakdown by the Governors was no solution to this situation. Therefore the British Government in response to the Poona resolution of the Congress Working Committee (July 1940) renewed its offer conceding some of the demands of Congress. But the precondition that such a transfer needed the acceptance of minorities (in essence the Muslim league) made the offer ineffective. The 1935 Act thus became a 'lost ideal'.

Political developments were now quick, like individual Satyagraha (1940), inevitable failure of the Cripps Mission (1942), the Quit India Movement (1942), the Cabinet Mission Plan (1946) and the Mountbatten Plan (1947) leading to partition and ultimate independence of the country.

4.7.2. The Process of Change

Change is a continuous - discontinuous process. It is a development from earlier systems, taking something from these and at the same time rejecting the other. As it moves through interaction with the old institutions, it shapes them and while doing so itself too undergoes a change. The outcome is a mix of the old and new together. The administration of free India inevitably contains the impact and influence of the earlier experiments carried by the British government. The legacy of British rule is therefore natural and obvious.

4.7.3 The Legacy of British Rule

The Free India inherited governmental machinery, as developed by the British. More than the machinery, it received from the British rule the feeling of importance attached to these institutions — the feeling of Raj, the importance of having a government, its necessity and accepting its strength. The traditional respect the 'Sarkar' carried was as if passed on to the new government. The government is every where — one can not escape it. There is an awareness of it, a sense of importance and acceptance that it needs to be strong and stable. The Federal structure of government is also an important legacy. India is a federal state with important unitary features. The 1935 Act which influenced its structure was unitary with strong federal features.

The British administration was district-centred. It was headed by a generalist head with an overriding authority. The district head not merely represented government at the district level. He was in fact government at the district level. The district was subdivided into talukas consisting of villages and also grouped upwards into firkas. This framework still continues.

The All India services, especially the Indian Administrative Service and the Indian Police Service strengthen integration. It gives an All India character to governmental personnel and provides a steel frame to the administrative machinery. The structure of these services, their built, and shape, their manner of functioning, inter service and intra service relations and the ethos has influenced not only governmental functioning but governmental thinking too. Not only of the government but also of people at large.

Constitutional experiments were enlarging and strengthening legislatures. Along side legislative institutions, legislative culture also was spreading even though the national environment was becoming uncongenial. The Indian National Congress under the leadership of Mahatma Gandhi was becoming agitational, anti-governmental and extra parliamentary. The essence of legislative culture is discussion and dialogue between different interests, answerability of the executive and acceptance of responsibility in case of failure of its actions. This was accepted and necessary skills were developed as people took part in the working of councils.

The legacy of judiciary, respect for the judicial structure, acceptance of its independence, regard for its values have also taken firm root in the soil. The boycott on courts was not as strong as the boycott on legislature. Many of the leaders in the early freedom struggle were from law profession who respected this tradition. The debates in the constituent assembly regarding judicial system also reflect this aspect. Considering various reforms leading to independence it looks that the thread of British legacy runs through and reflects continuity in the process of change.

Check Your Progress 3

- Note:** i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1 Explain the features of administration of Finance.

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2 Bring out the significance of British legacy in India.

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4.8 LET US SUM UP

The Montford Reforms gave a responsive autocracy at the Centre and a truncated government at the provinces in the form of dyarchy. Its failure was confirmed and the Round Table conferences indicated the nature of the new constitutional reforms. The 1935 Act, as it was ultimately drafted through these conferences proposed an All India Federation at the Centre and provincial autonomy at the provinces. The All India Federation could not be formulated as it needed acceptance by a requisite number of Princely States before coming into force. Provisions regarding provincial governments were implemented. Provincial autonomy was a success in its operations as well as in bringing out its limitations. The Act of 1935 as a whole however was important. It not only acted as an interim constitution but also provided a basis for the constitution of Free India. The Acts along with earlier constitutional reforms gave direction to the process of change as well as influenced its contents. It is this aspect which provided continuity in change.

4.9 KEY WORDS

Bicameral Legislature: Legislature with two Houses. Normally the lower house is broad based and representative and is politically more important. The Upper House has special significance in a federal form of government.

Civil Disobedience Movement: One of the nation-wide movements launched by Mahatma Gandhi in 1930 expressing his techniques of Satyagraha. It covered voluntary withdrawal of association with British Government including non-payment of taxes.

Independence of Judiciary: Provisions keeping judiciary away from the executive influence. It gives them security of tenure and freedom in the administration of justice. This independence is an indicator of democracy.

Three List System: This is the detailed division of subjects between the Central and Provincial governments. Subjects were divided into three types — Federal, Provincial and Concurrent. The subjects which were of common interest for the whole country were covered under the Federal list. Subjects which were primarily of provincial interests were put in the provincial list. The rest of the subjects where uniform action was or would be desirable were put under Concurrent list.

4.10 SOME USEFUL BOOKS

Aggarwala, R. N., 1964. *National Movement and Constitutional Development of India*, S. Chand & Co. (Pvt) Ltd.: New Delhi

Johari, J.C., 1977. *Indian Government and Politics*; Vishal Publications: Delhi

Maheshwari, S.R., 1984. *Indian Administration*; Orient Longman: New Delhi

Misra, B.B., 1970. *The Administrative History of India*; Oxford University Press: London

Robert, P.E., 1952. *History of British India under the Company and the Crown*; Oxford University Press: London

4.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 Your answer should cover the following points:
 - Discontinuation of the dyarchy.
 - Setting up of a Federation
 - Special powers given to the Governor.
- 2 Your answer should cover the following points:
 - Setting up of responsible governments at the Centre and provinces.
 - Constitution of Bicameral Legislature at the Centre.
 - Distribution of powers between the Centre and provinces.
 - Provision of Fundamental Rights in the Constitution.
 - Reorganisation of provinces
 - Other recommendations.
- 3 Your answer should cover the following points:
 - Constitution of a Federal form of government.
 - Written Constitution
 - Division of subjects between the federal and provincial governments.
 - Setting up of Bicameral Legislature.
 - Federal Court for interpretation of the provisions of the Constitution.

Check Your Progress 2

- 1 Your answer should cover the following points:
 - Retention of supremacy of the British Parliament.
 - Absolute powers given to the Secretary of State for India and Governor General, who were above the Act
 - Unrepresentative provincial governments and Central Legislature with no powers.
 - Undue weightage given to the Princely States.
 - Restricted provincial autonomy.
- 2 Your answer should cover the following points:
 - Provided administrative expertise to Indians.
 - Proved the worth of Indian National Congress as a constructive force in Indian politics.
 - Establishment of good parliamentary conventions.
 - Working of provincial autonomy furthered the cause of nationalism.

Check Your Progress 3

- Your answer should cover the following points:
- Sources of income for provinces and Centre.
 - Key role of the Auditor General of India.
 - Financial control exercised over expenditure by the Public Accounts Committee.
 - Establishment of the Reserve Bank of India.
- Your answer should cover the following points:
- Inheritance of governmental machinery as developed by the British.
 - Awareness of importance of government, which is to be strong and stable.
 - Framework of District administration headed by a generalist.
 - All India Services.
 - Independence of judiciary, judicial structure, regard for its values.

stood at nine, which increased to twelve in 1937. After 1919 the main administrative activities in agriculture, education, health, and labour were conducted by the provincial governments, due to decentralisation under the 1919 and 1935 Government of India Acts.

The following are the typical present-day secretariat departments in the State governments: (1) General Administration, (2) Home, (3) Revenue & Forests, (4) Agriculture, Food and Cooperation, (5) Education & Social Welfare, (6) Urban Development and Public Health, (7) Finance, (8) Buildings and Communication, (9) Irrigation & Power, (10) Law & Judiciary, (11) Industries & Labour, (12) Rural Development.

Though the volume and variety of the administrative activities in the State have increased, after independence, the number of Secretariat departments has not grown much. The administration in the States has changed in nature and size in rural development, in education, agriculture, health & medicine and related matters.

The administrative work both at the Centre and State levels has, after Independence, become more complex and challenging. New forms of organisation of these administrative activities have come up which did not exist before independence. The types of knowledge and skills required among the administrative personnel have also become more complex. The new economic social welfare, scientific and technical activities assumed by the state in India account for their variety and complexity. The growing international and defence responsibilities of the Indian state have also partly contributed to the strengthening and speeding up of this process. The low levels of literacy and awareness of numerous people have also added to the responsibilities and tasks of the administration.

By the end of March 1986, the number of Union ministries increased to thirtyone (from eighteen at independence), the number of departments stood at fifty two. The new economic activities undertaken by the Union Government are reflected in the departments of coal, power and non-conventional energy sources in the ministry of energy, departments of chemicals & petrochemicals, industrial development and public enterprises in the ministry of industry, departments of planning and statistics in the ministry of planning, and ministries of Petroleum and natural gas, programme implementation and steel & mines. Nationalised banks are looked after by the Finance ministry. Concerns for the development of Science and Technology are imbibed by the Ministries of Science & Technology and Departments of Atomic Energy, Electronics and Space. The electronic media and the computers have brought about a change in methods of information, storage and retrieval, and communication. The forum of Parliament and State legislatures have brought in the Ministry of Parliamentary Affairs and increased the work of the Ministry of Law and Justice. The tremendous growth in the strength of the personnel in administration has led to the creation of the new Ministry of Personnel, Public Grievances and Pension. The new Departments of Family Welfare, Youth Affairs & Sports and Women & Child Development mark the compulsions of a social awakening among the families, youth and women and the awareness of social responsibilities towards them, after independence. The Planning Commission, though not a department in the strict sense of the term, belongs to that species.

The innovated forms of public corporations, government companies and joint companies have appeared on the post-independence administrative scene, giving rise to the demand for new categories of administrators. Attached offices like the National Academy of Administration at Mussoorie and subordinate offices like the National Fire Service College at Nagpur are new off-shoots of administration. Scientific laboratories and research-stations have broadened the scope of administration. Numerous advisory bodies like the Central Board of Education and the Central Labour Advisory Board evoke the participation of concerned interest groups in the policy-making in those areas.

In terms of internal organisation and relationships within the departments and outside, the working of the Departments has not changed much after independence. Hierarchy and importance of the written word and communication have continued. Red-tapism and delay still haunt the administration. Pre-independence manuals prepared during the colonial rule still govern in most of the older departments with modifications here and there.

Lakhs of refugees migrated between the two post-partition countries, India and Pakistan, partly due to communal violence and partly due to the willing option of sections of population to settle in the other country. Most of the cadres in Administration got depleted as most of the Muslims and European Civil Servants resigned and left the country. So there were neither the resources nor the people to set up new administrative machinery. A stable and well-founded administrative organisation comprising departments and civil services was the critical need of the hour. So, the then existing administrative framework continued after independence.

However, free India adopted its own Constitution within three years after Independence. The objectives and nature of this Constitution are altogether different from those of the constitutional Acts prevailing under the British rule. Free India's has been a democratic constitution—free periodic elections to the national Parliament and the State legislatures, adoption of laws, amendment of the Constitution, control over the executive and expression of popular opinion.

The liberties of the individuals, of the political parties, minorities and other organisations are guaranteed by the Constitution. An independent judiciary protects these rights and freedom. The Constitution contains the ideal of a welfare, socialist State. A federal political system based on the Union (Central) Government and State Governments is set up by the Constitution. Local Governments, urban and rural, looking after the civic and also developmental functions, are provided for by the Constitution. Public Service Commissions at the Union and the State levels ensuring the selection of meritorious public services are established by the Constitution.

These and other provisions of the Constitution have increased the responsibilities of Public Administration in the country. Moreover, the public services are accountable to the Parliament and the State legislatures. They also have to be sensitive to the aspirations and grievances of the people who elect the government in the country.

The Constitution has established parliamentary democracy in the country. Before independence the country had legislatures at the Centre and in the Provinces. These did not possess full powers and authority as under the present Constitution. During the periods of partial legislative control, 1920-35, 1937-39 and 1946-47, the public services were to an extent accountable to the popularly elected representatives and the ministers responsible to them. This was another feature of administrative continuity after independence.

5.3 DEPARTMENTAL ORGANISATIONS

The post-independence era saw the administrative organisations of the Central and the State (then called 'Provincial') governments intact. This was a factor contributing to the undisturbed transfer of power from the British to the Indian hands. The administration of the country's security, law and order, finances, communication system, educational organisation and other elements of the infrastructure after 1947 continued as before.

At independence on 15 August, 1947 the following eighteen departments (redesignated as 'Ministries') functioned under the Government of India : (1) External Affairs and Commonwealth Relations, (2) Defence, (3) Finance, (4) Home, (5) States, (6) Legislative (Law), (7) Commerce, (8) Industries and Supplies, (9) Railways, (10) Transport, (11) Communications, (12) Labour, (13) Agriculture, (14) Food, (15) Education, (16) Health, (17) Information and Broadcasting, (18) Works, Mines and Power.

From five departments in 1858 at the transfer of the government in India from the charge of the East India Company to the control of the British Parliament (actually controlled by British Government), to eighteen in 1947 indicated an enormous increase in the administrative activity. These nine decades of the British rule witnessed the beginning of the elementary social services like primary education, health & medicine, agricultural research, fiscal incentives for industries, etc. Legislative activity was commenced. The two World Wars introduced price and physical controls over the essential supplies including food, cloth, petrol and kerosene etc., besides saw growth in armed services, war industries and supplies. In 1921 the number of departments

stood at nine, which increased to twelve in 1937. After 1919 the main administrative activities in agriculture, education, health, and labour were conducted by the provincial governments, due to decentralisation under the 1919 and 1935 Government of India Acts.

The following are the typical present-day secretariat departments in the State governments: (1) General Administration, (2) Home, (3) Revenue & Forests, (4) Agriculture, Food and Cooperation, (5) Education & Social Welfare, (6) Urban Development and Public Health, (7) Finance, (8) Buildings and Communication, (9) Irrigation & Power, (10) Law & Judiciary, (11) Industries & Labour, (12) Rural Development.

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The administrative work both at the Centre and State levels has, after Independence, become more complex and challenging. New forms of organisation of these administrative activities have come up which did not exist before independence. The types of knowledge and skills required among the administrative personnel have also become more complex. The new economic social welfare, scientific and technical activities assumed by the state in India account for their variety and complexity. The growing international and defence responsibilities of the Indian state have also partly contributed to the strengthening and speeding up of this process. The low levels of literacy and awareness of numerous people have also added to the responsibilities and tasks of the administration.

By the end of March 1986, the number of Union ministries increased to thirtyone (from eighteen at independence), the number of departments stood at fifty two. The new economic activities undertaken by the Union Government are reflected in the departments of coal, power and non-conventional energy sources in the ministry of energy, departments of chemicals & petrochemicals, industrial development and public enterprises in the ministry of industry, departments of planning and statistics in the ministry of planning, and ministries of Petroleum and natural gas, programme implementation and steel & mines. Nationalised banks are looked after by the Finance ministry. Concerns for the development of Science and Technology are imbibed by the Ministries of Science & Technology and Departments of Atomic Energy, Electronics and Space. The electronic media and the computers have brought about a change in methods of information, storage and retrieval, and communication. The forum of Parliament and State legislatures have brought in the Ministry of Parliamentary Affairs and increased the work of the Ministry of Law and Justice. The tremendous growth in the strength of the personnel in administration has led to the creation of the new Ministry of Personnel, Public Grievances and Pension. The new Departments of Family Welfare, Youth Affairs & Sports and Women & Child Development mark the compulsions of a social awakening among the families, youth and women and the awareness of social responsibilities towards them, after independence. The Planning Commission, though not a department in the strict sense of the term, belongs to that species.

The innovated forms of public corporations, government companies and joint companies have appeared on the post-independence administrative scene, giving rise to the demand for new categories of administrators. Attached offices like the National Academy of Administration at Mussoorie and subordinate offices like the National Fire Service College at Nagpur are new off-shoots of administration. Scientific laboratories and research stations have broadened the scope of administration. Numerous advisory bodies like the Central Board of Education and the Central Labour Advisory Board evoke the participation of concerned interest groups in the policy-making in those areas.

In terms of internal organisation and relationships within the departments and outside, the working of the Departments has not changed much after independence. Hierarchy and importance of the written word and communication have continued. Red-tapism and delay still haunt the administration. Pre-independence manuals prepared during the colonial rule still govern in most of the older departments with modifications here and there.

The Chief Secretary of provincial administration before 1947 continues today; but at the Centre, the Cabinet Secretary, defacto head of administration, is an innovation.

Check Your Progress 1

Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

1 Which elements at the time of Independence accounted for the continuity in Indian Administration?

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2 How has the Indian Constitution brought about a change in the nature and activities of the Indian Administration?

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What are the new departmental activities undertaken by the Central Government?

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4 PUBLIC SERVICES : STRUCTURE

The post-independence administration in India was stable also due to the continued continuities of the public services which were in office before independence. The Indian Civil Service and the Indian Police Service were the two All-India Services that helped the country to hold together. The other All-India Services included the medical, engineering, forest, educational and others. The All-India Services, worked at both the Central and provincial levels. Besides, the members of the central and provincial services also continued to be in office. Most of the British members of these services had opted to retire from service before and at independence. During the second world war at middle and lower rungs, the Indian armed forces were also largely Indianised.

The Indian Civil Service was the most pivotal and prized of these services. Its members occupied positions in the executive councils of the Governor-General of India and the Provincial Governors. Most of the posts of Secretaries to the departments in the central and provincial governments and of heads of executive departments were held by them. I.C.S. men were district collectors and magistrates/deputy commissioners. Before independence, the officers of the I.C.S. and other All-India Services were appointed by the Secretary of State for India. After independence, under the India Independence Act, 1947 the I.C.S. and other officers in All-India Services, who continued in office, became officers in the service of the Government of India. At independence about two hundred and fifty European I.C.S. officers retired, while about fifty of them opted to be in office here. Vallabhbhai Patel, India's Home Minister, realised the dire need of the Indian members of the I.C.S. continuing in service here

after 1947. He assured to honour the existing terms and security of their tenure. They did contribute to the stability and continuity of the Indian administration.

After independence the Indian Civil Service was replaced by the Indian Administrative Service. A larger number of the officers in the I.A.S. and the Indian Police Service (that replaced the Imperial Police) were required to replace the former services. They had to man the posts in the recently merged princely states. Much more than that, the character of these All-India Services had changed after independence. India became a democracy after independence. The services had now to serve the people of the country, and not the imperial masters. The I.C.S. men were not only officials, they were a part of the colonial government. The officials of independent India – no more rulers – had to imbibe the democratic temper of its polity. This marked a change from the pre-1947 scene.

The All-India Services Act, 1951 of the Indian Parliament provided for the formation of two services, the Indian Administrative Service and the Indian Police Service. This was an outcome of the deliberations in the Constituent Assembly of India. The Constitution contains a separate Part XIV titled 'Services under the Union and the States'. Article 312 of the Constitution is concerning the All-India Services.

A new All-India Service, the Indian Forest Service, was constituted in July 1966, though an amendment to the All-India Services Act, 1951 effected in 1963 provided for the formation of three new All-India Services, viz. the Indian Services of Engineers, the Indian Forest Service and the Indian Medical and Health Service.

The personnel belonging to the Central Services work in the various departments of the Central Government. They are organised into four groups, A, B, C, and D, on the basis of the pay-scales of the posts in them. The following are some of the Central Services: Central Engineering Service, Central Health Service, Central Secretariat Service, Indian Audit & Accounts Service, Indian Defence Accounts Service, Indian Foreign Service, Indian Postal Service, Indian Revenue Service, Central Legal Service, Central Information Service, Indian Statistical Service, Indian Economic Service. Before 1947, specialist officials worked in various functional departments of the Central Government, but after independence, different services (cadres) were formed. Statistical Service, Economic Service, Information Service and Foreign Service were some of the new cadres formed to cater to the emergent needs of the Central Government. The Indian Foreign Service attracts intelligent young graduates along with the Indian Administrative Service, the entrants to it reach the highest position of Ambassadors to foreign countries. After Independence, as the functions undertaken by the State governments have diversified, several specialist services in Class I and II were formed. Some of these are: Forest Service, Agricultural Service, Animal Husbandry, Prohibition & Excise, Judicial, Police, Jail, Medical, Public Health, Educational, Engineers, Accounts, Sales Tax and Industries Service. A few of these services did exist before 1947, but now the strength of these has gone up. Besides, Class III and IV Services are on roll.

The new public services share the attributes of political impartiality, selection on merit and integrity like in the I.C.S. and other services before independence. The public services in free India, however, are committed to the objectives of the Constitution.

The local bodies and cooperatives have their own personnel.

In 1980, the Central Government employed thirty six lakh persons, the State Governments, the local governments and related bodies employed about double that number. Altogether about one crore people serve in public services in India.

5.5 PUBLIC SERVICE COMMISSIONS

To ensure impartial selection of meritorious civil servants, a Public Service Commission in India was established in 1926 with the Chairman and four members. This (Central) Public Service Commission was vested with two functions in the main, recruitment to All-India and Central Services, and screening of disciplinary cases. It was also to advise in the matters of standards of qualification and methods of

examination for the civil services, so far as recruitment in India was concerned. The Commission was redesignated as the Federal Public Service Commission in the 1935 Act.

Under the 1935 Act, provincial governments were to form Public Service Commissions independently or in groups or a single commission for all of them. By agreement of the governor and the governor-general the Federal Commission might act for Provinces like Bombay, Madras set up the Provincial Public Service Commissions with functions similar to those of the Federal Commission. The Constituent Assembly of the country had therefore a model and precedent before it in the Public Service Commissions set up earlier at the Centre and in some of the provinces. However, the functions of the Commissions after independence have increased. The responsibilities in regard to recruitment of public employees through written test and/or interviews are enormous in view of the large number of qualified officials the governments at the Union and the States require in their employment. Promotions and transfers to another service are also referred to the commissions for their advice. Costs in legal defence and awards on pension are also referred for advice to them.

The Chairmen and members of these Commissions are appointed by the President in the case of the Union Commission and by the Governor in the case of a State Commission (obviously in consultation with the council of ministers). Nearly one-half of the members of each commission have to possess ten years of experience of an office in the government. A short term of six years for Chairman or members and the age limit of sixty five years for UPSC and sixty two years for State Commission, so also bar of further government appointment to them, prevents them from being vested interests.

It may be noted that the recommendations of the commissions to the government concerned are advisory, and not binding. But safeguard in this respect is the obligatory presentation of the annual reports of the commissions to the parliament or respective State legislature for discussion by the members. The governments concerned have to give reasons for the non-acceptance of the Commission's recommendations.

Check Your Progress 2

- NOTE: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

What are the characteristics distinguishing the I.A.S. from I.C.S.?

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What are the Central Services? List the functions they carry out.

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Describe the structure of the Public Service Commissions under the Constitution. How do they differ from the Public Service Commission of pre-independence period?

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5.6 DEVELOPMENT AND WELFARE CONTENT OF ADMINISTRATION

After Independence, the welfare and development content of the administration has become very prominent. It might be said that this content is predominant over the law and order and regulatory content. Not that during the British rule the development and welfare aspect did not exist at all. It was there, but it was subordinate to the chief motivation of the foreigners to rule over this country and its people. Railways, posts & telegraph, highways, canals, ports, banking and insurance, capital cities, were set-up; a foundation was laid for the future development of the country's economy. Scientific, technical and liberal education at primary, secondary and university levels began. Health and medical facilities at an elementary level were started. Agricultural research was commenced. After the first World War, fiscal incentives were given for industrial development through individual initiative. But the Public Administration under the British was not deeply involved in the development of the country and welfare of the people.

The Preamble of the Constitution seeks to secure to all citizens social and economic justice and equality of status and of opportunity. This object is further elaborated in Part IV of the Constitution which deals with Directive Principles of state policy. These principles give guidance to the government in making laws and administering them. Thus, the following are the most important among these Directive Principles. The State is to strive to minimise the inequalities in income and to eliminate inequalities in status, facilities and opportunities among individuals and groups— territorial and vocational. Both men and women have an equal right to an adequate means of livelihood. Equal pay for equal work is another Directive given by the Constitution. The moral and material health of children and youth is protected. Equal justice and free legal aid are assured. Within the limits of the economic capacity and development of the state, the right to work, education and public assistance in old age, unemployment, etc. is secured. Humane conditions of work and maternity relief are provided for. A living wage and a decent standard of life would be sought to be attained. Workers' participation in industrial management would be promoted. Free and compulsory education for children upto the age of 14 years would be provided. The welfare of the scheduled castes & tribes and other weaker sections would be advanced. However, these directives cannot be enforced through resort to courts of law.

The pressures of the people in a democratic set-up have brought the welfare state. Planning has guided the economic development of the country since the beginning of the first five year plan from 1st April, 1951. Plans formulated by the Planning Commission set up in March 1950 aim at the rapid all round economic development of the resources of the country. The progress achieved in development is also checked from time to time and remedial measures are adopted. Planning evokes public cooperation for its success. Plans set the targets of development in different sectors including industry, agriculture, electricity, minerals, transport & communication, education, health etc. The administration at different levels, Central, State and local, is geared to the realisation of the goals of the plans. It also furnishes data and statistics to the Planning Commission to enable it to frame the plans and check the progress in their implementation. Besides the national plan, State and District Plans are also prepared by the administration at these levels. Planned development has been the hallmark of the activities of the administration since independence, specifically the fifties. Blueprints of post-war reconstruction plans in specific sectors like education (Sargent Plan) and health (Bhore Plan) had been prepared by the Central Government on the eve of independence but it was left to the governments of free India to implement these.

Rapid allround industrial development posed a challenge to the administration in free India. To attain industrial self sufficiency, basic and heavy industries like steel, machine- building, heavy electrical machinery, extraction and processing of minerals were established. The execution of the Industrial Policy Resolutions of 1948 and 1956 required industrial development through the growth of the public sector as the private sector did not possess the requisite capital and technical personnel. The administration and management of the public sector industries and business called for the recruitment and training of the managerial and technical personnel in the public enterprises. The

realisation of the targets set before the public enterprises depended upon the efficiency, skills, innovation and hard work of the directing, managerial and administrative personnel of the public enterprises. Operating various physical and financial controls over the industry, trade and business necessitated by the planning also brought special responsibilities on the administration.

The development administration in the rural areas has been faced with much more difficult tasks than the administration of the public enterprises. Increasing agricultural production; helping raise the milk yield of the milch cattle, promoting the public health and medical standards, spreading education as well as taking care of its quality, provision of civic amenities — all these and other tasks in the rural areas had to be realised by breaking the walls of illiteracy and prejudice and providing needed economic means, technical tools and inputs. Involvement of the rural people in the transformation was sought by entrusting some of these tasks or their aspects to their political and administrative institutions. Fruits of development have also to reach the poor farmers and rural labourers.

The welfare of the women, the scheduled castes and tribes and other backward sections had also to be advanced on the part of the administration in terms of the directive principles and also fundamental rights mentioned by the Constitution. Not that the achievements of the administration in regard to the above tasks were uniformly satisfactory in different regions or different functions, but the administration of free India has been engaged in the performance of these tasks cannot be gainsaid.

Check Your Progress 3

- Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

What are the Constitutional directives of State Policy?
How far are they useful in promoting welfare and development?

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In which sense has the Development Administration in the rural areas been faced with much more difficult tasks than the administration of the public enterprises?

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.7 ADMINISTRATIVE IMPLICATIONS OF FEDERALISM

Federalism integrates a nation by distributing governmental functions and powers between the federal i.e. Central and the constituent State governments.

The Constitution of India has introduced a federal political system. Before 1947, a federation was to be set up under the Government of India Act, 1935. But it was not due to the opposition of most of the princely states. But, for all practical purposes, due to the provincial autonomy and the (elected) ministers' rule in the provinces under the 1935 Act, the provinces experienced the federal reality: The princely states, with few exceptions, were however princely autocracies, handling all domestic subjects. Ties existed between a few princes and the British government, but the latter could

find excuses to interfere in the former's administration, even to change a ruler. Defence and foreign affairs were the prerogative powers of the Suzerain British government. It could therefore be said that the federal principle was absent even in the relations between the British government and the princely States.

The Constitution has divided the country's administration into two spheres, administration of the Union i.e. national and of the States. The Union administration looks after the subjects in list 1 of the Seventh Schedule of the Constitution and the States administers the subjects enumerated in list 2. List 3 is the Concurrent list of subjects on which both the Union and the States are competent to legislate and therefore to administer, but a Union law takes precedence over a State law on a matter in this list.

The administration of the States covers the matters which are easier to tackle from a closer distance and those which conduce in better way to the welfare and development of the people. Police, jails, land tenure and revenue, public works (except national, i.e. inter-state highways, and rivers and river valleys, etc.), local government, etc., are examples of the former. Agriculture & animal husbandry, health & medicine, social welfare, are illustration of the latter. The States administer (i.e. levy, collect and use) the taxes on agricultural income, estate and succession duties in respect of agricultural land, taxes on land and buildings, electricity duties, vehicle and profession taxes, etc. Some of these e.g. octroi, property tax, etc. are given over to the local bodies for levy collection and use by the State governments through legislation.

The Union administers those subjects which are essential for national security and integrity, for the maintenance and growth of a nation-wide infrastructure, and for national economic development. Defence, foreign affairs, atomic energy, citizenship, etc. ensure national security and integrity. Railways, airways, maritime and inter-State transport and communications, etc. maintain the national infrastructure. Currency & coinage, foreign and inter-State trade & commerce, industries of national interest, banking, insurance and national finance, facilitate economic development of the country as a whole. The Union is vested with expanding financial resources. These are taxes on income other than agricultural income, customs, excise duties on manufactured and produced commodities (with some exceptions), succession and estate duties on properties other than agricultural land, etc.

The common subjects in the Concurrent list enable both the Union and the States to legislate and administer matters of special and economic significance and of legal nature implying concern to both. Economic & social planning, transfer of property and contracts relating to other than agricultural land, population control and family planning, trade unions & industrial labour, employment and unemployment, etc. Civil and criminal laws are of concern to both, hence are vested in both the administrations. Education and forests and protection of wild life and birds have been recently transferred from the State to the Concurrent list due to growing national concern in them.

The departments in State subjects at the Union are engaged in coordinating the work of the States, research, pilot projects, training and advice to the States on the concerned subjects.

The remaining ('residuary') subjects are vested in the Union.

Governors, heads of the State governments, are appointed by the President of India. They are, for all practical purposes, formal heads. But in times when the Constitutional provisions do not work, on Governor's report or otherwise, the President's rule comes into operation. Such situations arise when the political party in power loses majority support in the State legislative assembly. In normal times the Governor acts on the advice of the Council of Ministers led by the Chief Minister.

The Parliament adopts several laws every year, a large number of these are administered by the State administrations as the Union does not have its own personnel in the States. The Union Government provides financial assistance to the States as the former possesses larger financial resources and latter fall short of these due to their growing development functions. The States call for the help of the Union forces during disturbed times. On account of planning, even in regard to the State subjects, consultations are held between the Union and the State administrations regarding planning and progress of the plans. On matters in the Concurrent list such consultations are essentially held.

India's is a cooperative federation. But it has undergone stresses and strains. The federal polity has to harmonise national integrity with constituent States' autonomy, so necessary for a live democracy. Financially the Union is stronger than the States, so it has to help them. The Indian federalism is no doubt tilted in favour of the Union, but this was inevitable from the points of view of national security and development.

Check Your Progress 4

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1 Which are the subjects that are within the competence of the Union Administration?

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2 Enumerate the matters within the competence of State Administration.

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3 Cite the matters in the Concurrent list.

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4 Give examples of areas in which consultations between the union and the state administration are held.

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8 POLITICAL INVOLVEMENT AND POPULAR PARTICIPATION IN ADMINISTRATION

The involvement of the political parties, groups and workers in the administrative processes of decision making and implementation is implicit in a democratic political system. Policy-making in government bears the imprint of the programme/s of the political party/parties in office. The opposition political parties also seek to influence policy-making through the debates in the parliament and the legislatures and propaganda outside these forums. The normal expectation is that the projection of the political parties, groups, and workers, as also of the pressure and interest groups, should not violate the laws and the rules. It is within their functions and activities to point out the lacunae in the framing of the laws and the rules and the shortcomings and

aberrations in their execution. It is also expected that the officials exercise their discretion in public interest and for the good of the individual citizens.

Before independence under the colonial rule, the involvement of the political parties, groups and workers in the administrative processes was very limited. This was because, in the first place, a democratic political system did not exist in the country. It was by and large a rule of the bureaucracy. Under the Dyarchy laid down by the 1919 Act, the influence of the ministers, who were political heads of the transferred subjects only was confined to these subjects, and that too, subject to the exercise of discretionary powers and financial veto by the Governors of the provinces. The major, that is, dominant political party in the country, the Indian National Congress, had kept aloof from the administration for most of the time during 1920-47 except brief interludes of 1937-39 and 1946-47 when the Congress formed ministries in the provinces. The Muslim League and other parties and groups were in power in a few provinces during 1937-45 and 1946-47. Under the provincial autonomy laid down by the 1935 Act, therefore, the political parties had some scope of influencing the administration. The term "political involvement" is used here to refer to the extra-governmental influence of the political parties, groups and workers on the administration. The Central administration was kept away from the sphere of political accountability even under the 1919 and 1935 Acts. Whatever political influence was cast on it was through the debates in the Central legislature, and that too was little. Secondly, as the functions of the State were limited to law and order and regulation, the people did not have many occasions for contact with the governments.

Lobbies or pressure and interest groups do operate in the Indian democratic system. Before Independence, the lobby of the Indian industrialists was up-coming. Now, the industrialists, exporters and importers, the sugar cooperatives are some examples of the lobbies who do exercise influence on policy-making and decision-making of the Union government and administration. Similarly, at the States administration level big farmers, builders, trade unions, motor transport owners, traders, are some of the pressure and interest groups influencing the decision making. The political parties also take up their causes and seek to change the government policies and decisions. The opposition parties organise demonstrations, public meetings, resort to "gheraos" and lead delegations to the ministers and other dignitaries in the government.

At the district level and below the political projections are quite visible. The District Collector and his officer, the Chief Executive Officer of Zilla parishad, the Block Development Officer and a host of administrative officials, are visited by the people and their representatives with pleas to meet their demands and solve their grievances.

Particularly during the tours of the ministers people and their representatives wait on them and present their demands and grievances. Dues to the government, cooperatives and banks, supply of irrigation water, availability of drinking water, location of irrigation projects, resettlement of the persons displaced due to the hydro-electric and irrigation projects, slums improvement and removal, octroi abolition, and several such issues are raised in the citizens' and their representatives' meetings with the ministers and the administrative officials. During the sessions of the parliament and the State legislatures also, people with their representatives lead demonstrations and delegations to see the ministers with pleas to deal with their demands and grievances. There is nothing wrong in this, provided violence does not occur and constitutional norms are not violated.

Popular participation in administrative processes has assumed prominent proportions after Independence. Before independence, it was confined to the role of the popular representatives in the local self-governing bodies. After Independence, specifically from the late fifties, panchayati raj has been the most significant channel of the participation of the rural people in the rural development administration. Community development was the earlier phase of this popular participation. But it was dominated by the officials, so it could not evoke adequate participation of the villagers in rural development. So, panchayati raj was introduced in late fifties by a few State governments like Rajasthan, Andhra, Maharashtra and Gujarat. But its progress was uneven in other States. Lately, West Bengal, Tripura, Andhra Pradesh and Karnataka have introduced progressive measures relating to the panchayati raj. Much still needs to be done to make it more meaningful and beneficial in terms of increasing

agricultural production and improving the standard of life of the rural people: cooperatives are another channel of popular participation in development.

Municipal government is another mode of popular participation in civic administration. Much requires to be done to step up its efficiency and usefulness to the urban dwellers.

Voluntary organisations can do a lot in accelerating the pace of development — both rural and urban, through their participation in the development processes and education of the people. Women's organisation in particular can help in the implementation of women's and children's welfare and development programmes and schemes. These organisations can be a liaison between the administrative agencies and the people.

Check Your Progress 5

- Write: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

Name a few lobbies or pressure and interest groups that have been working since Independence.

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How do the people ventilate their demands and grievances at the district level and below? What kinds of demands and grievances do they air?

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What are the main institutional channels of popular participation in rural and urban areas?

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What role can the voluntary organisations play in the development process?

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5.9 LET US SUM UP

The important factors of change in Indian administration after Independence in comparison with that before are the advent of democracy and the compulsions of development and a welfare state. The elements of stability are found in the continuity of some of the departments and the smooth induction of new public services with the characteristics of political impartiality, selection on merit, integrity and commitment to the Constitutional objectives.

The number of (economic) development and welfare departments has grown after Independence. Growth of scientific and technological knowledge and its application has influenced the administration. However, the influence of organisational features such as hierarchy, predominance of the written word, red tapism, old time manuals, still persists.

Various new public services have been constituted in free India. The Indian I.C.S. incumbents continued in office, but as a service it was replaced by the I.A.S. The Indian Police Service and the Indian Forest Service were the other two All-India Services constituted after 1947. Besides, the Central Services man the departments of the Union government. The States have also their own services including the generalist one and those serving various functional departments like agriculture, education, cooperation. Local bodies have their own personnel, so also the cooperatives. Public Service Commissions have been set up to ensure recruitment of personnel on merit and to advise on disciplinary cases, on transfers and promotions. Chairman and members of these bodies have a fixed short term and are prevented from having any government appointment after the completion of the term in the commission.

The Constitutional directives seek to promote the ideals of a just social and economic order and of a welfare state. Planning sets the targets of development to the administration in both the Union and States. Now, besides national planning, State and District planning has also come into being. A large public sector to bring about rapid, all-round and self-sufficient industrial development has posed great challenges for efficient managerial and administrative personnel in the public enterprises. The development administration in rural areas has to fulfil much more difficult tasks.

Before 1947, the administration was centralised, though in reality administration at provincial level exercised a good deal of autonomy. The Constitution has created a federal political system. The Union administration operates subjects like defence, foreign affairs, etc. mentioned in the Union list (list 1 of 7th schedule) while the State administration cover subjects intimately connected with the development and welfare of the people like agriculture, health & medicine, cooperatives, social welfare, cited in List 2. The matters in the Concurrent list can be legislated by both the Union and State Governments, but even the Central legislations in these matters are mostly administered by the State administrations. The State Governors are appointed by the President of India. The President's rule operates when the Constitutional provisions do not work. It is said that the Indian federalism is tilted towards the Centre but this was inevitable from the points of view of national security and development.

The democratic compulsions have brought in projection of political parties, groups and workers in the administration. 'Lobbies' or pressure and interest groups influence the administration. At the district level and below the political pressures are exerted often and more intensely as the people whose demands and grievances are sought to be ventilated through the political elements are numerous and pressing. Popular participation in administration, particularly of development, occurs through the panchayati raj institutions, municipal governments, cooperatives and voluntary organisations.

5.10 KEY WORDS

Devolution of Power : A transfer of authority from a central government to regional governments.

Pressure Group : A group of people who seek to exert pressure on legislators, public opinion, etc., in order to promote their own ideas or welfare

Suzerain: A state or sovereign exercising some degree of dominion over a dependent state.

5.11 SOME USEFUL BOOKS

- Basu, D.D. 1988. *Constitutional Law of India*; Prentice Hall of India Private Limited: New Delhi
- Chanda, A. 1968. *Indian Administration*; George Allen & Unwin Ltd.: London
- Divekar, V.D. 1978. *The Planning Process in India Polity*; Popular Prakashan: Bombay
- Gopal, S. 1979, 1984. *Jawahar Lal Nehru A Biography. Volumes 2 and 3*; Oxford University Press: Delhi
- Jain, R.B. (ed). October 1983. *Public Services in a Democratic Context*; I.I.P.A.: New Delhi
- Muttalib, M.A. 1967. *Union Public Service Commission*; I.I.P.A.: New Delhi
- Prasad, Bishwanath. 1968. *The Indian Administrative Service*; S.Chand & Co.: Delhi

5.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 See Section 5.2
- 2 Your answers should cover the following points:
 - The objectives and nature of the Constitution of India were altogether different from those of the Constitutional Acts under the British rule
 - The differences between the present democratic administration and the earlier bureaucratic administration
 - The Constitution of India contains the ideal of a Welfare Socialist State. Administration has to work according to the objectives of the Constitution.
- 3 See Section 5.3

Check Your Progress 2

- 1 Your Answers should cover the following points:
 - ICS was the most pivotal and prized service during the British rule
 - ICS members occupied the positions in the executive councils of the Governor-General and the Governors
 - IAS has to serve the people and not the imperial masters
- 2 See Section 5.4
- 3 Your answers should cover the following points:
 - PSCs are established at the Central and State levels
 - Constitution of PSC (Public Service Commission)
 - Appointment of members of PSC
 - Advisory role of PSC
 - The non-compliance of the recommendations of the Commission have to be explained to the Parliament
 - PSC in pre-Independence had a limited role

Check Your Progress 3

- 1 Your answers should cover the following points:
 - Directive principles are contained in part IV of the Constitution
 - Nature of Directive Principles; goals underlying the Directives

- 2 Your Answers should cover the following points:
 - Walls of illiteracy and bias in rural areas have to be broken
 - Technical tools, economic means and inputs have to be provided to the farmers
 - Involvement of the rural people

Check Your Progress 4

- 1 See Section 5.7
- 2 See Section 5.7
- 3 See Section 5.7
- 4 See Section 5.7

Check Your Progress 5

- 1 See Section 5.8
- 2 Your answers should cover the following points:
 - People visit the district collector and other officers at the district level with their grievances
 - People put up their demands during the tours of the ministers
 - Political parties take up the cause of people
 - Role of Government cooperatives and banks
 - Opposition organise demonstrations
 - Kinds of demands like proper supply of irrigation water, drinking water, slums improvement etc.
- 3 Your answers should cover the following points:
 - Role of Panchayati Raj
 - Role of Cooperatives
 - Municipal government as a mode of popular participation
 - Functions of voluntary organisations
- 4 See Section 5.8



Block

2

CENTRAL ADMINISTRATION

UNIT 6

Constitutional Framework 5

UNIT 7

Central Secretariat: Organisation and Functions 15

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Prime Minister's Office and Cabinet Secretariat 24

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UNIT 11

All India and Central Services 54

BLOCK 2 CENTRAL ADMINISTRATION

This is the second Block titled 'Central Administration' of Course 2 on Indian Administration. This block has six units. In the first block you have read about the evolution of administration in India. This block will give you an idea about various aspects of functioning of administration at the Central level.

Unit 6 Constitutional Framework

The administration in India operates within the framework of the Constitution. In this unit, we will discuss about the basic features of the Constitution like written constitution, parliamentary democracy, independence of judiciary etc. It deals with the division of powers between the Centre and States which is an important feature of the federal government. A discussion on the role of Council of Ministers headed by the Prime Minister and important Constitutional authorities and Commissions is made.

Unit 7 Central Secretariat : Organisation and Functions

The Central Secretariat comprises of a large variety of Departments/Ministries. In this unit, we shall discuss about the evolution of the Secretariat, its structure and functions. We will also deal with the network of agencies under the Secretariat which are responsible for the execution of the government policies.

Unit 8 Prime Minister's Office and Cabinet Secretariat

In our parliamentary system of government, since the real executive is the Prime Minister and his Council of Ministers, this unit will familiarise you with the powers and functions of the Prime Minister. We will describe the role of various bodies which provide institutional support to the Prime Minister which include the Prime Minister's office, Cabinet Secretariat, etc. Keeping in view the importance of Cabinet Committees, which help the cabinet in decision making in specific areas, the size, functions and role of these committees is also discussed.

Unit 9 Union Public Service Commission/Selection Commission

As an impartial and independent selection commission, the Union Public Service Commission (UPSC) occupies a very important place in the Indian Administration. In this unit, we shall discuss the evolution of UPSC over the years to its present form. We shall also deal with the constitution and functions of the Commission as derived from the Constitution and other sources like conventions, rules, regulations etc. An attempt has also been made to explain the advisory role assigned to the Commission.

Unit 10 Planning Process

This unit on 'Planning Process' in India deals with meaning and types of planning. Planning machinery at central level has been explained in the unit. It discusses the role of National Development Council and the problem of centralised planning. An attempt has been made to explain the need for planning in the country and efforts made to ensure a proper planning machinery for the country even in pre-independence period.

Unit 11 All India and Central Services

An important feature of our administrative system is the functioning of All-India Services and the Central Services. This unit deals with the constitution and importance of All India Services. The recruitment, training of personnel belonging to these services etc. It also discusses the recruitment, training and cadre management of the central services which are meant for administering the Central/Union subjects.

UNIT 6 CONSTITUTIONAL FRAMEWORK

Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Basic features
- 6.3 Powers of Central Government
- 6.4 Role of Council of Ministers
- 6.5 Constitutional Authorities
 - 6.5.1 Comptroller and Auditor General of India
 - 6.5.2 Attorney-General of India
 - 6.5.3 The Special Officer (Commissioner) for Scheduled Caste/Scheduled Tribe
 - 6.5.4 The Special Officer for Linguistic Minorities
- 6.6 Constitutional Commissions
 - 6.6.1 Finance Commission
 - 6.6.2 Election Commission
 - 6.6.3 Official Language Commission
 - 6.6.4 Union Public Service Commission
- 6.7 Let Us Sum Up
- 6.8 Key Words
- 6.9 Some Useful Books
- 6.10 Answers to Check Your Progress Exercises

6.0 OBJECTIVES

After studying this unit, you should be able to :

- understand the constitutional framework of India
- be familiar with the basic features of our Constitution
- know how the powers are distributed between the Central Government and State Governments
- analyse the role of Council of Ministers, various constitutional authorities and constitutional commissions.

6.1 INTRODUCTION

The Constitution of India is a remarkable document. It occupies an important place not only among the newly emerged States but also in the constitutional history of the world. The Constitution of India deals, in an elaborate manner with the problem of relations between Union and the States, problems relating to public services, special classes like Anglo-Indians, scheduled castes and schedule tribes. The Constitution embodies an elaborate list of Fundamental Rights and also the Directive Principles of the State Policy. The Preamble of the Constitution declares India to be a sovereign socialist secular democratic republic. A study of its features reveals that it is a unique document in size, form and content. In this Unit we shall study the important features of our Constitution, role of council of ministers, constitutional authorities, constitutional commissions and the powers of the central government. This will give you a clear idea of how our constitutional set up is working at the central level.

6.2 BASIC FEATURES

Written Constitution

Constitution can be of two types, written or unwritten. Unwritten constitutions are those where most of the provisions are not laid down in a codified manner but are based

on the conventions and traditions of the land e.g. Britain has an unwritten constitution. On the other hand the written constitutions are those where most of the provisions of the constitution are laid down very clearly in black and white e.g. Constitution of the United States of America is a written constitution.

Indian Constitution is a written constitution. It is the most lengthy and detailed constitutional document in the world. It has borrowed most of its provisions from all the known constitutions in such a way that they suit the existing conditions and needs of the country. The constitution makers framed the chapter on Fundamental Rights upon the model of American constitution. Parliamentary system of government has been adopted from the U.K. Idea of the Directive Principles of State Policy was taken from the Constitution of Eire Republic of Ireland. Provisions regarding emergencies were added in the light of the Constitution of German Reich & the Government of India Act, 1935.

Our Constitution is very lengthy because it has embodied the modified results of judicial decisions in other countries to minimise uncertainty. We have detailed provisions in our Constitution regarding judiciary, the Public Services, the Public Service Commission, relations between Union & the States and the like. Another reason for our Constitution being lengthy is the vastness of the country and the peculiar problems existing in the country.

Parliamentary Democracy

Another important feature of our Constitution is the establishment of a parliamentary system of government both at the centre and in the states. In a parliamentary system of government the executive is responsible to the Parliament and not to the President. It creates a strong centre and vests the constituent and residual powers of legislation in central legislature called Parliament. The reasons behind adoption of a parliamentary democracy are two: Firstly, our past experience in working with parliamentary system during the British rule and secondly, the parliamentary system of government harmonises with the demand for a strong centre which the Presidential system with divided authority does not. In the parliamentary system of government, the executive and legislature are not independent of each other, instead the executive is a part of the legislature and, therefore, unlike in a presidential system, conflicts are less likely to arise between them.

Federalism

The political structure of the Indian Constitution is based on the twin principles of parliamentary system of government and federalism though the term 'Federation' has not been used in the Constitution. A survey of our Constitution indicates that it possesses all the essential features of a federal system. While in a unitary state there is only one government, namely the national government, in a federal state, there are two governments—the national or federal government and the governments of the component states.

A federal state is a fusion of several states into a single state in regard to matters affecting common interests, while each state enjoys autonomy in regard to other matters. The states are not agents of federal government but both the federal government and the state governments draw their authority from the Constitution. The states do not have a right to secede from the federation.

A federal state derives its existence from the Constitution. Every power—executive, legislative or judicial, whether it belongs to the federation or to the component states, is subordinate to & controlled by the Constitution. Courts have the final power to interpret the Constitution and nullify any action on the part of the federal and state governments or their different organs which violate the provisions of the Constitution. Another important feature of a federal state is that there is a division of powers between the federal government and the governments of the component states.

All these features are present in the Indian political system. The Constitution of India can be both federal and unitary according to requirements and circumstances. It is framed to work as a federal system during normal times. But in times of war, insurrection or the breakdown of constitutional machinery in the states, it works more like a unitary system. A proclamation of an emergency in the country automatically transforms a federal state into a unitary state.

Unique Combination of Rigidity and Flexibility

In a federal system the Constitution is generally rigid. The rigidity of the Constitution depends upon two factors. First, it depends on the degree of difficulty in the amending process. Secondly, it depends upon the content of the Constitution.

The Indian Constitution is partly flexible and partly rigid. It is only the amendment of a few provisions of the Constitution that requires ratification by the state legislatures and even then ratification by only half of them is needed. The rest of the Constitution may be amended by a simple majority of the Union Parliament as is required for general legislation. Some examples where ratification by States is not needed are: (a) changes in the names, boundaries, area of the states and amalgamation and separation of states (Article 4) (b) abolition or creation of the second chamber of a state legislature (Art.169) (c) administration of scheduled areas and scheduled tribes, paragraph 7 of the 5th Schedule and paragraph 21 of the 6th Schedule). Our Constitution is flexible because the Parliament can supplement the provisions of the Constitution by legislation.

The flexibility of the Constitution can also be seen from the fact that in forty two years of attaining independence, the Constitution has already been amended sixty three times.

Independence of Judiciary

Another most important feature of our Constitution is the independence of judiciary and power of judicial review. India has a single integrated system of courts for the Union as well as the States which administer both Union and State laws, and at the head of the entire system stands the Supreme Court of India. Below the Supreme Court are the High Courts and below the High Courts are subordinate courts.

The judges of the Supreme Court and High Courts are appointed by the President, but in order to ensure their independence, the terms and conditions of their service are regulated by the Constitution and they cannot also be removed by the President at his pleasure. The judges of the Supreme Court and High Courts can be removed by the President upon an address to that effect being passed by a special majority of each House of Parliament (viz., a majority of the total membership of that House and by majority of not less than 2/3rd of the members of that House present and voting) on the grounds of proved misbehaviour and incapacity. This ensures judiciary to act in a just and independent manner and makes the provisions in the Constitution meaningful.

The Supreme Court performs three important functions.

- i) it is the protector and guarantor of fundamental rights.
- ii) it has to act as a check on executive authorities and enforce the rule of law.
- iii) it maintains federal equilibrium.

Power of judicial review is yet another feature of our Constitution. Judicial review, broadly speaking, means the powers of the courts to pronounce upon the Constitutional validity of the acts of public authorities both executive and legislative. The expression 'judicial review' does not figure in the Constitution but has been derived by the judiciary through various provisions. In India, judiciary ultimately determines what would be the limits of Fundamental Rights. Supreme Court has to see that all legislative measures are in accordance with the procedure established by laws. Judiciary also has the power to interpret the Constitution and to determine the relationship of the different organs in the Constitution.

Other important features of our Constitution include declaration of Fundamental Rights. The idea of incorporating a bill of rights in the Constitution has been taken from the Constitution of U.S. Indian Constitution makes each of the Fundamental Rights subject to legislative control. It not only aims at securing political or legal equality but also social equality. Another feature, which was not in the original Constitution but has been introduced by the 42nd amendment, 1976, (by introducing Article 151 A as Part IVA of the Constitution) is Fundamental Duties. The adoption of universal suffrage, without any qualification either of sex, property, taxation or the like is also an important feature of our Constitution.

Check Your Progress 11

- Note :
- i) Use the space below for your answers.
 - ii) Check your answers with those given at end of the unit.

1 The Constitution makers framed the chapter on Fundamental Rights upon the model of:

- a) British Constitution
- b) American Constitution
- c) Canadian Constitution
- d) French Constitution

2 Why is the Constitution of India so lengthy ?

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3 What does Parliamentary Democracy mean ?

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4 What are the essential features of a federal system ?

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5 What does judicial review mean ?

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6.3 POWERS OF CENTRAL GOVERNMENT

Having discussed the special features of the Indian Constitution which have an impact on the federal balance, we shall now turn to the division of powers between the Centre and the States which forms the core of the doctrine of federalism.

The distribution of legislative powers between the Centre and the States has been provided for in the Constitution according to three lists of subjects, these are Union, State and Concurrent. The union list gives the Centre exclusive authority to act in matters of national importance and includes among its ninety seven items, defence, foreign affairs, currency, communication, banking, income taxation and custom duties.

The State list has sixty one entries like law and order, local government, public health, education and agriculture.

There are fifty two entries in the Concurrent list. These include the legal system, trade and industry and economic and social planning. In respect of Concurrent items the laws passed by Central Parliament prevail over those passed by State legislatures.

The residual powers lie with the Union and in conflict between Union and State, the Union law prevails.

Thus, the Constitution gives vast powers to the Central Government as compared to the State governments. During emergency, the Parliament can make laws for the whole or any part of the territory of India with respect to any of the matters, enumerated in the State list. The President, if advised by the Governor, or on his own, feels that the government of the State cannot be carried on in accordance with the provisions of the Constitution may proclaim a state of emergency and assume all executive functions to himself and declare the powers of State Assembly to be under the authority of the Parliament. Even, the Rajya Sabha by a two-third majority can ask the Parliament to make laws on the items in State list for a temporary period.

6.4 ROLE OF COUNCIL OF MINISTERS

At the head of the Union executive stands the President of India and the States, it is the Governor who is the executive head. Though the executive power of the Union is vested in the President, he in practice is aided and advised by the Council of Ministers headed by the Prime Minister. The Union legislature is called Parliament. It consists of the President and the two Houses. The Lower House is called the House of People or 'Lok Sabha'. Entire responsibility of enactment of laws rests with the Prime Minister who heads the Council of Ministers. The Constitution provides that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in exercise of his functions, act in accordance with the advice rendered after such reconsideration (Article 74). While the Prime Minister is selected by the President, the other Ministers are appointed by the President on the advice of the Prime Minister (Article 75(1)).

The number of members of the Council of Ministers is not specified in the Constitution. All the Ministers do not belong to the same rank. They are classified under three ranks.

- a) Cabinet Ministers
- b) Ministers of State
- c) Deputy Ministers

Thus, the Council of Ministers is a composite body, consisting of different categories. The rank of the different ministers is determined by the Prime Minister. He also allocates portfolios among them. Ministers may be chosen from members of either house and a minister who is a member of one house has a right to speak and take part in the proceedings of the other House, though he has no right to vote in the House of which he is not a member. Under the Constitution, there is no bar to the appointment of a person from outside the legislature as minister. But he cannot continue as minister for more than six months unless he secures a seat in either house of Parliament. Though theoretically the function of the Council of Ministers is to only aid and advise the President, practically the vast power provided to the President by the Constitution is actually exercised by Council of Ministers with the Prime Minister as their head.

Our Constitution is based on the concept of collective responsibility. The Council of Ministers is collectively responsible to the lower house of the Parliament. The essence of collective responsibility is that once a decision is taken by the government, it is binding on all the ministers. Ministry as a body, is under a constitutional obligation to resign as soon as it loses the majority in the lower House (House of People) of the legislature.

In practice, the Council of Ministers seldom meets as a body. It is the Cabinet, an inner body within the Council, which makes all the government policies.

6.5 CONSTITUTIONAL AUTHORITIES

The Constitution also provides for the creation of the following statutory authorities :

- 1) The Comptroller & Auditor General of India

- 2) The Commissioner for Scheduled Castes and Scheduled Tribes
- 3) The Commissioner for Linguistic Minorities

6.5.1 Comptroller and Auditor-General of India

With the enactment of the Constitution in 1950, the Auditor General of India was re-designated as Comptroller & Auditor General of India (CAG). The CAG is appointed by the President by warrant under his hand and seal. He can be removed from the Office in the like manner and on the like grounds as a Judge of the Supreme Court.

The CAG is not given re-employment under the State after his retirement, this ensures his independent functioning. His salary, allowances and pension are not subjected to vote of Parliament; these are charged upon the Consolidated Fund of India. The Constitution does not define the terms and conditions of his service and his duties and powers. It is the Parliament that defines them.

The CAG performs such duties and exercise such powers in relation to the audit of accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament. The report of the CAG of India relating to the Union is submitted to the President who causes it to be laid before each house of Parliament. The report relating to State is submitted to the Governor who lays it before the State legislature. Earlier CAG was engaged both in maintenance of accounts as well as audit. Since 1976, the CAG has shed his responsibilities in regard to the compilation & maintenance of accounts. Now he audits all expenditures from the revenues of the Central Government and State governments in and outside India and sees whether the disbursed money shown in the accounts was legally available and whether expenditure conforms to the authority that governs it. So the CAG scrutinises the financial affairs of the executive and submits his report to the parliament to which alone he is responsible. He audits all transactions of the Central and State governments relating to Contingency Fund and Public Accounts. He audits all trading, manufacturing profit & loss accounts and balance sheets in any department of the Centre or of the State and in each case reports on the expenditure, transactions or accounts audited by him. He audits the receipts and expenditure of organisations substantially financed from Central or State revenues.

6.5.2 The Attorney-General of India

The Attorney-General of India is appointed by the President and holds Office during the latter's pleasure. His emoluments and conditions of service are determined by the President. His function is to advise the Central Government upon legal matters as may be referred to him and to carry out duties of a legal character as assigned to him.

The Office of the Attorney-General is one of the offices placed on a special footing by the Constitution. He is the first Law Officer of the Government of India. His duties are—

- i) to give advice on such legal matters and to perform such other duties of a legal character as may, from time to time, be referred or assigned to him by the President, and
- ii) to discharge the functions conferred on him by the Constitution or any law for the time being in force (Article 76).

Though the Attorney-General of India is not a member of the Cabinet, he has a right to speak in the Houses of Parliament or in any Committee thereof, but he has no right to vote.

6.5.3 The Special Officer (Commissioner) for Scheduled Caste/ Scheduled Tribe

The Constitution provides for a special officer for the SC and ST to be appointed by the President. His function is to investigate all matters relating to the safeguards provided for the SC and ST under the Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid down before each House of Parliament.

6.5.4 The Special Officer for Linguistic Minorities

The Special Officer for Linguistic Minorities is appointed by the President to investigate matters relating to the safeguards provided for linguistic minorities under the

Constitution and reports to the President upon those matters. His report is laid before Parliament. The Constitution did not originally provide for this functionary; this came into being when article 350 B was inserted in the Constitution in 1956 (at the time of reorganisation of States).

Check Your Progress 2

- Note: i) Use the space below for your answers at the end of the unit.
- ii) Check your answers with those given at end of the unit.

How many entries are there in the State List?

- a) 65
- b) 64
- c) 61
- d) 68

What does collective responsibility mean?

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What are the duties of Comptroller and Auditor - General of India?

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What are the duties of Attorney - General of India?

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6 CONSTITUTIONAL COMMISSIONS

6.1 Finance Commission

Articles 270, 273, 275 and 280 provide for the constitution of a Finance Commission which recommends to the President measures relating to the distribution of financial resources between the Union and the States. The distribution between the union and the States of the net proceeds of taxes which are to be or may be, divided between them, and the allocation between the States of respective shares of such proceeds. It also determines the principles which should govern the grants-in-aid of the revenues of the States, out of the Consolidated Fund of India and any other matter referred to the Commission by President in the interests of sound finance. The constitution of the Finance Commission is laid down in Article 280. The Commission is constituted by the President every five years. It consists of a Chairman and four members to be appointed by the President. The Chairman must be a person having experience in public affairs, and the other four members must be appointed from amongst the following:

- a High Court judge or one qualified to be appointed as such
- a person having special knowledge of the finances and accounts of the government
- a person having wide experience in financial matters and administration
- a person having special knowledge of economics.

6.2 Election Commission

For conducting free and fair elections, an impartial and independent agency for

conducting elections is needed. For this purpose, Constitution has set up the Election Commission. The Election Commission has to supervise the entire procedure and machinery for election and has to appoint Election Tribunals.

The Election Commission consists of a Chief Election Commissioner and though Constitution provides for other commissioners in the Commission as President may fix from time to time. Till recently no other commissioner has been appointed as a member. Now for the first time, for the ninth Lok Sabha elections, two Commissioners were appointed by the President. The Chief Election Commissioner is appointed by the President. In order to ensure the independence of the Chief Election Commissioner, two provisions have been made.

- i) the conditions of his service shall not be varied to his disadvantage after his appointment and
- ii) he cannot be removed from his office without an impeachment process.

The main function of Chief Election Commissioner is to direct, control and conduct all electoral operations, including preparation of electoral rolls and conduct of all elections to Parliament and State legislature as also of the election of the President and Vice-President. The Election Commission has not only administrative but also some quasi-judicial functions. It has the power to settle the election disputes.

6.6.3 Official Language Commission

The Official language of the Union of India according to our Constitution is Hindi in Devanagari script. The Constitution authorises the President at the expiration of every ten years since the commencement of the Constitution, to constitute a Commission which shall consist of a chairman and other members.

The Official Language Commission makes recommendations to the President as to:

- a) the progressive use of Hindi language for the official purposes of the Union;
- b) restriction in the use of the English language for all or any of the official purposes of the Union
- c) the forum of numerals to be used for any or more specified purposes of the Union;
- d) any other matter referred to the Commission by the President as regards the official language of the Union and the language for communication between the Union and a State or between one State and another and their use. Thus the Official Language Commission tries to establish linguistic harmony within the Union and between the States.

6.6.4 Union Public Service Commission

In India a limited role has been assigned to the Union Public Service Commission (UPSC) in personnel administration. The UPSC is a recruiting agency to the all-India services, and the Central Civil Services—Class I and Class II – the responsibility for staffing lower services and posts rests with the departments concerned. The Constitution endows the UPSC with advisory functions. UPSC is required to submit an annual report of its functioning in which it draws particular attention to the non-acceptance, if any, of its advice by the government, and which is discussed in Parliament.

The UPSC is consulted by the Central Government:

- a) on matters relating to methods of recruitment to civil services and civil posts;
- b) on the principles to be followed in making appointments to civil services and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;
- c) on all disciplinary matters affecting a person serving under the Government of India or the Government of State in a civil capacity, including memorials or petitions relating to such matters;
- d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India, or, as the case may be, out of Consolidated Fund of the State.

) or any claim for the award of a pension in respect of injuries sustained by a person while serving under the government.

The Constitution does not prescribe the number of members of the Commission. It only says that at least half of the members must be government employees with at least ten years governmental experience, that the members would hold Office until the age of sixty five years or for a term of six years whichever comes first, and finally that the Chairman is debarred from accepting any employment under the government of a State while other members are eligible for appointment to only one position, i.e., Chairmanship of either UPSC or a State Public Service Commission.

Check Your Progress 3

- Note: i) Use the space below for your answers.
- ii) Check your answers with those given at the end of the unit.

What are the functions of a Finance Commission ?

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Discuss the role of Official Language Commission in India.

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What is the main function of Chief Election Commissioner ?

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.7 LET US SUM UP

Our Constitution is a borrowed one ; its provisions have been taken from various sources and are properly codified in written form. It is a unique combination of rigidity and flexibility and combines in it both federal and unitary features. The legislative powers are divided between the Union and the States in accordance with three lists, Union, State and Concurrent. Formally, the executive power is vested with the President, but in practice it is the Council of Ministers headed by the Prime Minister who have the real powers of policy making. There are various constitutional authorities and commissions which see that work of the government is carried on in a just manner and according to the provisions underlying the Constitution.

.8 KEY WORDS

Impeachment Procedure : It is one of the ways of removal of the President of India, the judges of the Supreme Court, Comptroller and Auditor-General of India and the Chief Election Commissioner. According to this procedure, a resolution containing the proposal is moved after a 14-day notice in writing signed by not less than 1/4 of the

total number of members of either house of Parliament and passed by 2/3 of the total membership of the House.

Ratification : To give formal approval or consent.

Residual powers : The power to legislate with respect to any matter not enumerated in any one of the three lists in Union legislature and the final determination as to whether particular matter falls under residual power or is that of the courts.

Right to secede : Right of formal withdrawal of membership from the Union by the States. Indian states do not have a right of secession.

6.9 SOME USEFUL BOOKS

Basu, D.D. 1985, *Introduction to the Constitution of India*; Prentice Hall of India Private Ltd.: New Delhi.

Kapur, A.C., 1970, *Selection Constitutions*; S. Chand and Company: New Delhi.

Narang, A.S., 1985, *Indian Government and Politics*; Gitanjali Publishing House: New Delhi.

Pyle, M.V., 1984 (4th Ed.) *Constitutional Government in India*; S. Chand and Company Ltd.: New Delhi.

6.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 b)
- 2 Your answer should include the following points :
 - Our Constitution embodies the modified results of judicial decisions in other countries
 - Detailed provisions
 - Vastness of the country
 - Peculiar problems of the country
- 3 Your answer should include the following points :
 - Executive is a part of Legislature
 - Executive is responsible to the legislature
- 4 Your answer should include the following points :
 - Presence of two governments—at the national and state levels
 - Fusion of several states
 - Federal state derives existence from the Constitution
 - States do not have right to secede
 - Division of powers between Centre and the States
- 5 See Sub-Section 6.2.5

Check Your Progress 2

- 1 c)
- 2 See Section 6.4
- 3 See Sub-Section 6.5.1
- 4 See Sub-Section 6.5.2

Check Your Progress 3

- 1 Your answer should include the following points :
 - Finance Commission sees to the distribution between the Union and the States of the net proceeds of taxes
 - principles which determine grants-in-aid.
- 2 Your answer should include the following points :
 - Official Language Commission makes recommendations on the progressive use of Hindi language
 - Restriction in the use of English language for official purposes.
 - The forum of numerals to be used
- 3 See Sub - Section 6.6.2

UNIT 7 CENTRAL SECRETARIAT: ORGANISATION & FUNCTIONS

Structure

- 7.0 Objectives
- 7.1 Introduction
- 7.2 Evolution of Central Secretariat
 - 7.2.1 Meaning
 - 7.2.2 Role
- 7.3 Functions of Central Secretariat
- 7.4 Structure of Secretariat
 - 7.4.1 Department/Ministry
- 7.5 Functions of different Grades of Officers of the Secretariat
- 7.6 Tenure System
- 7.7 Executive Agencies
 - 7.7.1 Meaning
 - 7.7.2 Classification
 - 7.7.3 Relation between Executive Agencies and the Secretariat
- 7.8 Subordinate Offices
- 7.9 Let Us Sum Up
- 7.10 Key Words
- 7.11 Some Useful Books
- 7.12 Answers to Check Your Progress Exercises

7.0 OBJECTIVES

After you have read this unit you should be able to :

- explain the meaning, role and functions of the Central Secretariat
- describe the structure and functions of different grades of officers of the Secretariat
- explain the significance of the tenure system
- explain the meaning and classification of Executive Agencies.
- describe the relation between Executive Agencies and the Secretariat.

7.1 INTRODUCTION

The Central Secretariat stands for the complex of departments or ministries whose administrative heads are designated as Secretaries and whose political heads are ministers. In this unit, we shall briefly trace the evolution of the Secretariat, and describe its structure and functions. The tenure system, and the staffing of the Secretariat will also be discussed. Under the Secretariat there is a network of agencies which are responsible for the execution of the government policies. The relation between these agencies and the Secretariat will also be explained in this unit.

7.2 EVOLUTION OF CENTRAL SECRETARIAT

To begin with, the Secretariat in India referred to the office of the Governor-General in British India. However, the size of the Central Secretariat and the scope of its activities have undergone considerable change over the last two hundred years of its evolution in keeping with the changes in the aims, objectives and nature of the central government in India.

At the end of the eighteenth century the central government consisted of a Governor-General and three Councillors, and the Secretariat of four departments. Each of them

was under a Secretary, and there was a Chief Secretary heading them all. A hundred years later, on the eve of the Montford Reforms in 1919, the government of India consisted of a governor-general and seven members and there were nine secretarial departments. This number remained the same till the outbreak of the Second World War in 1939.

Prior to 1919, the central government, while administering certain subjects directly like the army, posts and telegraphs and railways, had by and large left the task of implementation of other subjects to the local provincial governments.

A major change came in the above position with the inauguration of the reforms of 1919 which, for the first time, made a division of functions between the Central and provincial governments. Both the Central and provincial governments became responsible for both policy and administration. As a result, the role of the secretariat began to change from a merely policy-formulating, supervising and coordinating agency to that of an executive agency as well. The inauguration of provincial autonomy in 1937 and the outbreak of the Second World War accelerated the above process. In consequence, there was a four-fold increase of the Central Secretariat and its total strength rose to about two hundred.

The Government of India was still struggling with the post-war problems of demobilisation and reconstruction, when Independence came, accompanied by the partition of the country. At its very inception, therefore, the new government found itself faced with tremendous problems like rehabilitation of refugees from Pakistan, external aggression in Jammu & Kashmir, integration of princely states into the Indian Union, internal security, shortage of essential articles, at a time when there occurred serious shortage of personnel due to the British Officers returning home and many Muslim officers opting for Pakistan. Soon after, the adoption of the goal of a welfare state made unprecedented demands on the already over-burdened administrative machinery. At the same time, the Industrial Policy Resolution of 1948 started the process of a vast expansion of the public sector. The inevitable consequence of such a vast expansion, in the functions and responsibilities of the government was a marked increase in the number of departments, and personnel. Thus, the number of departments in the secretariat which stood at 4 in 1858, (9 in 1919, 10 in 1939, 18 in 1947) had risen to 51 by 1973. Similarly, the number of attached/sub-ordinate offices, which hardly numbered 20 in 1947, had risen to over 70 by 1963 and about 100 by 1973.

7.2.1 Meaning

The Central Secretariat, occupies a key position in Indian administration. The Secretariat refers to the conglomeration of various ministries/departments of the central government. The Secretariat works as a single unit with collective responsibility as in the case of the Council of Ministers. Under existing rules, each secretariat department is required to consult any other department that may be interested or concerned before disposing of a case. Secretaries, thus, are secretaries to the Government as a whole and not to any particular minister.

7.2.2 Role

The Secretariat assists the ministers in the formulation of governmental policies. Ministers finalise policies on the basis of adequate data, precedents and other relevant information. The Secretariat makes these available to the minister, thus enabling him to formulate policies. Secondly, the Secretariat assists the ministers in their legislative work too. The Secretariat prepares legislative drafts to be introduced in the legislature. It engages in the collection of relevant information for answering parliamentary questions, and, also, for various parliamentary committees. Fourthly, it carries out a detailed scrutiny of a problem bringing an overall comprehensive viewpoint on it, getting approval, if required, of other lateral agencies like the Ministry of Law and the Ministry of Finance; and also, consulting, other organisations concerned with a particular matter. The Secretariat is the clearing house preliminary to governmental decisions. Fifthly, it functions as the main channel of communication between the Government and other concerned agencies like the Planning Commission, Finance Commission, etc. And lastly, the Secretariat also ensures that field offices execute, with efficiency and economy, the policies and decisions of the Government.

7.3 FUNCTIONS OF CENTRAL SECRETARIAT

The Central Secretariat system in India is based on two principles.

- 1 The task of policy formulation needs to be separated from policy implementation.
- 2 Maintaining Cadre of Officers operating on the tenure system is a prerequisite to the working of the Secretariat system.

The Central Secretariat is a policy making body of the government and is not to undertake work of execution, unless necessitated by the lack of official agencies to perform certain tasks. The Central Secretariat normally performs the following functions.

- 1 Assisting the minister in the discharge of his policy making and parliamentary functions.
- 2 Framing legislation, rules and principles of procedure.
- 3 Sectoral planning and programme formulation.
- 4 a) Budgeting and control of expenditure in respect of activities of the ministry/department and.
b) Securing administrative and financial approval to operational programmes and their subsequent modifications.
c) Supervision and control over the execution of policies and programmes by the executive departments or semi-autonomous field agencies.
d) Initiating steps to develop greater personnel and organisational competence both in the ministry/department and its executive agencies.
e) Assisting in increasing coordination at the Central level.

Check Your Progress - I

- Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the chapter.

1. What are the role and objectives of the Central Secretariat?

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2. What are the functions generally performed by the Central Secretariat?

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7.4 STRUCTURE OF SECRETARIAT

The Central Secretariat is a collection of various ministries and departments.

A ministry is responsible for the formulation of the policy of government within its sphere of responsibility as well as for the execution and review of that policy. A ministry, for the purposes of internal organisation, is divided into the following sub-groups with an officer in charge of each of them.

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|------------|--|
| Department | — Secretary/Additional/Special Secretary |
| Wing | — Joint/Additional Secretary |
| Division | — Deputy Secretary |
| Branch | — Under Secretary |

The lowest of these units is the section in charge of a Section Officer and consists of a number of assistants, clerks, typists and peons. It deals with the work relating to the subject allotted to it. It is also referred to as the Office. Two sections constitute the branch which is under the charge of an under secretary, also known as the branch officer. Two branches ordinarily form a division which is normally headed by a deputy secretary. When the volume of work in a ministry exceeds the manageable charge of a secretary, one or more wings are established with a joint secretary in charge of each wing. At the top of the hierarchy comes the department which is headed by the secretary himself or in some cases by an additional/special secretary. In some cases, a department may be as autonomous as a ministry and equivalent to it in rank.

7.4.1 Department/Ministry

The distinction between 'department' and 'ministry' may be explained by referring to 'ministry' as the minister's charge and 'department' as the secretary's charge. Although a ministry stands for the minister's charge, its administrative divisions are not uniform. A ministry may not have a department; or may have one or more than one department in which it is formally divided.

While a department may be referred to as the secretary's charge, all secretaries, although they get the same salary, are not necessarily of equal 'rank'. A Ministry may have two or more secretaries, each in charge of a specified segment of the Ministry's work, or of a department in it, but there is, in addition, one Secretary who is head of, and represents, the entire ministry. Although all of them are secretaries, the former are subordinate to the latter who, in addition to his own work, coordinates the work of these secretaries of departments/segments of work within the ministry.

7.5 FUNCTION OF DIFFERENT GRADES OF OFFICERS OF THE SECRETARIAT

At present the grades of officers in the Central Secretariat are as follows :

- 1 Secretary.
- 2 Additional Secretary
- 3 Joint Secretary
- 4 Deputy Secretary
- 5 Under Secretary.

The first three grades constitute what in administrative parlance may be called 'Top Management' while the grades of deputy secretary and under secretary, are referred to as the 'Middle Management'. The Secretary is the administrative head of the ministry/department and the principal adviser to the Minister. He represents his ministry/department before the committees of Parliament.

He is supposed to keep himself fully informed of the work of his ministry/department by demanding weekly summaries on the nature of cases disposed of by lower levels and the manner of their disposal.

Where the charge of a Secretary is too large, he may be assisted by a joint or additional secretary who formally functions as Secretary in relation to the subject allotted to him in the ministry/department. The function of the latter is to relieve the Secretary of a bloc of work and to deal, where necessary, direct with the minister. The Secretary, however, is invariably kept informed on all these direct dealings with the minister, for he is not formally relieved of his responsibility as head of the ministry/department.

The deputy secretary is an officer who, as his designation implies, acts on behalf of the Secretary. He should dispose of as many cases as possible on his own. Only on more important cases he should—in fact must—seek the Secretary's instruction either by referring to him in writing or discussing with him orally.

The under secretary should dispose of minor cases on his own. He should submit more important matters to the deputy secretary in such a form that the latter is able to deal with them quickly.

It must be stressed here that the functionaries at these different levels are supposed to perform their functions, keeping in mind the interests of the Government of India as a

whole. The Secretary in other words, is the Secretary to the Government of India, not to his minister alone. This is true of lower levels as well.

7.6 TENURE SYSTEM

The system of filling senior posts in the Secretariat by officers who come from the States (or from the central services) for a particular period and who after serving their tenure, revert back to their parent States or services is known as the tenure system. It has been a principle of Secretariat staffing since 1905 and continued by the Government of India, even after Independence. The reasons for the continuance of the system may be summed up as follows :

1. A joint pool of officers at the reserve of both the centre and the states helps in administrative coordination at the centre and state level and exercises a unifying influence on the functioning of our federal policy.
2. The Central Secretariat benefits from the administrative experience of a number of bureaucrats who have first hand work experience at the district and state levels.
3. A prolonged stay in the Secretariat may get senior bureaucrats out of touch with actual administrative reality at the field level. The tenure system enables them to get a constant feedback from the field and from the general public.
4. The states also benefit from having at their service senior experienced officers with a wide national perspective on all problems.
5. Under the tenure system most officers are promised a chance of work at the Secretariat thus equalising opportunities for all.
6. It strengthens the independence of the civil service. It is a check against the possible dangers of subservience by a few to the political masters for narrow personal gains.

Though the tenure system is still in operation many arguments have been put forth against it. They may be briefly summarised as below :

1. Bureaucratic work in the Secretariats is gradually becoming specialised. The tenure system is essentially based on the myth of the superior efficiency of the generalist civil servant.
2. District experience is really not necessary in many areas of Secretariat work.
3. The tenure system has led to the bureaucrats getting too dependent on the office establishment to get things done. This had led to "over bureaucratisation" of the Secretariat.

The tenure system, however was never prevalent in all the departments of the Government of India. Foreign Affairs, Indian Audit and Accounts, Post and Telegraphs, Customs and Income Tax Departments had been the well-known exceptions even during the British period. The creation of the Central Secretariat service has, thrown a new challenge to this practice (even in departments where tenure system officially operates). The specialists whose numbers are increasing in the Secretariat are also not subject to rotation to areas away from the Secretariat. The creation in 1957 of the Central Administrative Pool has also made a significant impact on the system. This 'Pool' was established by the selection of officers from the Indian Administrative Services. There are two categories of posts in it—general purpose and specialised. The 'Pool' system was meant to overcome the uncertainties in the matters of quality and quantity inherent in the tenure system. Finally despite the tenure system, there are numerous officers in the Secretariat who have never gone back to their parent States. Therefore the original intention of the tenure system does not necessarily hold good in the changed conditions today.

Check Your Progress 2

Note: i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

What are the functions of the Joint Secretary and the Under Secretary, in the Government of India?

2 What are the disadvantages of the tenure system ?

7.7 EXECUTIVE AGENCIES

All over the country, there are various types of administrative agencies which are meant to carry out the policies of the government as decided upon in the secretariat. Such agencies are called executive agencies and can be grouped into various categories as discussed below.

7.7.1 Meaning

Under the Secretariat there are a network of agencies which are responsible for the execution of government policies. With the steady expansion in, and increasing complexity of, the governmental functions, the executive agencies have been variously organised to suit the requirements of the job.

7.7.2 Classification

The executive agencies may be classified into the following types :

- i) An attached office (e.g. The Indian Council of Agricultural Research, New Delhi).
- ii) Subordinate office (e.g. Inspectorate of Explosives, Nagpur).
- iii) Departmental undertaking (e.g. Ordnance Factories).
- iv) A company registered under the Companies Act, (e.g. Hindustan Steel Limited).
- v) A Corporation or Board set up under a special statute (e.g. ONGC, Tea Board etc.).
- vi) A society registered under the Societies Registration Act (e.g. Institute of Foreign Trade).

There are also instances of executive agencies functioning as an integral part of the ministry itself (e.g. Directorate of Exhibition in the Ministry of Commerce). These are however exceptions.

7.7.3 Relation between Executive Agencies and the Secretariat

The existence of Secretariat as an entity separate from the executive agencies is based on the belief that the task of policy making needs to be separated from that of its execution. Development administration must necessarily move towards decentralisation which means that effective power and authority must be possessed by the executive agencies. Though the number of executive agencies have steadily risen over the years there has not been an increase in their power corresponding to their responsibilities. It is common knowledge that the Secretariat performs a lot of policy executing tasks of an original nature which could readily be passed on to the executive agencies. However what needs to be noted is that the relations between the Central Secretariat and the executive agencies have been quite strained and tension-ridden instead of gradually becoming cooperative and amiable.

There are six principal patterns of relationship developed at the Central level, between the Secretariat and the executive agencies. These may briefly be discussed here :

There is complete merger between the ministry and heads of executive departments. The examples are the Railway Board and the Ministry of Railways, the Posts and Telegraphs Board and the Ministry of Communications. This pattern is most suitable for organisations undertaking work of an operational or commercial nature.

In the second pattern, a senior officer of the ministry concurrently operates as head of the executing department. In this way he becomes responsible both for formulation of policies and for its implementation with the assistance of the common office located in the Ministry. The Additional Secretary in the Department of Agriculture is the Director-General of Food. But the main disadvantage of this pattern is that the system completely blurs the functions of the Secretariat and the head of an executive department.

The ministry's Office is merged in the office of the executive department. The common office serves both the Secretariat offices and the officers of the executive office.

The advantages of this arrangement are that any administrative proposal is examined only once, thus expediting the disposal of cases, and, secondly it results in sizeable economy—office maintenance becomes more economical.

The ministry and the executive department continues to have separate offices but have common files and common file bureau, all located in the organisation of the executive agency. This pattern has significant advantages but it does not do away with the problems of separate offices with duplicate staff and double scrutiny. A good example is the Ministry of Defence and the Air Force Headquarters.

The ministry and the executive departments continue to have separate offices and separate files but the head of the Executive Office is given an ex-officio Secretariat status. Thus, the Textile Commissioner is the ex-officio Joint Secretary in the Ministry of Commerce.

This pattern has the following advantages :

Under this arrangement, there is considerable saving of time as well as of paper work, as every matter does not travel up to the Secretariat for finalisation. Also, the accepted policy is implemented in a more efficient manner, as the head of the office, because of his secretariat status is fully aware of the background in which the policy was framed.

Its major drawback, however, is that it goes against the fundamental principle of secretariat system, namely, policy-making must remain separated from policy implementation.

Both the Ministry and the executive agency have separate and distinct offices and files of their own, and consultation between them occurs through self-contained letters. This is the standard pattern both at the Centre and in the States. This pattern is based on the dichotomy between staff and line. The ministry is Staff: the executive office is Line.

An example is the Directorate-General of All India Radio in relation to the Ministry of Information and Broadcasting.

In other words, in this pattern, a wider perspective is brought to bear on the consideration of a proposal. Secondly, it is always desirable to have a specialist's view scrutinised by a layman. Thirdly, this arrangement provides for a division of labour between the Secretariat and the executive agencies. The former concentrates on policy-making and the latter on the execution of the policy. The disadvantages of this arrangement is that, this scheme is processed twice in two different offices. This involves duplication of work and causes delay.

This pattern has thus advantages as well as disadvantages. No hard and fast rules can be laid down regarding the pattern of relationship which could be appropriate to a particular sphere of governmental activity. The pattern has to be so tailored as to suit the nature of activities or the past experience of the organisations. Nevertheless, neither absolute separation nor absolute merger of both is normally desirable.

7.8 SUBORDINATE OFFICES

A Subordinate Office functions as the field establishment or as the agency responsible for the detailed execution of the decisions taken by the Government. A Subordinate Office normally functions under an Attached Office. But where there is no Attached Office under a ministry, it operates directly under the ministry. The criteria of classifying a certain organisation as the Attached Office and another one as the Subordinate Office are neither well-defined nor consistently followed.

Although it is the Subordinate Office which is responsible for the execution of the policy or decisions of the Government, it has been accorded a distinctly inferior status, as is indicated by the label, "Subordinate". The pay scales of personnel in the Subordinate Offices are the lowest; and their future prospects are not bright. The employees in these offices very often do the same type of work and possess the same qualifications as the Secretariat personnel. Despite that, the Subordinate Offices, continue to be accorded an unreasonably lower status.

Check Your Progress 3

Note: i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

1 What are Subordinate Offices ?

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2 Explain the relationship between the executive agencies and the Secretariat.

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7.9 LET US SUM UP

In this unit you have read about :

- The evolution of the Central Secretariat.
- Its meaning, role and functions.
- The structure and functions of different grades of officers at the Secretariat.
- The tenure system.
- The meaning and classification of executive agencies.
- The relation between executive agencies and the Secretariat.

7.10 KEY WORDS

Amiable : agreeable

Precedents : standard

Sectoral Planning : Under sectoral planning, specific sectors are kept in mind while planning e.g. planning for agricultural sector, industrial sector.

Subservience : serving as a means to an end.

7.11 SOME USEFUL BOOKS

- Avasthi, A., 1980. *Central Administration* ; Tata McGraw Hill : New Delhi.
- Chanda, Ashok; 1967. *Indian Administration* ; Allen and Unwin : London.
- Chera, S.S. 1975. *The Central Executive* ; Orient Longman : New Delhi.
- Maheshwari, S.R., 1986. *Indian Administration* ; Orient Longman : New Delhi.
- Misra, B.B. 1986. *Government and Bureaucracy in India 1947-76* ; Oxford University Press, Delhi.

7.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

Your answer must include the following points :

- Meaning of Central Secretariat
- Evolution of Central Secretariat
- Role at the time of independence
- Role after the independence.

Your answer must include the following points :

- Assistance to Ministers
- Framing Legislation
- Control of expenditure with respect to departmental activities
- Supervision and control over executive departments.

Check Your Progress 2

Your answer must include the following points :

- five grades of officers in the Central Secretariat
- role of the Joint Secretary
- role of the Under Secretary.

Your answer should include the following points :

- Meaning of tenure system
- Reasons for its continuance
- Disadvantages of the tenure system.

Check Your Progress 3

Your answer should include the following points :

- Meaning of subordinate offices
- Types of subordinate offices
- Role of subordinate offices.

Your answer should include the following points :

- Six principal patterns of relationship
- Advantages and disadvantages of each pattern.

UNIT 8 PRIME MINISTER'S OFFICE AND CABINET SECRETARIAT

Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Powers and Functions of Prime Minister
- 8.3 Institutional Support to Prime Minister
- 8.4 Evolution of Prime Minister's Office
 - 8.4.1 Organisation
 - 8.4.2 Functions
- 8.5 Changing Role of Prime Minister's Office
- 8.6 Cabinet Secretariat
 - 8.6.1 Evolution of Cabinet Secretariat in India
 - 8.6.2 Organisation & Functions
- 8.7 Role of the Cabinet Secretary
- 8.8 Cabinet Committees
 - 8.8.1 Size
 - 8.8.2 Functions and Role
- 8.9 Let Us Sum Up
- 8.10 Key Words
- 8.11 Some Useful Books
- 8.12 Answers to Check Your Progress Exercises

8.0 OBJECTIVES

After studying this unit, you should be able to :

- explain the structure, changing role, functions and significance of the Prime Minister's Office in providing institutional support to the Prime Minister in his public activities and governmental functions
- describe the evolution of the Cabinet Secretariat in India, its organisation and functions
- describe the role and functions of the Cabinet Secretary and the Cabinet Committees.

8.1 INTRODUCTION

The most distinctive feature of the Indian Constitution is the parliamentary system of government. It provides the basic organisational setting in which public policies are formulated. Essentially this system of government means that there is (i) a Parliament directly elected by the people on party lines (ii) a Council of Ministers chosen by the Prime Minister who is head of the state but exercises executive power on the advice of the Prime Minister. The real executive is the Prime Minister and his Council of Ministers. In this unit, we shall describe the various bodies which provide institutional support to the Prime Minister in his official and policy making functions.

8.2 POWERS AND FUNCTIONS OF PRIME MINISTER

Being the head of the Council of Ministers, and therefore of the Cabinet, the

Constitution authorises the Prime Minister to advise the President about the appointment of ministers and to act as a link between him and the administration. As the leader of the political executive, the Prime Minister is expected to provide direction in policy formulation to ensure administrative efficiency, and to establish liaison with the people and Parliament.

As the chief executive, his functions may briefly be described as determining the main lines of administrative policy, issuing necessary directions and orders, coordinating organisational details, controlling the management of finance, appointing and removing of personnel, supervising and controlling administrative operations, and conducting public relations.

The Prime Minister's main role in regard to administrative management in government consists in identifying capabilities of his colleagues and senior officials, and stimulating action and teamwork in organisation and method.

8.3 INSTITUTIONAL SUPPORT TO THE PRIME MINISTER

Institutional arrangements have evolved over the years in the form of secretarial agencies or thinking cells to give direct assistance to the Prime Minister in his official functions. The main institutions involved in helping the Prime Minister in decision making in the realm of politics and administration have, since Independence, been the Cabinet Committees, the Cabinet Secretariat and the Prime Minister's Office.

3.4 EVOLUTION OF PRIME MINISTER'S OFFICE

The Prime Minister's Office came into existence after India became independent. The Prime Minister's Secretariat, as it was then known, provided the Secretarial assistance rendered by the Prime Minister in his public activities and functions as the head of the Government. In 1948-49, during the Premiership of Nehru, the office staff included a modest number of 117 members, which steadily increased over a period of time. During the Bahadur Shastri era, the Prime Minister's Secretariat emerged as a regular department under a full fledged Secretary and its influence in top-level policy making increased. It was however during Indira Gandhi's Prime Ministership from 1966 to 1977 that the Prime Minister's Secretariat not only swelled in size but in power and authority as well. The Prime Minister's Secretariat had a personnel of about 200 in 1968-69 and during the internal emergency of 1975-77, emerged as a real centre of extra-constitutional power and authority.

During the Janata regime (1977-80) the Prime Minister's Secretariat was cut down to size both in terms of number and authority. In June 1977 the Prime Minister's Secretariat was renamed as the Prime Minister's Office. Though the number of its personnel has again been growing steadily in the last ten years, the office now maintains a low public profile, assisting the Prime Minister in his public activities rather than ways attempting to exercise extra-constitutional power and authority.

4.1 Organisation

The Prime Minister's Office consists of six to eight key people. There are several other positions meant to obtain information or provide papers or profiles of the developing national and international situation in sensitive areas.

The background and experience of the key personnel in the Prime Minister's Office is stated in a formal manner and the incumbents are appointed in this office to essentially provide "secretarial help" to the Prime Minister. It has a Secretary who may or may not come from the civil service. Other personnel are generally drawn from the civil service and posted for varying periods. The work is shared between the Secretary, the Additional Secretary, Joint Secretaries, the Deputy Secretary and other

personnel. Being a small office and because they should interact freely among themselves, no fixed duties are laid down for the members of staff. The division of work is made according to the convenience and experience of the staff in the office.

8.4.2 Functions

The main task of the secretariat is to help the Prime Minister in the performance of his functions as the head of the government. It is responsible for assisting him in maintaining, on the official side, liaison with union ministers, the president, governors, chief ministers, representatives of foreign governments in India and others; and, on the public side, in handling various requests or complaints from members of the public addressed to the Prime Minister. In general, the jurisdiction of the Secretariat may be said to extend over all such subjects and activities which are not specially allotted to any individual ministry/department. It also prepares answers for questions raised in parliament on some general subjects which could not, on strict classification, be allotted to any particular ministry.

However, the Prime Minister's Secretariat is not responsible for functions devolving on the Prime Minister in his capacity as the head of the Cabinet, except to the extent to which matters are handled in personal correspondence between him and individual ministers, or for handling correspondence either relating to party policies or of a domestic nature.

8.5 THE CHANGING ROLE OF THE PRIME MINISTER'S OFFICE

The role of the Prime Minister's Office has evolved and varied from Prime Minister to Prime Minister. Under Nehru the size of the office was limited, so was its role. Under his tenure, a greater reliance on the Ministries and their advisers seems to have been a characteristic way of working and the Cabinet Secretary provided a primary link. In subsequent periods the Prime Minister's Secretariat has been performing some of these functions, though all Cabinet matters must go through the Cabinet Secretariat. Demarcation between the two is not rigid and indeed it cannot be so.

It was Nehru's successor Shastri, who took the first step towards establishment of a powerful Secretariat. He appointed L.K. Jha as the secretary to the Prime Minister and he became the head of the Secretariat. Jha's powerful and dynamic personality raised the status and stature of the Secretariat and also added to its tasks. Under Jha's stewardship the Prime Minister's Office started commanding a formidable influence in the making of decisions, a trend which got further strengthened during Indira Gandhi's Prime Ministership. At the time of assuming office she had a very limited experience of administration, hence her dependency on her Secretariat became greater, specially, on complex economic and foreign policy issues. Mr. L.K. Jha was succeeded by Mr. P.N. Haksar under whom the Prime Minister's Secretariat grew to such an extent that it became an independent executive force. Much of the domestic and foreign policy took shape at the secretariat and a lot of authority came to be concentrated in the Prime Minister's Office. This became all the more marked during the period of the Internal Emergency (1975-1977) which ushered in an era of authoritarian Prime Ministerial rule. As a consequence the Prime Minister's Secretariat became the focus of all authority and its writs began to be obeyed by all central ministries, departments and other executive agencies. During Indira Gandhi's reign the Prime Minister's Secretariat virtually became a national policy formulation body and the Cabinet Secretariat its enforcement arm.

During the Janata period, an effort was made to diffuse the existing concentration of power in the Prime Minister's Secretariat and reduce it to the status of a mere "Office" whose functions were merely secretarial in nature. As a result the Secretariat was divested of its various policy making cells.

However in the last eight years there is a noticeable trend towards concentration of policy-making power in the Secretariat, once again. There remains a feeling often articulated by the opposition and newspapers from time to time that the Prime Minister's Secretariat is in fact a "micro-cabinet," since it often attempts to supplant the Cabinet in all major policy making functions.

located in the Ministry of Finance should be treated as a part of the Cabinet Secretariat and called it Economic Wing. The Economic Wing was intended to develop eventually into a Central Economic Office. However, the proposal did not materialise, and it was decided that the work done by the Economic Wing should be transferred to the Finance Ministry which had already set up a Central Economic Office. Early in the same year the work relating to the Joint Communication - Electronics Committee, which was a sub-committee of the Chiefs of Staff Committee was transferred from the Ministry of Defence to the Cabinet Secretariat and attached to its Military Wing.

Organisation and Method Division (O&M) of the Government of India started functioning in March 1954, continued to remain as a separate wing of the Cabinet Secretariat till 25 March, 1964, when a new department called Administrative Reforms was set up in the Ministry of Home Affairs and the O & M Division was transferred to this new department. It was decided on 15 February, 1961 that the Central Statistical Organisation, an attached office of the Cabinet Secretariat, should be given the authority and status of a department of the government. Accordingly the Department of Statistics was created in April 1961 as a part of the Cabinet Secretariat with adequate authority to consider statistical methods; to advise on and issue general directions regarding the setting up of standards, norms and methods of data collection to all central and state agencies; and to deal with references from them on such questions. This department had under it two attached offices, namely, the Central Statistical Organisation and the Computer Centre. In addition, it had one subordinate office—the Directorate of National Sample Survey. This department, however, was later taken out of the cabinet secretariat.

With the Chinese aggression in October 1962 and the consequent declaration of a state of national emergency, the cabinet decided to set up an Emergency Committee. To provide secretarial assistance to the Emergency Committee, an Emergency Wing was created in the Cabinet Secretariat.

In July 1965 a new wing, known as the Intelligence Wing, was added to the Secretariat to provide secretariat assistance to the Joint Intelligence Committee. Following the armed conflict with Pakistan in September 1965, the cabinet decided on 7 October that a Unit called the Directorate-General of Resettlement, should be set up in its secretariat for the formulation and implementation of schemes of relief and rehabilitation in the areas affected. This Unit functioned under the overall guidance of the Committee of Secretaries headed by the Cabinet Secretary. This Unit was later abolished and residuary work transferred to the Department of Rehabilitation on 1 July, 1966. In January 1966 the Bureau of Public Enterprises was shifted from the Ministry of Finance to the Cabinet Secretariat but was soon re-transferred to the ministry.

Perhaps the most important change made, as a result of the recommendations of the Administrative Reforms Commission, was the creation of a Central Personnel Agency in the Cabinet Secretariat in August 1970 and the transfer of the Department of Administrative Reforms from the Home Ministry to the Cabinet Secretariat in February 1973.

The issue of the location of the Central Administrative Reforms Agency however proved to be controversial. When the Government of India decided to set up an Organisation and Method Agency, there was a controversy as to its location. Both Home and Finance Ministries put forward their claims, but it was ultimately decided to locate it in the Cabinet Secretariat. But the Home Ministry ultimately succeeded after an interval of ten years to get the Organisation and Method Agency shifted from the Cabinet Secretariat to the Home Ministry with the elevated status of a department. However, again after nearly a decade the Department of Administrative Reforms was once again located in the Cabinet Secretariat in 1973. But, during the Janata Government period the Department of Personnel and Administrative Reforms was again transferred back to the Ministry of Home Affairs in 1977, where it remained since then.

8.6.2 Organisation and Functions

The organisation of the Cabinet Secretariat and its role has been constantly shifting with the reorganisation of the executive functions of the union government. This has been amply borne out by the above description of the origin and growth of this organisation.

The Cabinet Secretariat is organised in three wings — the Civil Wing, the Military Wing and the Intelligence Wing. The main Civil Wing provides secretarial machinery for the cabinet. It provides secretarial services for the various standing committees and ad hoc committees of the cabinet and also to a number of committees of secretaries which function under the chairmanship of the Cabinet Secretary. It also deals with the framing of the Rules of Business of the union government. The Military Wing is responsible for all secretarial work connected with the meetings of the Defence Committee, National Defence Council, Military Affairs Committee and a number of other committees concerned with defence matters. The Intelligence Wing concerns itself with matters relating to the Joint Intelligence Committee of the Cabinet. In addition to the three wings there is a Joint Communication Electronics Committee located in the Cabinet Secretariat.

The efficiency of the Cabinet depends to a large extent on the Cabinet Secretariat whose duty is to prepare in a meaningful way the agenda of the Cabinet meeting, to provide information and material necessary for its deliberations, and of drawing up records of the discussions and decisions both of the Cabinet and its committees. It also oversees the implementation of the necessary decisions by the ministries concerned. This last function involves the calling of information from various ministries and departments. It keeps the President, the Vice-President and all the Ministries informed of the major activities of the Government conducted in several ministries by circulating monthly summaries and brief notes on important matters. It services the Committees of Secretaries which meet periodically under the chairmanship of the Cabinet Secretary to consider and advise on problems requiring inter-ministerial consultation and coordination. It finalises the Rules of Business and allocates the business of the Government of India to the ministries and departments under the direction of the Prime Minister and with the approval of the President. In addition, the Cabinet Secretariat supplies secretarial assistance to Cabinet Committees. The head of the Cabinet Secretariat is the Cabinet Secretary.

3.7 ROLE OF THE CABINET SECRETARY

The office of the Cabinet Secretary and its functions have evolved over a period of time. He is a member of the civil service and presides over the committees of secretaries. These committees examine inter-ministry matters, and issues that concern the Government as a whole. Certain matters are referred to them by the Cabinet as well. The committees, however, recommend a decision to the concerned Ministry; they do not decide.

All senior appointments in the Government are directly handled by the Cabinet Secretary. From the early 1950s, the practice followed is that the Cabinet Secretary usually does not prepare papers for the Cabinet or its committees, nor does he take upon himself the responsibility for a comprehensive scrutiny of the agenda papers for the Cabinet. All that he does is to ensure that the notes are self-contained and that appropriate details for discussion are provided, occasionally seeking clarification or raising points for modification with the ministry concerned.

The Cabinet Secretary is present in all meetings of the Cabinet and its committees. He is responsible for preparing the agenda, priorities of items and allocation of subjects to Cabinet committees. These are approved by the Prime Minister. In these matters the Cabinet Secretary has to exercise his judgment taking into account the national priorities and what is considered important by the ministries. The Cabinet minutes are prepared by the Cabinet Secretary and decisions communicated to the ministries by him.

The Cabinet Secretary has to play varied roles. He must keep track of urgent problems in socio-economic and political aspects, on bottlenecks in the implementation of Government programmes, on issues that the Prime Minister should know urgently and matters requiring his decisions. The Cabinet Secretary must use his discretion in all these matters and keep himself up-to-date with relevant data. As there are no fixed sources for such data, and, indeed, there could not be, the interpersonal skills of the incumbent and the confidence he evokes are two important requirements of the job.

Check Your Progress 2

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of this unit.

- 1 Describe the evolution of the Cabinet Secretariat in India.

- 2 Describe the role and significance of the post of the Joint Secy. of the Secy.

8.8. CABINET COMMITTEES

The Cabinet makes use of the committee system to facilitate decision-making in specific areas. The Business Rules provide for the constitution of standing committees of the Cabinet to ensure speedy decisions on vital questions of political and economic significance and other matters of importance as also to ensure coordination in well-defined fields of administration. These committees change according to the requirements of the situation and occasionally ad hoc committees are appointed.

8.8.1 Size

The number of such committees has been changing from time to time and no outsider could tell exactly what the existing committees are at a given time.

However, the membership of the Cabinet Committees, normally varies from three to eight. The chairmanship of them is shared between the Prime Minister and any Cabinet Minister. The committees which function on a more or less permanent basis are the Political Affairs Committee, Economic Affairs Committee, Committee on Parliamentary Affairs, Appointments Committee, Committee on Accommodation, Committee on Industry and Trade, and the Committee on Food and Agriculture etc. Of these the most powerful is the Political Affairs Committee. Consisting as it does of the senior most ministers, it functions as a super Cabinet in providing direction to the government.

8.8.2 Function and Role

The Cabinet Committees are instruments to organise coordination in clearly defined fields of administration and relieve the Cabinet of their burden of work. The flexibility in membership of these committees enable interested Ministers to exchange views, and arrive at agreed solutions without involving the Cabinet, thus reducing pressure of work upon the latter. Lastly, there is considerable sharing of work, with the result that many matters which could otherwise travel upto the Cabinet for decision-making are settled at the level of Cabinet Committees. This ensures continuous coordination on vital economic and political issues, and speedy decision-making when required.

Any matter which calls for a Cabinet decision may come directly to the appropriate committee before the Cabinet takes a decision. The Cabinet may often merely accept the decision already taken by the Cabinet Committees.

However, despite the fact that some Cabinet Committees have often exercised real authority, these committees have not been uniformly or consistently effective. Firstly, they do not cover all important areas of governmental functioning. Secondly, they can take up a matter only when it is referred to by the Minister concerned or by the Cabinet. Lastly, they do not meet regularly, which is absolutely necessary if sustained attention is to be given to complex problems and the progress in implementation of important policies and programmes is to be kept under constant review.

Check Your Progress 3

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of this unit.

1. What are Cabinet Committees?

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2. Explain the functions and actual significance of cabinet committees in influencing decision-making in the cabinet.

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3.9 LET US SUM UP

In this unit you have read about:

- ▶ The powers and functions of the Prime Minister as the real executive
- ▶ The bodies which provide institutional support to the Prime Minister in his official functions
- ▶ The evolution of the Prime Minister's Office, its organisation, functions and changing role.
- ▶ The evolution of the Cabinet Secretariat in India, its organisation and functions
- ▶ The role of the Cabinet Secretary
- ▶ The size, functions and role of the Cabinet Committee.

3.10 KEY WORDS

- Devolve:** entrust
- Extra-Constitutional:** not mentioned in the Constitution
- Micro-Cabinet:** a small body which performs similar functions as that of the Cabinet
- National Emergency:** Emergency declared due to war, external aggression or armed rebellion (Art. 352). It is different from emergency declared in states on account of breakdown of Constitutional machinery (Art. 356) and financial emergency (Art. 360) in which President can modify the provisions of allocation of financial relations between the Union and the States
- Real Executive:** The real executive is the one to which the legal powers of titular executive pass. Legally all powers are vested with titular executive but he does not

exercise them in practice. Real executive legally does not have any powers but in practice exercises all the powers vested in the titular chief executive. In England, the Queen and in India, the President are titular executives while President of USA and PM of India are examples of real executive.

8.11 SOME USEFUL BOOKS

- Avasthi, A. 1980. *Central Administration*; Tata McGraw Hill: New Delhi.
 Chanda, Asok, 1967. *Indian Administration*; George Allen and Unwin Ltd: London.
 Jain, H.M., 1969. *The Union Executive*; Chaitanya Publishing House: Allahabad.
 Khera, S.S., 1975. *The Central Executive*; Orient Longman: New Delhi.
 Maheshwari, S.R. 1986. *Indian Administration*; Orient Longman: New Delhi.
 Sharma, L.N., 1976. *The Indian Prime Minister*; Macmillan: Delhi.

8.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 Your answer should include the following points :
 - PM as the head of Council of Ministers
 - Advisory role of Prime Minister
 - PM as a link between the President and the administration
 - Supervisory role of PM
 - Appointment and removal of personnel by the PM
 - Issuing directives and formulating policies.
- 2 See Section 8.3
- 3 Your answer should include the following points:
 - Briefly touch upon evolution of Prime Minister's Office
 - Organisation of Prime Minister's Office in brief
 - Functions with regard to assistance to the Prime Minister in maintaining relations with Ministers and representatives of foreign governments
 - Prime Minister's Office handles complaints from public which are addressed to the Prime Minister
 - Prepares answers for questions raised in the Parliament on general subjects.
- 4 Your answer should include the following points :
 - Role of Prime Minister's Secretariat under different Prime Ministers
 - Prime Minister's Secretariat was very important in Congress period
 - During the Janata period, Prime Minister's Secretariat was reduced to the status of a mere 'Office'
 - Prime Minister's Office is gaining importance once again.

Check Your Progress 2

- 1 Your answer should include the following points :
 - Meaning of Cabinet Secretariat
 - In 1948, Cabinet Secretariat had Economic and Statistical Coordination Unit (ESCU) as its part
 - In 1950, Planning Commission took over the work of ESCU
 - In 1951, Central Statistical Unit was set up and work relating to statistical coordination and publication was transferred to Cabinet Secretariat
 - In 1961, Department of Statistics was created as a part of Cabinet Secretariat
 - In 1961 itself, a Central Statistical Organisation was set up and was attached to Cabinet Secretariat
 - In 1962, Emergency Wing was created in Cabinet Secretariat
 - In 1965, an Intelligence Wing was added in Secretariat
 - O & M from 1954 to 1964 was a separate wing of Cabinet Secretariat.
- 2 See Section 8.7

Check Your Progress 3

1 See Section 8.8

2 Your answer should include the following points:

- Cabinet Committees are instruments of bringing coordination in administration
- Views are exchanged and agreed solutions are arrived at in Cabinet Committees
- Cabinet Committees settle matters which would otherwise overburden the Cabinet
- Facilitates speedy decision-making
- Reasons behind the ineffectiveness of Cabinet Committees.

UNIT 9 UNION PUBLIC SERVICE COMMISSION/SELECTION COMMISSION

Structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Evolution of UPSC
 - 9.2.1 Development of Public Service Commissions in India
 - 9.2.2 First Period 1926-37 (Government of India Act 1919 and Lee Commission)
 - 9.2.3 Second Period (1937-50)
 - 9.2.4 Third Period 1950 till date
- 9.3 Constitution of UPSC
 - 9.3.1 Composition, Appointment and Terms of Members
- 9.4 Functions of UPSC
- 9.5 Advisory Role of UPSC
- 9.6 Let Us Sum Up
- 9.7 Key Words
- 9.8 Some Useful Books
- 9.9 Answers to Check Your Progress Exercises

9.0 OBJECTIVES

After studying this unit, you should be able to:

- explain the evolution of UPSC over the years into its present form
- discuss the constitution of UPSC with reference to its composition, appointment, terms of members
- describe the various types of functions of UPSC
- critically analyse its advisory role

9.1 INTRODUCTION

The work of a modern government in any country is carried on by its administrative agencies. There has been a phenomenal expansion in the functions of the state and reliance is laid heavily on the organisational and administrative capacity of the government. Sound administrative organisation, methods and procedures, competent public servants devoted to public interest, are some of the essential requirements for proper performance of the functions of the present day State. When civil servants occupy such an important role, especially in these days of State assuming overwhelming responsibilities, the important aspects relating to their recruitment, training, emoluments, conditions of service, promotion policies etc. assume importance. The impartial consideration of these matters relating to civil servants requires an independent and expert authority—the institution of Public Service Commission.

In India, the Union Public Service Commission (UPSC) occupies an important position in our constitutional scheme and its relation with the government are complex. It is an independent constitutional body for impartial consideration of service matters of government employees. It has important constitutional functions and duties but has only an advisory role, while the ultimate authority rests with the government. In a democratic system, the selection commission has to strive towards an efficient and economical management and creation of public service maintaining the ideals of a democratic government. In a welfare state, the objective of service to the people further complicates the task of personnel administration. The success or failure of a system is gauged by the ability of the organisation in personnel management to meet the above objectives.

9.2 EVOLUTION OF UPSC

9.2.1 Development of Public Service Commissions in India

Today, the recruitment of civil servants is done by the Union Public Service Commission. The name civil servants was first assigned to those servants of the East India Company who were concerned with the administration of its commercial affairs in India. The servants of the East India Company were then selected and recruited by its court of directors in England. For purposes of recruitment, a rudimentary knowledge of eastern trade and commercial accounts was considered to be a qualification for the candidates, but on the whole the recruitment was made on the basis of patronage. Since appointments had been exclusively reserved to the nominees of the directors, this led to more corrupt practices in the recruitment of the services.

It was as early as in 1833, that Lord Granville, who was then an influential member of the House of Lords advocated the practice of recruitment of candidates through competition instead of nominations by the directors. Yet nothing was accomplished in this direction till 1853. However in 1833, a clause was inserted in the Charter Act granted to the Company declaring that henceforth fitness was to be the criterion of eligibility to the civil services irrespective of caste, creed or colour.

The right of the directors to make nominations for appointments to civil services in India was allowed to continue only till the end of April 1854. A Committee under the Chairmanship of Lord Macaulay was appointed in 1854 by Sir Charles Wood, to advise on the measures to be adopted to give effect to the Act of 1833, which atleast in theory threw appointments in the Indian Civil Service open to competition without any discrimination. The Committee recommended the selection of candidates on the basis of a competitive examination, the requirement of a period of probation before they were finally appointed and the abolition of the College at Haileybury.

The system of competitive examination had its first trial on the Indian soil and was then adopted gradually in England. But the process of Indianisation of the services continued at a very slow pace until 1909, when the Minto Morley reforms were introduced. But the reforms failed to satisfy the Indians.

9.2.2 First Period 1926-37

(Government of India Act 1919 and Lee Commission)

The Government of India Act 1919, which was based on a joint report submitted by Lord Montague, the then Secretary of State and Lord Chelmsford, the then Viceroy and Governor General of India, was the first step towards the establishment of a Public Service Commission (P.S.C.) in India. The Act recognised the importance of having a competent and independent civil service. It felt that there is a need for recruitment of civil servants by an expert body, without any political interference and establishment of a permanent office entrusted with the regulation of service matters of civil servants. Section 96(c) of the Act provided for the setting up of a Public Service Commission which was to "discharge in regard to recruitment and control of public services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council". The framers of the Act contemplated that the institution of a Public Service Commission in India would help in increasing entry of Indians in the public services and would also provide protection to the civil servants from political interference.

According to the provisions of the Act, the Public Service Commission was to consist of not more than five members, including the Chairman. Each member was to hold the Office for five years and was eligible for reappointment.

The Lee Commission 1923

In 1923, the British Government in pursuance of their declared policy of associating Indians with every branch of administration constituted a Commission under the Chairmanship of Lord Lee to inquire into the organisation and general conditions of services and also the methods of recruitment for Europeans as well as Indians. As it was concerned only with the Superior Civil Services it came to be known as Royal Commission on the Superior Civil Services in India.

The Commission was of the opinion that the establishment of a Public Service

Commission was necessary to assist the government in the discharge of its responsibilities. It considered that its recommendation regarding the establishment of the Public Service Commission "as one of the cardinal features" of its report "and as forming integral and essential part of the whole structure" of its proposals for the future of the services.

The Commission, therefore, suggested that the statutory Public Service Commission as contemplated by the Government of India Act 1919 should be established without delay. The Commission was to consist of five members. About the members' qualifications it was in favour of their being detached from all political associations, and atleast two of them to possess judicial or legal qualifications. They were to be full time officers and their emoluments were not to be in any way less than those of High Court judges. Another important feature of the Commission's recommendations was that they did not suggest similar Commissions for the provinces and held that expertise of the Public Service Commission at the Centre should be placed at the disposal of the provincial governments.

Regarding the functions of the Public Service Commission, the Lee Commission maintained that they might be of two kinds. The first was recruitment of personnel for the public service and maintenance of proper standards of qualification for entry to public services. The second function was quasi-judicial connected with the disciplinary control and protection of the services.

The recommendations of the Lee Commission, however, remained in abeyance for about two years and it was in February 1926 that the decision was arrived at by the Secretary of State to constitute a Public Service Commission. It had a Chairman and four other members. The Commission started functioning from 1st October, 1926. It was to advise the Governor-General-in-Council on any question connected with recruitment to All India Services, Central Service Class I or Class II. The functions assigned to the Commission were no more than of an advisory character. The Lee Commission wanted the Public Service Commission to be the final authority as far as recruitment to services in India was concerned. But the Government of India, then, did not pay any heed to its recommendations and so the Public Service Commission was constituted only with advisory powers.

In 1930, the first Round Table Conference was held in London to provide an opportunity to the representatives of different interests in India and those of Britain for evolving an agreed scheme regarding the services and the Public Service Commissions. It adopted a resolution that "in every province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or the Governor-General as the case may be". (Proceedings of the Indian Round Table Conference (12 November 1930-19 January 1931) Report of Sub-Committee on Series No. 8 (London, 1931); P 67).

The constitutional proposals of the British Government published on 15 March, 1933 also provided for the establishment of Public Service Commission in provinces besides the Federal Public Service Commission.

The Joint Committee on Indian Constitutional Reforms (1933-34) also agreed to the same proposals and recognised the need for setting up more than one Public Service Commission for the whole of India.

9.2.3 Second Period (1937-50)

(Government of India Act 1935)

The working of the Indian Public Service Commission during 1930-36 indicates that the Commission was far from being a powerful personnel agency. It was not independent of the executive. The Government of India Act, 1935 under which the provinces became fully responsible, extended the statutory authority of the duties of the Civil Service Commission. With this Act coming into effect in 1937, the Public Service Commission was renamed the Federal Public Service Commission. It also required the provinces to set up Public Service Commission of their own.

The Chairman and other members of the Commission were to be appointed by the Governor-General. The number of members of the Commission, their tenure of office, conditions of service etc. were to be determined by the Governor-General. One requirement was that at least one half of the members of the Commission, were to be those, who held office for at least ten years under the Crown in India.

The functions and responsibilities of the Federal Public Service Commission were also laid down in Section 266 of the Government of India Act 1935, many of which were later incorporated in the Constitution of India. It was for the first time that these functions were given a statutory sanction. The Commission was required to conduct examinations for appointment to the services. It was also required to advise the government :

- a) on all matters relating to methods of recruitment of the civil services and for the civil posts.
- b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of the candidates for such appointment, promotion or transfer.
- c) on all disciplinary matters affecting a person serving in a civil capacity.
- d) matters relating to any claim for reimbursement of expenses incurred if any, by a government servant in defending legal proceedings levied against him for acts done in performance of his duties and
- e) questions of award of pension for injuries sustained by a government servant in a civil capacity ; and any other matter referred to the Commission by the Governor-General.

9.2.4 Third Period 1950 till date

The Federal Public Service Commission continued to function in its present form between 1947 and 1950. This was finally replaced by the Union Public Service Commission (UPSC) after the new Constitution of India came into force on 26 Jan. 1950.

India's independence ushered in a new era in certain respects for the Union Public Service Commission (UPSC). The authors of the Indian Constitution regarded the UPSC along with the judiciary and the Comptroller and Auditor General as a bulwark of democracy. They, therefore, not only vested it with a constitutional status, but also provided elaborate safeguards for its independence to enable it to be the watchdog of the merit system of staffing.

Check Your Progress I

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1 What were the important recommendations of the Lee Commission ?
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- 2 The first Public Service Commission in India was set up in
- a) 1919
 - b) 1937
 - c) 1926
 - d) 1909

3 Describe the functions of the Federal Public Service Commission as laid down by the Government of India Act 1935.
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9.3 CONSTITUTION OF UPSC

The Constitution of India envisages three categories of Public Service Commissions. The Union Public Service Commission is to serve the needs of the services of the Union, a Joint Public Service Commission for the services of two or more States and a State Public Service Commission (SPSC) for the services of a State. While UPSC and SPSCs are constitutional bodies, a Joint public service commission is to be created by an Act of Parliament.

Composition, Appointment and terms of Members

The UPSC is composed of a Chairman and other members of the Public Service Commission. The Chairman and other members of the Public Service Commission (Union or joint) shall be appointed by the President and in the case of a State Commission by the Governor of the State. The constitution does not fix the number of members of the Commission which is left for the President to determine. The number of members at present is eight. One half of the members of the Commission should be persons who have held Office under the Government of India or of a State at least for ten years.

The Chairman and members of the UPSC hold Office for a term of six years or until they attain the age of 65 years whichever is earlier. But a member's office may be terminated earlier if (i) he resigns his Office in writing to the President or (ii) he is removed from Office by the President.

A member may be removed from Office by the President if he is an adjudged insolvent, or engages in any paid employment outside the duties of his Office or, is in the opinion of the President infirm in mind or body. He cannot be removed from Office on any other ground except if the Supreme Court finds him guilty of proven misbehaviour on a reference made to it by the President. The word 'misbehaviour' has been explained in the Constitution. A member shall be deemed to be guilty of misbehaviour if (1) he is interested or concerned in any contract or agreement made on behalf of the Govt. of India or of a State or (2) if he participates in any way in the profit of such contract or agreement in common with the other members of an incorporated company.

9.4 FUNCTIONS OF THE UPSC

The functions of the UPSC as specified under Article 320 of the Constitution bear resemblance to those of the Federal Public Service Commission as specified in Government of India Act 1935.

These functions may be broadly classified into three categories viz. (1) regulatory (2) executive and (3) the quasi-judicial.

(1) Regulatory : Among the regulatory functions the UPSC advises the government in matters relating to (i) methods of recruitment and (ii) the principles to be followed in making appointments, promotions and transfer from one service to another. However, unlike the regulatory jurisdiction vested in the United States Civil Service Commission (USCSC), the UPSC in India has hardly any such powers. The UPSC's jurisdiction is purely advisory. Article 320(3) of the Constitution merely states that it is the duty of the Commission to advise the government on all matters relating to the methods of recruitment to civil services, promotions and transfers. Thus, unlike the USCSC, the UPSC cannot make regulations on personnel matters which will be binding on all government departments. Although certain functions of the UPSC are often described as being regulatory ones but in reality these are purely advisory functions.

(2) Executive Functions : The Commission has a specific constitutional duty of conducting examinations for appointments to the services of the Union. Under this provision the UPSC conducts many written examinations for different categories of posts annually, besides the holding of interviews for selection of candidates for specialised and other categories of positions. Here too, it may be noted that the

Commission's jurisdiction is narrowly restricted to gazetted officers who constitute an insignificant proportion of the total number of government employees. This means that the executive jurisdiction of the Commission extends to only 1.9% of the total employees of the Central Government.

Another executive function of the UPSC is to present annually to the President a report of the work done by the Commission during the preceding year. The President is obliged to place the report before both houses of the Parliament with a memorandum explaining the cases, if any, where the advice of the Commission was not accepted and reasons for such non-acceptance.

Quasi-judicial functions : The quasi-judicial jurisdiction of the UPSC is limited both in scope and extent. In fact it has no true appellate jurisdiction. It can only advise on disciplinary actions taken against employees. According to the Constitution, the Government should consult the Commission on the following matters :

- i) All disciplinary actions affecting a government employee like censure, withholding of increments or promotion, reduction to a lower grade, compulsory retirement, removal or dismissal from service etc
- ii) Claims for reimbursement for costs incurred by an employee in legal proceedings instituted against him in respect of acts done in the execution of his duty
- iii) Claims for the award of pension in respect of injuries sustained by an employee and any question as to the amount of any such reward (Constitution of India, Article 320(3)(C))

The UPSC derives its functions, apart from the Constitution of India as discussed above, from other sources too like (a) the laws made by the Parliament (b) rules, regulations and orders of the executive (c) conventions

Under Article 321 of the Constitution, the parliament through legislation, can confer additional functions on the UPSC pertaining to the services of the Union or the States. If necessary, the Parliament can place the personnel system of any local authority, corporate body or public institution within the jurisdiction of the Commission.

According to Articles 318 and 320 of the Constitution, the Central Government through certain regulations and orders entrust certain functions to the Commission so the President may define from time to time through regulations, the matters in which the Commission need not be consulted.

The Commission also discharges certain functions, which through conventions have been entrusted to it, though these are not stipulated in the Constitution. Under the institution, recruitment to the Defence forces is beyond the purview of the Commission, as the defence service is not a part of the Civil Service. But since 1946, the Commission has been conducting written tests for the selection of cadets, which has now become its regular activity. Similarly UPSC does selection of scientists and technicians for the pool of highly qualified scientists and technologists, who are deputed to the Central Government, scientific institutions, national laboratories, universities etc. These functions are being discharged by the UPSC on the basis of conventions only.

Limitations of the functions of the UPSC

There are certain matters which have been kept outside the scope of the functions of the UPSC. These include :

The Constitution of India, under Article 335, requires the government to take into consideration the claims of the members of the Scheduled Castes and Tribes in the matters of appointment to various posts. As per article 320(4) the UPSC need not be consulted as regards the extent to which the reservations are to be made for the candidates belonging to the Scheduled Castes and Tribes. But once these conditions are determined, the Commission as a recruiting agency proceeds with the process of selection.

The President has been empowered to make regulations excluding matters from the purview of consultation with UPSC. All such regulations must be laid before each House of Parliament for approval for a period of not less than fourteen days. The Parliament if necessary can modify or annul them.

Some posts, the recruitment of which does not require the advice of UPSC include membership or chairmanship of tribunals, commissions, high powered committees,

posts of a highly technical and administrative nature and filling up of temporary positions where appointments are made for less than a year.

9.5 ADVISORY ROLE OF UPSC

Though the Commission has been entrusted with important constitutional duties and functions, it has been assigned only an advisory and consultative role. Under the Government of India Act 1935, the position of the Federal Public Service Commission also was advisory in nature. It was then felt that vesting of excessive authority with the Commission would lead to its interference with the powers of the executive. The function of the UPSC is just to advise the government and the executive is under no legal obligation to accept its advice.

The basic issue that is raised is whether the Commission can effectively discharge its functions with an advisory role. Therefore, the problem is whether a Commission constituted on the limited advisory basis would command the confidence of the public and of the services to the degree which is necessary, if it is to function effectively. But there is a viewpoint that Public Service Commission's role should be advisory in nature. This question was debated in the Constituent Assembly also and the Constitution makers gave an advisory role to the Commission.

It may be held that under the Constitution, there are certain matters regarding which the government is bound to take the advice of the Commission. Any violation of this provision would be considered unconstitutional. But the government is under no obligation to accept the advice of the Commission. At the same time, a constitutional restraint is imposed on the non-acceptance of the Commission's advice by the introduction of a new Article 323 in the Constitution. In cases where the advice of the Commission is not accepted, the government is required by this article to lay before the Parliament a memorandum explaining the reasons for such non-acceptance. Further in dealing with the Commission's advice, the power of Ministry or Department has been deliberately restricted under which the advice cannot be rejected unless it has the approval of the Appointments Committee of the Cabinet. No action can be taken by any administrative department against the advice of the Commission unless it has the concurrence of the Committee. On account of these checks, internal and external, the number of cases of non-acceptance of the Commission's advice has been negligible.

Check Your Progress 2

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

- 1. The Chairman and other members of the UPSC are appointed by the
 - a) Prime Minister
 - b) Chief Justice of India
 - c) President
 - d) Parliament

2. What are the executive functions of the UPSC ?

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3. What are the constitutional restraints imposed on administrative departments in cases of non-acceptance of Commission's advice ?

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2.6 LET US SUM UP

The UPSC is an independent institution which has an important role to play as an impartial and expert advisor to the government in matters of administration of personnel. It occupies a very important place in our system which assists the government to maintain an efficient and impartial public service. In India, the Government of India Act 1919 for the first time made the provision for the creation of Public Service Commission which was later strongly advocated in 1923 by the Lee Commission. Finally in 1926, the Public Service Commission was constituted, with mainly advisory powers.

The Government of India Act 1935 categorically specified the functions of the FPSC, most of which were later incorporated in the Constitution of India. After independence, the Federal Public Service Commission was replaced by the UPSC in 1950, which was given a constitutional status. Article 320 of the Constitution specifies the functions of the UPSC which are broadly of three types—regulatory, executive and quasi-judicial. Apart from the Constitution, it derives its functions from the laws made by the Parliament, rules, regulations, orders of the executive, conventions.

The Constitution has vested the Commission with only advisory powers. Though the government is not bound by the advice tendered by the Commission, it is mandatory, to submit to the Parliament, an explanatory memorandum about cases of non acceptance.

All possible steps have been taken by the Constitution makers to ensure smooth and effective functioning of the Commission without being influenced by any political pressures. In a democracy the impartiality of the public service is very important, which can be ensured only if the Commission functions independently.

2.7 KEY WORDS

Censure : severe disapproval

Patronage : practice of making appointments to Office through favour

2.8 SOME USEFUL BOOKS

Chitale Rao, C.N., 1966. *Public Service Commissions of India : A Study* : Sterling Publishers : Delhi.

Chatterjee R.B., 1967. *A Comparative Study of the United States Civil Service Commission and the UPSC in India* ; (Ph. D Thesis Indian School of International Studies)

Chattopadhyay, M.A., 1967, *The Union Public Service Commission - IIPA* : New Delhi.

Chatterjee Panandiker, V.A., 1966. *Personnel System for Development Administration* : Bombay.

Chatterjee, V.M., 1986. *Personnel Administration, Concepts and Comparative Perspective* : B.S.A. Publishers : Jaipur.

2.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

Your answer should cover the following points :

- Main objective of setting up of Lee Commission in 1923
- Recommendations of the Commission regarding
 - Establishment of Public Service Commission
 - Membership, qualifications of members
 - Functions of the Commission

2 1926

3 See Sub Sec. 9.2.3

Check Your Progress 2

1 President

2 See Sec. 9.4

3 Your Answer should cover the following points:

- Provisions of Article 323 of the Constitution
- Concurrence of the Appointment Committee in case of non-acceptance of Commission's recommendations.

UNIT 10 PLANNING PROCESS

Structure

- 10.0 Objectives
- 10.1 Introduction
- 10.2 Meaning of Planning
- 10.3 Need for Planning
- 10.4 Types of Planning
- 0.5 Genesis of Planning in India
- 10.6 Planning Machinery at Central Level
 - 10.6.1 Organisation and Role of the Planning Commission
 - 10.6.2 Internal Organisation
 - 10.6.3 Committee on Plan Projects
 - 10.6.4 Programme Evaluation Organisation
- 0.7 Role of National Development Council
- 0.8 Problems of Centralised Planning
- 0.9 Let Us Sum Up
- 0.10 Key Words
- 0.11 Some Useful Books
- 0.12 Answers to Check Your Progress Exercises

0.0 OBJECTIVES

After studying this unit, you will be able to:

- analyse the importance and meaning of planning and discuss its evolution in India
- examine the planning machinery at the central level
- discuss the role of National Development Council
- explain the problems of centralised planning.

0.1 INTRODUCTION

Planning represents the ethos of the age. The debate as well as the faith in planning moves almost like pendulum from one end to the other. Intellectual origin of planning can be traced back to many sources and circumstances but the primary impetus for planning came from the Soviet experience. The importance of planning was felt during the world-wide economic depression in the 1930's. It also led to prolonged debate on the need and the nature of planning.

Many countries in Europe and elsewhere resorted to some kind of planning with an eye on military preparedness. The widespread destruction during World War II in many countries in Europe and elsewhere projected the importance of planning as a tool for reconstruction and the rehabilitation of the devastated economies.

After World War II, where many countries in Asia and Africa attained independence, planning was regarded as an important and effective tool for rapid socio-economic development. It was recognised that planning in the developing countries attained a central position of importance because in the developing societies, state has to play a much more activist role in the economy in order to fulfil the expectations of the people.

0.2 MEANING OF PLANNING

Planning is preparation for action. Planning is a conscious effort to achieve desired ends. It is a rational method of application of resources for the fulfilment of specific objectives. Planned economy would mean an economic system in which the government controls and regulates production, distribution, prices etc., through

deciding on acts, purposes and strategies for development beforehand. The term planning has been widely defined and in most cases the definition carried the same view-point. Dimock defines planning as "the use of rational design as contrasted with chance, the reaching of a decision before a line of action is taken instead of improving after the action has started." Millett defines, "Planning is the process of determining the objectives of administrative effort and of devising the means calculated to achieve them". According to Urwick, "Planning is fundamentally an intellectual process, a mental pre-disposition, to do things in an orderly way, to think before acting, and to act in the light of facts rather than guesses. It is the anti-thesis of speculative tendency." Seckler-Hudson defined it as "the process of devising a basis for a course of future action". Thus planning is 'thinking ahead' or thinking before doing. It is an intellectual process of determination of course of action undertaken in a conscious manner.

In short, planning is the conscious process of selecting and developing the best course of action to accomplish defined objective. Planning is thus the exercise of foresight and network of action for defined goals.

10.3 NEED FOR PLANNING

The growth of human knowledge and its extending control over the environment made human beings realise the increasing importance of planning in a society. Planning is no more restricted to communist methodology nor associated with totalitarianism and authoritarianism. The old prejudice that planning is unfit for democratic way of living is fast vanishing. Today planning has become popular, the politicians at the highest level plan a policy manning the future of a nation, or seeking the survival of humanity. Every aspect of governmental action is to be planned-objectives, policies, organisation, finances, work methods, incentive systems and public relations. Programmes based on well-reasoned priorities are invaluable for such countries as they cannot afford to waste time, people or material. Drawing up plans, usually in the form of five year programmes for public expenditures, in particular relating to capital formation, has in many developing countries become the accepted practice under which the responsible government agencies must look ahead, determine their long range objectives and agree upon certain priorities in the light of the probable demands of the various sectors of the economy. The programmes of the individual government agencies are usually coordinated by a central planning office in the light of overall available financial resources.

10.4 TYPES OF PLANNING

As the planning is of continuous process it is impossible to suggest water-tight categories of planning. None of the types of planning are self-contained, they are mere ideal types. Following may be stated as the types of planning :

- a) Overall Planning
- b) Limited Planning
- c) Administrative Planning

a) Overall Planning: The overall planning commonly called socio-economic planning is more comprehensive, is more than laying down a few economic targets here and a few physical targets there. It is an overall effort to achieve an allround development of the country. This type was first adopted by Stalin in U.S.S.R. and being used in Russia since then. Most of the third world countries are adopting this type. Four year and seven year plans are manifestations of this type.

b) Limited Planning: Limited planning does not centralise all the socio-economic activities at one focal point. The state opting for this type of planning selects the main objectives which the society as a whole considers fundamental. Through proper planning and regulation of the activities of the individuals and group it directs the life and activity of the society in such a way that those objectives are attained.

e) Administrative Planning: Government planning is nothing but administrative planning. The administrative planning is mainly concerned with administrative programmes. It seeks to provide a broad framework for action as it defines major objectives, establishes inter-bureau policy and links departmental-policy and

programmes with the related departments. Its main purpose is to give a detailed shape to the policy plan, to make objectives clearer and more workable.

Administrative planning may be divided into four different phases, viz., policy planning, administrative planning, programme planning and operational planning. A brief explanation of these phases is given below :

- v) **Policy Planning** : Policy planning is concerned with developing broad general outlines of government in power.
- i) **Administrative Planning** : According to Pfiffner it seeks "to provide a broad framework for action by defining major objectives, establishing inter-bureau policy and to a lesser extent, linking departmental policy and programmes with those of related departments". This policy is formulated by the chief executive in consultations with the departmental heads to give effect to the policy planning and to make objective clearer and more workable for the public officials.
- ii) **Programme Planning** : According to Millett, it is "concerned with the preparation of the specific purposes to be realised and the procedures to be employed by administrative agencies within the framework of existing public policy". It is an overall review of the proposed programme to determine the volume of services involved, the resources in man and money needed to provide them, the general procedures required and the organisation structure necessary to use these resources to the best advantage. It is a detailed plan for implementing the programmes in a particular department.
- v) **Operation Planning** : According to Pfiffner, it is "concerned with the systematic analysis of an authorised programme and determination of the detailed means of carrying it out. After the objectives have been determined and the means and methods of achieving those objectives have been found, then comes operational planning by the divisional and sectional heads who lay down specific procedures and how those have to be used to save time, accelerate production and increase net output. The different units are assigned specific functions and their performance measured in terms of time, quantity and quality of production and overall output. It is in fact, a "workshop-stage" of the programme planning.

Besides the above types of planning, several new types of planning have emerged in the recent years known as perspective planning, rolling plan and short-range or long-range planning.

Check Your Progress I

- Note : i) Use the space below for your answers.
- ii) Check your answers with those given at the end of the unit.

Define the term Planning

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2. Discuss need of planning.

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3 Explain the types of planning.

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10.5 GENESIS OF PLANNING IN INDIA

India has attempted to bring about rapid economic and social development of the country through a planned effort. Although an awareness of the importance of planning was manifest in the pre-Independence era, realistic and ambitious planning on an all-India basis could not be started effectively until India became free in 1947 and its major problems growing out of the partition of the country and the task of unification of the native Indian States were resolved.

The first effort at introducing social planning in India was made by an individual noted for his pioneering zeal and breadth of vision, the late Dr. M. Visveswarayya. In 1936 he published an essay underlining the desirability and feasibility of planning for industrialisation of the country. For the formulation, implementation and administration of the plan he had suggested formation of a 60-member advisory body, with political leaders, economists, businessmen, administrators etc., and a Planning Commission of five to seven members for discharging day-to-day functions. He also recommended the setting up of a development department at the Centre and Economic Councils in the provinces. Though interesting as an intellectual exercise, this could not directly influence any social action or any governmental move.

In 1937 soon after the assumption of power in the provinces, the Working Committee of the Indian National Congress initiated planning preliminaries by adopting a resolution which recommended to the Congress Ministry the appointment of a committee of experts to consider urgent and vital problems the solution of which was necessary to any scheme of national re-construction and social planning. Following this resolution, a Planning Committee was constituted by Subash Chandra Bose, the then President of the Indian National Congress under the Chairmanship of Jawaharlal Nehru. Later in 1944 the government established a Planning and Development Board and published three private development plans – the Bombay Plan, the Gandhi Plan and the People's Plan. A Planning Advisory Board was also constituted in 1946 after the establishment of the interim government headed by Jawaharlal Nehru. These pre-Independence efforts at planning tend to bring out a certain unity of approach to the problems of national reconstruction in as much as each of these plans mooted not only had certain objectives in common but also sought to achieve them through similar means. All the plan proposals explicitly accepted the rapid improvement of the living standards of the people as the central objective of development.

The central theme of public policy and philosophy of national planning in India since Independence has been promotion of balanced economic development so as to provide foundations for sustained economic growth; for increasing opportunities for gainful employment, for promoting greater equality in incomes and wealth and raising living standards and working conditions for the masses. Even the Directive Principles of State Policy carries the same spirit of balanced economic development. The Constitution of India includes the subject of social and economic planning in the concurrent list. The legal basis for national planning for the country as a whole, therefore, has been provided through a parliamentary statute on the subject. The discussions on the setting up of a planning machinery in 1949 had envisaged the establishment of a Planning Commission and the creation of National Economic Council which would work as an organ of intergovernmental cooperation in the economic and social fields. Following the recommendations of the Advisory Planning Board of 1946, the Planning Commission was established by a Cabinet resolution of March 15, 1950. The National Development Council was later constituted in 1952.

10.6 PLANNING MACHINERY AT CENTRAL LEVEL

The Planning Commission is the machinery for planning at the central level. The Planning Commission is essentially a non-political advisory body which makes recommendations to the government. It has no sanctions of its own. Care has been taken to organise it neither as a pure research institute, out of touch with the various political, economic or administrative problems nor as an administrative ministry which is too closely involved in day-to-day affairs and is prone to lack the perspective and detachment required of a national planning agency.

10.6.1 Organisation and role of the Planning Commission

The Planning Commission is a multi-member body and the number of members has varied from time to time. In the initial year of its inception, the Commission concentrated mainly on plan formulation. It was composed of only full-time members. The Prime Minister as Chairman of the Commission provided the needed close relationship with the Central Government. But over the years the Commission got involved in a number of administrative matters and also gathered to itself certain functions of a purely executive nature. The composition of the Commission underwent a substantial change and a number of Union Ministers were appointed as a part time members of the Commission. The Planning Commission was reconstituted in August 1967 on the lines suggested by the ARC except that the Prime Minister continued to be the Chairman of the Commission and the Union Finance Minister its part-time member.

After recent reorganisation apart from Prime Minister being the Chairman, the Commission has a deputy chairman and six full time members. The Deputy Chairman is also the Minister of Planning and is assisted by a Minister of State for Planning. In addition to the full time members, some of the ministers in the Central Cabinet have also been nominated.

Members of the Planning Commission

The composition of the Planning Commission as on 15.3.89 is as follows :

Prime Minister -- Chairman

Minister of Planning and Programme Implementation -- Deputy Chairman

Minister members :

Minister of Finance

Minister of Agriculture

Minister of Energy

Minister of Industry

Minister of Human Resource Development

Minister of Law and Justice and Water Resources

Minister of Environment and Forests

Minister of State for Planning and Programme Implementation and six full time members.

The Planning Commission functions through several divisions and sections, each headed by a senior officer, usually designated as Advisor or Chief or Consultant or Joint Secretary or Joint Advisor. The full time members of the Planning Commission assume responsibility for the day to day work of particular divisions, although the Commission functions as a composite body and tenders advice jointly on all important matters.

Since the Prime Minister of India being the Chairman of the Planning Commission ever since its inception has added considerably to the prestige of the Commission and helped a great deal in its coordinating functions at the political level.

Role of Planning Commission

To make an assessment of the material, capital and human resources of the country, including technical personnel and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirements ;

To formulate a plan for the most effective and balanced utilisation of the country's resources ;

On a determination of priorities, define the stages in which the plan should be carried out and propose the allocation of resources for the due completion of each stage ;

To indicate the factors which are tending to retard economic development and to determine the condition for the successful execution of the plan;

To determine the nature of machinery which would be necessary for securing the successful implementation of each stage of the plan in all its aspects;

To appraise from time to time the progress achieved in the execution of each stage of the plan and to recommend the adjustment of policy and measures that such appraisal might show to be necessary;

- 7 To make such interim or ancillary recommendations as might be appropriate on the prevailing economic conditions, and current policies.

In addition to the above, the Government of India Allocation Business Rules, has assigned responsibility to the Planning Commission in respect of:

- a) Public cooperation in national development
- b) Hill Area Development Programme
- c) Perspective planning
- d) Directorate planning and
- e) National Informatics Centre

It is thus clear that the Planning Commission was established as a staff agency to prepare national plan for economic development of the country.

10.6.2 Internal Organisation

The Office of the Planning Commission consists of three types of divisions (1) General Division (2) Subject Division and (3) Services Division. The work of the first two types of divisions is primarily technical, of the third administrative or secretarial.

The General Divisions are concerned with certain special aspects of the entire economy. There are eight General Divisions in the Planning Commission. These are :

- 1 Economic Divisions : Financial Resources Division, Development Policy Division, International Economics Division, Socio-Economic Research Unit.
- 2 Perspective Planning Division
- 3 Labour, Employment and Manpower Division
- 4 Statistics and Surveys Division
- 5 State Plans Division, including multi-level planning. Hill Area Development and North Eastern Region
- 6 Project Appraisal Division
- 7 Monitoring and Information Division
- 8 Plan Coordination Division

Among the General Divisions, the perspective Planning Division provides general guidance for work on long term development which is undertaken in detail in different divisions. Coordination of work within the Planning Commission is undertaken by the Plan Coordination Division

Subject divisions are concerned with certain specified fields of development. Some Subject Divisions are :

- 1 Science and Technology Division
- 2 Agricultural Division
- 3 Rural Development Division
- 4 Irrigation of Command Area Development Division
- 5 Industry and Mineral Division
- 6 Village and Small Industrial Division
- 7 Transport Division
- 8 Education Division
- 9 Rural Energy Division
- 10 Housing, Urban Development and Water Supply Division
- 11 Health and Family Welfare Division
- 12 Social Welfare and Nutrition Division
- 13 Backward Classes Division
- 14 Communication and Information Division
- 15 Indo-Japan Committee
- 16 Western Ghats Secretariat
- 17 Energy Policy Division

The Subject Divisions of the Planning Commission maintain close contact with their counterparts in the various Ministries and the State Governments. They are responsible for collecting, processing and analysing all-relevant information required for the formulation, processing and evaluation of the policies and programmes included in the Plan.

Advisory Board on Energy which was functioning as a Unit under the Cabinet Secretariat was transferred to the Planning Commission with effect from 1.9.1988. Consequently a new technical division viz., 'Energy Policy Division', has been set up in the Planning Commission.

The National Informatics Centre, which was earlier under the Department of Electronics, was transferred to the Planning Commission with effect from 14.3.1988. Since then, it has become a part of the Planning Commission. The Computer Services Division, which was earlier functioning under the Advisor (Monitoring and Information) has now been merged with the National Informatics Centre. Apart from research and plan formulating structural units described above, the Planning Commission has Services Division which is concerned with the administration, accounts and general services, required for the commission. The general administration including Accounts, is under the overall charge of the Secretary, Planning Commission. The Accounts Branch functions with an Internal Finance Advisor and Controller of Accounts who works under the ambit of General Administration.

Check Your Progress 2

- Note : i) Use the space below for your answers.
 ii) Check your answers with those given at the end of the unit.

1 How did Planning evolve in India ?

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2 Write about the organisation of Planning Commission.

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3 Discuss the role of Planning Commission.

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10.6.3 Committee on Plan Projects

An analysis of the Second Five Year Plan indicates the traditional view of economy, namely reduction in the staff strength, which has become outmoded in the context of the Plan. The real issue in the plan expenditure requires a great deal of thought and effort in standardising the practices and procedures of execution in order to ensure realistic estimation of costs ; to achieve basic economy based on scientific development of the techniques from the inception of the projects ; and to set up norms and standards for evaluation. It was against such background that the COPP was established in 1956 for exploring the possibility of achieving economy consistent with efficiency in the projects included in the second Plan. It had the Home Minister as Chairman and Ministers for planning and finance and Deputy Chairman, Planning Commission as members. In addition, the Prime Minister, as Chairman of the National Development Council nominated two Chief Ministers of the States as members of the Committee for each class of Projects. The Union Member concerned with a project under investigation was also a member of the Committee.

Some of the important functions entrusted to the COPP were :

- a) to organise investigation, including inspection in the field of important projects, both at the Centre and in the States, through specially selected teams.
- b) to initiate studies with the objectives of evolving a suitable form of organisation, methods, standards and techniques for achieving economy, avoiding waste and ensuring efficient execution of projects.
- c) to promote the development of suitable machinery for continuous efficiency audit in individual projects and in agencies responsible for their execution.
- d) to secure the implementation of suggestions made in reports submitted to it and to make the results of studies and investigations generally available
- e) to undertake such other tasks as the National Development Council may propose for the promotion of economy and efficiency in the execution of the Second Five Year Plan. The COPP, as a separate entity was wound up in 1970.

10.6.4 Programme Evaluation Organisation

Evaluation has been an essential aspect of formulation and execution of development plans and programmes since the beginning of the plan process. The Programme Evaluation Organisation was set up in 1952 as an independent organisation working under the general guidance and direction of the Planning Commission. Initially it was entrusted with the specific task of evaluating the Community Development Programme and other intensive area development schemes. But in recent years the organisational sphere of work and activities has been extended and diversified to cover evaluation studies of Plan/Programmes/Schemes in a variety of sectors viz. Agriculture, Cooperation, Rural Industries, Health, Family Welfare, Rural Development, Public Distribution, Tribal Development etc.

According to the Seventh Plan Document, the Programme Evaluation Organisation should evaluate projects and programmes periodically and undertake ex-post evaluation of a few selected major projects in different sections.

The main function of the Programme Evaluation Organisation is to undertake evaluation studies which encompass (1) assessment of programme results against the stated objectives and targets; (2) the measurement of their impact on beneficiaries; (3) the impact on the socio-economic structure of the community; (4) the delivery of services to the target group. In addition to this Programme Evaluation Organisation has also been discharging two more functions viz. (a) giving technical advice and guidance to the State Evaluation Organisations and (b) imparting training to the State Evaluation Personnel.

10.7 ROLE OF NATIONAL DEVELOPMENT COUNCIL (NDC)

The NDC is headed by the Prime Minister and consists of the Central Ministers, Chief Ministers of the States and Lt. Governors, Administrators of Union Territories and Members of the Planning Commission. It is a nodal body, which considers and approves policies and strategies of development planning. The Secretary of the Planning Commission acts as the secretary of the Council. From a strictly legal point of view, NDC is essentially an advisory body. Since it comprises the highest political authority in the country it has assumed an important position. The meetings of NDC are held at least twice a year. The role of the NDC is discussed briefly :

- i) It acts as a kind of bridge between the Union Government, the Planning Commission and the State Governments.
- ii) NDC prescribes guidelines for the formulation of National Plan including the assessment of resources for the Plan.
- iii) NDC considers the National Plan as formulated by the Planning Commission.
- iv) NDC considers important questions of social and economic policy affecting national development.
- v) It also reviews the work of the Plan from time to time and recommends such measures as are necessary for achieving the aims and targets set out in the national

2 Discuss the importance of National Development Council.

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3 Examine the problems of centralised planning in India.

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10.9 LET US SUM UP

We have seen in the foregoing pages what is the importance and meaning of planning and how it has evolved in India. We have analysed the organisation and role of the Planning Commission. With NDC playing an important role, we have also seen that since India has opted for a centralised planning, she is faced with several administrative problems. Though many of these problems have been tackled with, a systematic examination of these is yet to be done.

10.10 KEY WORDS

Planned Economy : detailed scheme, method etc. put together for achievement of developmental goals.

Rolling Plan : During the three years (1977-79) of Janata-Lok Dal rule an attempt was made to change the planning system by introducing the concept of rolling plan

The Rolling Plan system had the following features :

- i) year to year targets were to be set for sectoral outlays and output for major sectors within the five year plan, and
- ii) the horizon of the five year plan was to be extended by working out these selected sectoral targets for one additional year at the end of each year.

Totalitarianism : Characterises a dictatorial one party state that regulates every realm of life

10.11 SOME USEFUL BOOKS

Dubhashi, P.R. 1976. *Economics, Planning and Public Administration*; Somaiya Publications Private Limited: Bombay.

Krishnamachari, V.T., 1962. *Fundamentals of Planning in India*; Orient Longmans: Bombay.

Paranjape, H.K, 1970. *The Reorganised Planning Commission : a study in the implementation of administrative reforms*; Indian Institute of Public Administration: New Delhi.

Prakasha Rao, V.L.S, 1963. *Regional Planning*; Indian Statistical Institute: Calcutta.

10.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 See sec. 10.2
- 2 See sec. 10.3
- 3 See sec. 10.4

Check Your Progress 2

- 1 Your answer should cover the following points :
 - i) Important features of the essay published by the late Dr. M. Visveswarayya in 1936 emphasising on the desirability of planning in India.
 - ii) Establishment of Planning and Development Board in 1944
 - iii) Constitution of Planning Advisory Board in 1946
 - iv) Setting up of Planning Machinery after Independence.
- 2 See sec. 10.6
- 3 See Sub sec. 10.6.1

Check Your Progress 3

- 1 See Sub sec. 10.6.4
- 2 See sec. 10.7
- 3 Your answer should cover the following points :

Some of the problems pertaining to centralised planning relate to the following :

 - i) Constitution of members of the planning body
 - ii) Modifications in the relationship between the centre and states to make centralised planning effective
 - iii) Association of people in the planning process
 - iv) Nature of the Planning Commission's responsibility in review of progress of plan.

UNIT 11 ALL INDIA AND CENTRAL SERVICES

Structure

- 11.0 Objectives
- 11.1 Introduction
- 11.2 Historical Development
- 11.3 Constitution of All India Services.
 - 11.3.1 Indian Administrative Service
 - 11.3.2 Indian Police Service
 - 11.3.3 Indian Forest Service
- 11.4 Importance of Indian Administrative Service
- 11.5 Recruitment of All India Services
 - 11.5.1 Training of All India Services Personnel
 - 11.5.2 Cadre Management
- 11.6 Need for All India Services
- 11.7 Central Services
 - 11.7.1 Recruitment
 - 11.7.2 Training and Cadre Management
 - 11.7.3 Indian Foreign Service
- 11.8 Let Us Sum Up
- 11.9 Key Words
- 11.10 Some Useful Books
- 11.11 Answers to Check Your Progress Exercises

11.0 OBJECTIVES

After you have read this unit you should be able to :

- explain the historical development, importance and need of the All India Services
- discuss the recruitment and training methods of the All India Service
- explain the classification, recruitment and training of the Central Civil Services.

11.1 INTRODUCTION

A unique feature of the Indian Administrative system, is the creation of certain services common to both—the Centre and the States, namely, the All India Services. These are composed of officers who are in the exclusive employ of neither the Centre nor the States, and may at any time be at the disposal of either. The officers of these Services are recruited on an all-India basis with common qualifications and uniform scales of pay, and notwithstanding their division among the States, each of them forms a single service with a common status and a common standard of rights and remuneration.

Like other federal polities. The Centre and the constituent states, under the Indian Constitution, have their separate public services to administer their respective affairs. Thus, there are Central or Union Services to administer Union subjects, like defence, income-tax, customs, posts and telegraphs, railways, etc. The officers of these Services are exclusively in the employ of the Union Government. Similarly, the states have their own separate and independent services.

11.2 HISTORICAL DEVELOPMENT

Ever since the creation of the Indian Civil Service in the days of the East India Company, there has always existed in India an all-India cadre of service. The all-India cadres were introduced almost in all departments of the Central Government. These Services, were however not under the control of the Governor-General; they were directly under the Secretary of State for India and his Council. No All-India

service officer could be dismissed from his service by any other authority than the Secretary of State-in-Council. An officer had a right of appeal to that body if he was adversely dealt with in important disciplinary matters. His salary, pension, etc., were not subject to the vote of any Indian legislature.

These elitist Services, unresponsive and unaccountable to public opinion, found it difficult to adjust themselves to the reform-era introducing very limited responsible government under the Government of India Act of 1919. The Lee Commission in 1924 recommended the abolition of certain all-India Services, particularly those dealing with departments that had been 'transferred' to Indian hands under the Act of 1919 namely the Indian Educational Service, Indian Agricultural Service, Indian Veterinary Service, and the Roads and Building Branch of the Indian Service of Engineers. It, however, recommended the retention of the Indian Civil Service, Indian Police, Indian Forest Service, Indian Medical Service and the Irrigation Branch of the Indian Service of Engineers. It also recommended the increasing Indianisation of these Services. The Commission further recommended that any British officer should be free to retire on a proportionate pension if at any time the department in which they were employed should be transferred to the control of responsible Indian ministers. These recommendations were implemented in practice.

Further changes were made in the position of these Services by the Government of India Act of 1935. Indians had always been demanding the abolition of All India Services. It was argued before the Joint Select Committee of the British Parliament considering the draft of the Act of 1935, and emphasised by the British India delegation in their Joint Memorandum. It stated that further recruitment by the Secretary of State of Officers serving under the Provincial Governments which were to be handed over to popular control was undesirable, and that Services in future be recruited and controlled by the authorities in India. The Joint Committee, however, only partly accepted such demands, and recommended the continuance of I.C.S., I.P. and I.M.S. (Civil). This recommendation was embodied in Section 224 of the Act of 1935. Thus, at the time of transfer of power in 1947, recruitment was open only to two all-India services, namely, the I.C.S. and the I.P., the recruitment to the I.M.S. had been suspended. The most important and the highest ranking of all such services was the Indian Civil Service commonly known as the I.C.S. which owing to its very high remuneration and enormous authority and prestige, constituted the 'steel frame' of the British Government in India. When the British were leaving India, there were ten all-India services and twenty two Central Services. While guaranteeing the rights of the old Services, the new Indian Government had foreseen the need for replacing them with Services controlled and manned by Indians. In fact, as early as October, 1946, Sardar Patel, the then Home Member in the Governor-General's Executive Council, had secured the agreement of the Provincial Governments to the formation of the two new all-India services, namely the Indian Administrative Service (I.A.S.) and the Indian Police Service (I.P.S.), which were to replace the old I.C.S. and the I.P.

11.3 CONSTITUTION OF ALL INDIA SERVICES

The Constitution also provides for the all-India cadre of Civil Services. It adopts specifically the I.A.S. and the I.P.S. cadres which had already been created earlier (Art. 312-2). It empowers the Union Parliament to create more of such all-India services whenever it is deemed necessary or expedient in the national interest, provided the Council of States (the Upper House) passes a resolution to the effect supported by not less than two-thirds of the members present and voting (Art. 312-1). Since the Council of States is composed of the representatives of different States, its support will ensure the consent of the States to the creation of new Services. The Constitution also authorises the Parliament to regulate by law the recruitment and the conditions of services of persons appointed to these Services. Accordingly, the All-India Service Act was passed by the Parliament in October 1951. Since the inauguration of the Constitution, only one, namely, the Indian Forest Service, has been set up.

In 1951, All India Services Act was passed. By virtue of powers conferred by sub-section (1) of section (3) of this Act the Central Government framed new sets of rules and regulations pertaining to the All-India Services. It became necessary because the old rules at certain places had become redundant. The rules that were in force before

commencement of the Act were also allowed to continue. Thus there came into existence two sets of rules regulating the conditions of All-India Services. The old rules made by the Secretary of State, or the Governor-General in Council, which regulated the conditions of service of I.C.S. and I.P. officers, and the new rules made under the 1951 Act were applicable to the officers of the Indian Administrative and Police Services.

11.3.1 Indian Administrative Service

The Indian Administrative Service, (I.A.S.), is the direct descendant of the old Indian Civil Service. As an all-India service, it is under the ultimate control of the Union Government, but is divided into State cadres, each under the immediate control of a State Government. The salary and the pension of these officers are met by the States. But the disciplinary control and imposition of penalties rest with the Central Government which is guided, in this respect, by the advice of the Union Public Service Commission. On appointment, the officers are posted to different State cadres. The strength of each State cadre, however, is so fixed as to include a reserve of officers who can be deputed for service under the Union Government for one or more 'tenures' of three, four or five years before they return to the State cadre. This ensures that the Union Government has at its disposal the services of officers with first-hand knowledge and experience of conditions in the States, while the State Governments have the advantage of their officers being familiar with the policies and programmes of the Union Government. Such an arrangement works for the mutual benefit of both governments. The majority of individual officers have an opportunity of serving at least one spell of duty under the Union Government; many have more than one such spell. The practice of rotating senior officers in and out of the Secretariat position is known in official parlance as the tenure system.

Another distinctive feature of this Service is its multi-purpose character. It is composed of 'generalist administrators' who are expected, from time to time, to hold posts involving a wide variety of duties and functions: for example, maintenance of law and order, collection of revenue, regulation of trade, commerce and industry, welfare activities, development and extension work, etc. In brief, the I.A.S. is intended to serve all the purposes formerly served by the I.C.S. except providing officers for the judiciary. Thus, this Service is a kind of generalist service, and its officers are liable for posting in almost any branch of the administration.

11.3.2 Indian Police Service

The Indian Police Service, is an original all-India Service (it had pre-independence origins) which differs from its compeer—the I.A.S. in two ways (i) most of the officers in this service work only in the states since there are only a few police posts at the Centre and (ii) its pay-scale and status are lower than those of the I.A.S. The officers of the I.P.S. are recruited from the same unified All-India Civil Service examination which recruits all members of the I.A.S., I.F.S. and other Central Civil Services. Recruits to the I.P.S. are first given a five months foundational training and later special training at the Sardar Patel National Police Academy, Hyderabad. The subjects of study and the training in drill, handling of weapons etc., have a direct bearing on the normal work of a police officer. The syllabus of training includes studies of crime psychology, scientific aids in detection of crime, methods of combating corruption and emergency relief. After completing a year's training, the probationer passes an examination conducted by the U.P.S.C. He is, then, appointed as an Assistant Superintendent of Police. But, before this appointment he has to undergo a year's programme of training: he is given practical training which requires him to do the work of various subordinate officers, under guidance. It is only after this that he is appointed an Assistant Superintendent of Police.

As an all India Service it is under the ultimate control of the Union Government, but is divided into state cadres, each under the immediate control of a state government. The Indian Police Service is managed by the Ministry of Home Affairs, though the general policies relating to its personnel are determined by the Department of Personnel and Administrative Reforms.

11.3.3 Indian Forest Service

The Indian Forest Service is the only all India Service that has been set up after independence. It became operational by an Act of Parliament in 1963. Its pay scale

and status is lower than that of the two original all India Services the IAS and IPS. Its recruits are chosen from an exclusive examination conducted by the Union Public Service Commission which consists of a written test and interview. Though it is an All India Service, its nature is not that of a generalised civil service, but is specialised and functional. It is managed by the Department of Personnel and Administrative Reforms which is in charge of making rules of recruitment, discipline and conditions of service regarding all India Services.

After selection the appointees undergo a foundational course lasting three months along with successful candidates of the other all-India and Central Services. After the foundation course, the probationers move to their own Academy (Indian Forest Institute) at Dehra Dun for a rigorous two year training course, the end of which they have to pass an examination before formal posting.

The Indian Forest Service is cadre-based as in the case of other All India Services. Like in other All India Services, a member of this Service can come to the Centre on deputation but has to go back to his cadre after the period of deputation is over.

Immediately, after being posted in any Office within the cadre he is kept on probation for one year whereafter he gets his regular posting at a different Office in the same cadre. The outer parameter of the operational area is a state or union territory.

Check Your Progress I

- Note: i) Use the space below for your answers.
- ii) Check your answers with those given at the end of the unit.

Trace the evolution of the All India Services after the Government of India Act of 1919 till the advent of independence in 1947.

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What are the constitutional provisions regarding the All India Services?

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Explain the 'tenure' and the system of 'dual control' with reference to the Indian Administrative Service.

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What are the major points of difference between the IAS & IPS?

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11.4 IMPORTANCE OF INDIAN ADMINISTRATIVE SERVICE

We will now discuss the distinct role of the Indian Administrative Service. The Indian arrangement creating a common pool of officers, who are in the exclusive employ of neither the centre nor the states and fill the top posts in both Union and State administrations, comes nearest to the ideal of joint action, co-operation and co-ordination, between the two levels of government as envisaged in a federal polity. On the one hand a single integrated federal service common to both the Centre and the States would be a negation of State autonomy. On the other hand, if the federal government is denied its own services, one of the two results may follow—either the State services will be reduced to the status of being mere agents of the Central Government, or the Central Government may find itself helpless in case of non-cooperative attitude, on the part of the State services. The Indian experiment avoids both by providing separate and independent Union and State services and yet facilitates coordination and co-operation, and, if necessary, joint action between the two levels of government by creating a common cadre of officers at the top level. It also avoids the possibility of the best brains preferring Federal service to State service, leaving the latter to be manned by the second or the third best. As it is, the all-India services, being recruited by the Union Government on an all-India basis, attracts the best persons who are then posted to different states. Such service cadres, thus, are a means for carrying a wider stock of talent to States. No better way of strengthening the State services can possibly be suggested. Again, constant transfers of such officers from the States to the Centre and back makes them aware of, and conversant with the administrative problems at both levels of the Government. Such officers, therefore, can be the best agents for carrying out administrative coordination between the federal and State administrations.

11.5 RECRUITMENT OF ALL INDIA SERVICES

We shall now describe briefly the method of recruitment to the All India services in India. As mentioned earlier, the recruitment is made by the Central Government on the basis of a competitive examination conducted by the Union Public Service Commission. The examination is a combined one—for a number of services like the I.F.S., I.A.S., I.P.S. and the Central Services Class I and II. To appear at the examination, a candidate must be between the age of 21 and 26. Only a University graduate (one holding B.A. or B.Sc. or an equivalent degree) can appear at the examination. The examination combines a written test of a high standard with a 'personality test' by the Union Public Service Commission in the form of a personal interview. The former aims at judging the level of intelligence and academic learning and the latter attempts to make a measure of the qualities of personality and character. The examination system is modelled on the British 'general' type rather than the American 'specialised' type.

11.5.1 Training of All India Services Personnel

Recruits to the All-India and Central Services are given a five months' foundational course and then special training in the training institutions for their respective services. The idea underlying the (foundational) course is that officers of the higher services should acquire an understanding of the constitutional, economic and social framework within which they have to function, as these largely determine the policies and programmes towards the framing and execution of which they will have to make their contribution. They should, further, acquaint themselves with the machinery of Government and the broad principles of Public Administration . . . The foundational course is also intended to cover such matters as aims and obligations of the Civil Service, and the ethics of the profession. Foundational course also develops among recruits to different services a feeling of belongingness to common public service and a broad, common outlook. After completing this five months' foundational course the probationers of the services other than the I.A.S., leave for their respective training institutions for institutional training, but the I.A.S. probationers stay at the Academy to undergo a further course of institutional training. From 1969, the Government has

introduced a new pattern of training called the 'sandwich' course, for the Indian Administrative Service. The new entrants to I.A.S. undergo two spells of training at the Academy with an interval of about a year which is utilised for foundational course. After completion of the foundational course and spell of institutional training at the Academy, the probationer, as he is called, is sent to the State (to which he has been allotted) for practical training. At the end of this training, he again comes to the Academy for a second spell of training where emphasis is placed on the discussion of administrative problems, the probationer has either encountered or observed in the course of practical training in the State. This part of the training is, thus, more problem-oriented. At the end of the second spell of training at the Academy, the I.A.S. probationer has to sit for a U.P.S.C. exam before being given the charge of a district-sub-division.

1.5.2 Cadre Management

Management of public services in India was until 1970 shared between the Ministry of Home Affairs and the Ministry of Finance. The responsibility of the former pertained to general conditions of service other than those having a financial bearing, while the latter was ultimately responsible for laying down conditions of service involving financial implications. The function of the Ministry of Finance is to consider the financial implications of these matters and that of the Home Ministry to take into account their effects on the efficient functioning of the services in general.

The Ministry of Home Affairs was the Central personnel agency in the Government of India. Its responsibility ran both vertically and horizontally. It administered and controlled the all-India services. It regulated all matters of general applicability to the services in order to maintain a common standard of recruitment, discipline, and conditions of service as well. Besides, it looked after the following matters :

- i) implementation of reservations for scheduled castes and scheduled tribes in various services ;
- ii) re-employment of displaced or retrenched employees and also persons who join the army during the national emergency ;
- iii) setting-up of whitley machinery for joint consultation and compulsory arbitration of unresolved differences between the Government and its employees.

After 1970 the Department of Personnel and Administrative Reforms (DEPAR) under the Home Ministry has become the managing authority in the case of the two all-India services, namely, (i) the Indian Administrative Service, and (ii) the Indian Forest Service. The Indian Police Service, which is also an all-India service, is managed by the Ministry of Home Affairs.

1.6 NEED FOR ALL INDIA SERVICES

Commenting on the need for the setting up of such Services, in a speech before the Constituent Assembly, B.R. Ambedkar, the Chairman of the Constitution-Drafting Committee, said : "... It is recognised that in every country there are certain posts in its administrative set-up which might be called strategic from the point of view of maintaining the standard of administration ... There can be no doubt that the standard of administration depends upon the calibre of the civil servants who are appointed to these posts ... The Constitution provides that, there shall be All-India Services, the members of which alone could be appointed to these strategic posts throughout the Union." Ambedkar, thus, emphasised the contribution such a Service could make in bringing about greater efficiency in the administration of the Union as well as the States. Secondly, there are others who emphasised the cohesive aspect of such services, which, it is claimed, will ensure the uniformity of the administrative system throughout the country. We, in India, are fortunate enough to be able to carry out, if we will, that experiment in large measure, thus providing an effective check to fissiparous tendencies and secure for its recruits attractions which no other Services can have. In the fifth place, since the responsibility for the administration of a State, in the event of the breakdown of the normal constitutional machinery, is vested in the President, the existence in the State of a certain number of officers of All-India Services occupying key-posts in the administration will certainly be helpful to him. He can count more on

the co-operation of officers, who, in the last analysis, are Union Government's employees, than on the officers of the State Government proper.

Check Your Progress 2

Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

1. What are the unique and distinctive features of the Indian Administrative Service?

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2. Briefly describe the method of recruitment of the All India Services.

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3. What is the government interest of the common trainees in the All India Services in the first 6 months of training period?

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4. What are the service conditions of the I.A.S. in the U.S.A.?

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11.7 CENTRAL SERVICES

Unlike the all-India services, the Central Civil Services are under the exclusive control of the Central Government, its members position: only in the Central Government. The Civil Services of the Central Government comprise established services known as central civil services as well as civil posts created outside the established services, which constitute the general central service. Both the established central civil services and the civil posts are classified in the descending order of importance into Class I, Class II, Class III and Class IV.

has often been pointed out that since the appointing authority is the same, there is no justification for classifying the services into the all-India and central services. Though the appointing authority is the same, yet there is a significant difference between the two. Officers of all-India services are employed to serve under the central as well as the state governments. Further, the members of I.A.S. can be appointed to any office calling for duties of a general supervisory nature, while the officers of the central services are employed in jobs of specialised nature. Therefore, the distinction can be said to be justified.

7.1 Recruitment

Recruitment to the Central Services Class I and II are made by the Union Public Service Commission on the basis of the unified all India Civil Service Examination.

7.2 Training and Cadre Management

Recruits to the Central Services Class I have to attend a five months foundational course at the Lal Bahadur Shastri National Academy of Administration, Mussoorie and other Central Training Institute before they go to the training institutions for their respective services. As the central services are unfunctional and specialised in nature, the syllabus of training differs from that of the all India services in as much as the courses of study have a direct bearing on the work which a member of the particular central service has to perform. A recruit to the Central service is also given practical training or training on the job during his training period. At the end of his training, the probationer passes a departmental examination in subjects directly related to his work before he or she is sent for her or his first posting. The basic pattern of training is the same for all recruits to the central services.

The day-to-day administration of these services rests with the individual Ministry under which the posts exist. Also, involved in the management of these services are the Department of Personnel which determines the conditions of service (of administrative nature) and the Ministry of Finance which is concerned with the pay-scales and other financial aspects of conditions of service like fixation of pay, grant of increments, pension and gratuity, contribution to provident fund, etc.

7.3 The Indian Foreign Service

The Indian Foreign Service (I.F.S.) comes under Central Civil Services – Class I and was created after Independence. It is under the exclusive control of the Central government and its members are recruited from the top few positions of the All India Civil Services Examination. Among the Central Civil Services it is the top most in prestige, status, pay and emoluments and its recruits are asked to serve in Indian missions and embassies abroad. It is managed by the Ministry of External Affairs. Also, involved in the management of the I.F.S. are the Department of Personnel which determines the conditions of service and the Ministry of Finance which is concerned with the pay-scales and other financial aspects of conditions of service. In matters of allowances the members of the Indian Foreign Service are more fortunate compared to other services. They are entitled to foreign allowances which are fixed with reference to (a) local cost of living (b) other expenditure which an officer serving abroad necessarily incurs either at home or abroad, over and above that an officer of corresponding rank serving in India, (c) representational expenditure, i.e., expenditure which while normally for a private individual is obligatory for a member of the service resident, by virtue of his official position.

A recruit of the I.F.S. undergoes a training programme which covers a period of three years. He is attached to a district for some time to enable him to pick up contact with practical work, he also undergoes a period of secretariat training. Training programme for I.F.S., however, puts emphasis upon the study of languages (Hindi and a foreign language) and of subjects, the knowledge of which is considered essential to a member of the I.F.S.

Check Your Progress 3

- i) Use the space below for your answers.
- ii) Check your answers with those given at the end of the unit.

What are Central Civil Services? How are they different from All India Services?

11.10 SOME USEFUL BOOKS

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11.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 Your answer should cover the following points :
 - Lee Commission in 1924 recommended the abolition of certain All-India Services
 - Lee Commission recommended the retention and Indianisation of ICS, IP, IMS, Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers
 - Government of India Act brought further changes in the position of the Services
 - The Joint Select Committee of the British Parliament considered the draft of the Act of 1935 and recommended the continuance of ICS, IP and IMS (Civil)
 - In October 1946, Sardar Patel secured the agreement of the Provincial Government to the formation of the two new All India Service, IAS and IPS to replace the old ICS and IP cover
- 2 Your answer should cover the following points :
 - Article 312-2 empowers the Union Parliament to create more of All-India Services whenever it is deemed necessary in the national interest.
 - All-India Service Act was passed by the Parliament in October, 1951.
 - Two sets of rules regulate the conditions of All-India Services, old rules made by the Secretary of State, or the Governor General in Council and the new rules under the 1951 Act.
- 3 Your answer should cover the following points :
 - All India Services are under the ultimate control of the Union Government
 - All India Services are divided into state cadres, each under the immediate control of a state government
 - The salary and the pension of these officers are met by the states
 - The strength of each state cadre is fixed as to include a reserve of officers who can be deputed for service under the Union Government for one or more 'tenures' before they return to the state-cadre
- 4 See Sub Sections 11.4.1 and 11.4.2

Check Your Progress 2

- 1 Your answer should cover the following points :
 - Creation of common pool of officers, who are in the exclusive employment of neither the Centre nor the states, but who occupy top posts in both the Union and State administration facilitating co-operation and coordination between the Centre and States.

- Enables the Officers of the Indian Administrative Services, to become conversant with the administrative problems at both levels of the government.
 - Since the Indian Administrative Service attracts the best persons, it is a means for carrying a wider stock of talent to states.
- 2 Your answer should cover the following points :
 - Recruitment on the basis of a competitive examination conducted by the UPSC
 - Combined examination for All India Services and Central Services class I and II
 - Nature of examination and interview
 - 3 See Sub sec. 11.6.1
 - 4 Your answer should cover the following points :
 - Role of Ministry of Home affairs and Finance in the management of All India Services till 1970
 - Role of Department of Personnel and Administrative Reforms as the managing authority since 1970

Check Your Progress 3

- 1 Your answer should cover the following points :
 - Unlike All India Services, the Central Civil Services are under the exclusive control of the Central Government
 - Its members man positions only in the Central Government
 - Officers of All India Services are employed to serve under the Central as well as the State governments.
 - Members of IAS can be appointed to any office calling for duties of a general nature while the officers of the Central services are employed in jobs of specialised nature
- 2 Your answer should cover the following points :
 - Its members are recruited from the top few positions of the All India Civil Services examination
 - It is the top most in prestige, status, pay and emoluments and its recruits are asked to serve in Indian Missions and embassies abroad
 - In matters of allowances the members of the Indian Foreign Service are most fortunate compared to other services
- 3 Your answer should cover the following points :
 - The day-to-day administration of these services rests with the individual ministry under which the posts exists
 - Also involved in the management of these services is the Department of Personnel which determines the conditions of service for administrative nature
 - Ministry of finance which is concerned with the pay-scales and other financial aspects of conditions of service like fixation of pay, grant of increments, pension and gratuity, contribution to Provident Fund etc.



Block

3

STATE ADMINISTRATION

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LOCK 3 STATE ADMINISTRATION

This is the third Block titled **State Administration** of Course 2 on Indian Administration. This block has five units. In the second block, you have read about the administration at the Central level. Now, this block will give you an idea about various aspects of administration at the State level.

Unit 12 : Constitutional Profile of State Administration

India is a Union of States. State is a very important unit of our federal set up. In this unit, we will discuss the powers of the State Government as derived from the Constitution. The powers of the Governor as the Constitutional head of the state have been dealt with. It also explains the way State legislative functions are exercised and control over administration. A discussion on the State Council of Ministers, its powers and functions and the role of Chief Minister is made. The unit also examines the emerging trends in the division of powers between the Centre and States.

Unit 13 : State Secretariat : Organisation and Functions

The State Secretariat consists of various departments with Ministers and Secretaries as political and administrative heads respectively. In this unit, we shall discuss about the meaning, significance, role and functions of the Secretariat. It gives an idea about the structure of a typical Secretariat department. It also explains the relationship between Secretariat department and the heads of the executive departments. It discusses the meaning of policy and administration and tries to determine whether they are discrete processes or a continuum. Keeping in view the important position occupied by the Chief Secretary in State administration, his role, functions are dealt in this unit.

Unit 14 : Directorates/Regional Administration

Directorates are one of the types of executive agencies which are responsible for execution of policies laid down by the Secretariat. In this unit, you will study about the meaning, significance, role and organisation of directorates. It also discusses about various types of executive agencies and the composition, functions and the position of the Board of Revenue. It also deals with the various patterns of revenue administration at the supra district level. It deals exhaustively with the regional administration, Office of the Divisional Commissioner and his functions.

Unit 15 : Patterns of Relationship Between Secretariat and Directorates

The unit deals with emerging patterns of relationship between Secretariat and Directorate. It aims to tell how the functioning of the Secretariat affects the Directorates. It discusses the factors responsible for the expansion in the Secretariat. Various approaches shaping the Secretariat -- Directorate relationship, viz. status-quo approach, bridging the gulf approach, amalgamation approach and de-amalgamation approach have also been dealt with, in this unit.

Unit 16 : State Services and Public Service Commission

State services are the civil services functioning at the state level. We shall discuss in this unit about the components of Civil Service at the State level, its classification and its recruitment system. It explains the constitutional provisions relating to Public Service Commission, composition, functions and its advisory role. There is a discussion on the constitutional safeguards which ensure the impartial functioning of the Commission and the exercise of patronage by the government and the Commission's membership.

UNIT 12 CONSTITUTIONAL PROFILE OF STATE ADMINISTRATION

Structure

- 12.0 Objectives
- 12.1 Introduction
- 12.2 Powers of State Governments
 - 12.2.1 State List
 - 12.2.2 Concurrent List
- 12.3 Role of the Governor
- 12.4 State Legislature
- 12.5 State Council of Ministers
 - 12.5.1 Powers and Functions of the Council of Ministers
 - 12.5.2 Division of Work into Departments at the State Level
- 12.6 Role of the Chief Minister
 - 12.6.1 Powers of the Chief Minister in relation to the Council of Ministers
 - 12.6.2 Powers of the Chief Minister in relation to the Governor
 - 12.6.3 Powers of the Chief Minister in relation to the Legislature
 - 12.6.4 Powers of the Chief Minister in relation to the Bureaucracy
- 2.7 Emerging Trends
- 2.8 Conclusion
- 2.9 Let Us Sum Up
- 2.10 Key Words
- 2.11 Some Useful Books
- 2.12 Answers to Check Your Progress Exercises

12.0 OBJECTIVES

After studying this unit, you will be able to :

- understand the constitutional provisions regarding the functioning of the State Government
- explain the role of the Governor in State Administration
- describe the powers and functions of the Chief Minister and Council of Ministers; and
- explain the working of the State Legislature and its control over administration.

2.1 INTRODUCTION

The very first Article of our Constitution says, "India, that is Bharat, shall be a Union of States." The word 'Union' has been used to mean 'Federation' in the US Constitution. In our Constitution, however, the Union is not a federation of the type set up by the US Constitution. It has several features of a Federation like dual government; distribution of powers between federal and state governments supremacy of the Constitution and final authority of Courts to interpret the Constitution. On the other hand, there are several unitary features like a unified judicial system; integrated machinery for election, accounts and audit; power of superintendence of Union government over State Government in emergencies and to some extent even in normal times; single citizenship etc. Due to these features, our Constitution has been described as establishing a quasi-federal polity. Granville Austin has on the other hand called our federalism as a Cooperative Federalism due to the need for close cooperation between the union government, and the state governments. The purpose here is not to discuss in detail the nature of Indian Federation, but, to put the study of state administration in proper context. It is, therefore, enough for you to know that our Constitution envisages a two-tier structure of governance — one at the union or central level and the other at the state level. The powers and functions of the central or union government and the state governments are specified in the Constitution. The union and the state governments function independently in their own spheres. Of course there is an area of overlapping responsibility and there are certain powers of superintendence vested in the Union Government.

In this unit, we propose to study the functions assigned to the state governments in the Constitution and the way in which the state administration is organised to perform these functions.

12.2 POWERS OF THE STATE GOVERNMENTS

As already mentioned, the union government and state governments derive their powers directly from the Constitution. The Constitution has adopted a three-fold distribution of legislative powers between the union and the states (Art. 246). Schedule VII of the Constitution enumerates the subjects into three lists. List I or the Union List consists of the subjects over which the Union has exclusive powers of legislation. Similarly, the List II or State List comprises subjects over which the State has exclusive powers of legislation. There is yet another List (List III) known as the Concurrent List of subjects over which both the Union and States have powers to legislate. The residual powers are vested in the Union. We would now discuss briefly List II and List III which enumerate the subjects over which the states have jurisdiction either exclusively or concurrently with the Union.

12.2.1 State List

The State List comprises 61 items over which states have exclusive jurisdiction. Some of the important ones are — public order and police, agriculture, forests, fisheries, public health, local government etc. These are subjects of maximum concern to the people which can be better dealt with at the state level. These subjects are generally under the exclusive jurisdiction of the states, but, under the following circumstances the Union Parliament can legislate on these matters.

- i) **In national interest**, Council of States by a resolution of 2/3 of its members present and voting may authorise Parliament to legislate on a state subject. Such authorisation may be for one year at a time, but, can be renewed by a fresh resolution
- ii) **Under a proclamation of Emergency**, the Parliament may legislate on a state subject
- iii) **With the consent of two or more States**, the Union Parliament may legislate on a state subject with respect to the consenting states
- iv) **Parliament has powers to legislate with reference to any subject (including a State Subject) for the purpose of implementing treaties or international agreements and conventions**
- v) **When a proclamation is issued by the President on the failure of constitutional machinery in any state**, he may declare that the powers of the state legislature shall be exercised by or under the authority of Parliament.

12.2.2 Concurrent List

The Concurrent List comprises 52 items over which the union and state legislatures have concurrent jurisdiction. The important ones are : Criminal Law and Procedure, Marriage, Trusts, Civil Procedure, Insurance, Social and Economic Planning etc.

While the Union and States can legislate on any of the subjects in the Concurrent List, predominance is given to Union Legislature. It means that in case of repugnancy between a union and a state law relating to the same subject, the former prevails. If, however, the state law was reserved for the assent of the President and has received such assent, the state law may prevail notwithstanding such repugnancy, but, it would still be competent for the Parliament to override such state law by subsequent legislation.

Any dispute about the interpretation of the entries in the three lists is to be decided by the Courts. Following principles have been followed in such interpretation :

- i) In case of overlapping of a subject between the three lists, predominance is to be given to the Union Legislature
- ii) Each entry is given the widest importance that its words are capable of without rendering another entry nugatory
- iii) In order to determine whether a particular enactment falls under one entry or another its 'pith and substance' is considered.

Distribution of Executive Power

In general the distribution of executive powers follows the distribution of the legislative powers. It means that the state government has executive powers in respect of subjects in the State List.

However, the executive power in respect of subjects in the Concurrent List ordinarily remains with the state governments except in the following cases :

- i) where a law of Parliament relating to such subjects vests some executive functions in the Union e.g. in Industrial Disputes Act, 1947
- ii) where provisions of Constitution itself vest some executive functions upon the Union e.g. implementation of treaty or international obligation.

Moreover, the Union has the power to give directions to the state governments in the exercise of their executive powers in following cases :

i) In normal times

- a) to ensure compliance with Union laws
- b) to ensure that exercise of executive power of the state does not interfere with the exercise of the executive power of the Union
- c) to ensure construction and maintenance of the means of communication of national or military importance by the state
- d) to ensure protection of railways in the state
- e) to ensure implementation of schemes for the welfare of Scheduled Castes and Scheduled Tribes
- f) to ensure that the administration of a state is carried on in accordance with the provisions of the Constitution.

ii) In Emergencies

- a) During proclamation of emergency the state government functions under the complete control of Union Government
- b) On proclamation of failure of constitutional machinery in a state, the President may assume to himself all or any executive powers of the state.

iii) During a Financial emergency

- a) The President can give directions to the state government to observe canons of financial propriety
- b) to reduce salaries and allowances of employees
- c) to require money bills and other financial bills to be reserved for consideration of the President.

12.3 ROLE OF THE GOVERNOR

Our Constitution provides for the Parliamentary form of Government at the union as well as the state level. The Governor is the Constitutional head of the state and acts on the advice of the Council of Ministers headed by the Chief Minister. He is appointed by the President for a term of five years and holds office during his pleasure. He can be reappointed after his tenure as Governor of the same State or of another State.

According to the Constitution the Governor has many executive, legislative, judicial and emergency powers. For example, the Governor appoints the Chief Minister and on his advice the Council of Ministers. He makes many other appointments like members of the State Public Service Commission, Advocate General, Senior Civil Servants etc. In fact, the entire executive work of the State is carried on in his name.

The Governor is a part of the state legislature. He has a right of addressing and sending messages to and of, summoning, proroguing the state legislature and dissolving the lower house. All the bills passed by legislature have to be assented to by him before becoming law. He can withhold his assent to the Bill passed by legislature and send it back for reconsideration. If it is again passed with or without modification, the Governor has to give his assent. He may also reserve any Bill passed by the state legislature for the assent of the President. The Governor may also issue an Ordinance when the legislature is not in session.

The Governor also has the power to grant pardon, reprieve, respite, remission of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law related to a matter to which the executive power of the state extends.

Emergency Powers of the Governor

Whenever the Governor is satisfied that a situation has arisen in his state whereby the administration of the state cannot be carried on according to the Constitution, he can report the fact to the President. On receipt of such a report, the President may assume to himself the powers of the state government and may reserve for the Parliament the powers of the state legislature (Article 356).

Exercise of Discretion by the Governor

It has already been pointed out that the Governor has to exercise his powers on the advice of the Council of Ministers. He does not, therefore, have much discretion in the exercise of his powers as long as a stable Ministry enjoying the confidence of the Assembly is in office. However, this is not always the case. The Governor may then be called upon to exercise his discretion. It is this exercise of discretion, that has made the Governor as the most controversial constitutional office of the country. Major controversies have arisen in the following types of cases :

i) Appointment of Chief Ministers

The Governor appoints the Chief Minister and on his advice the Council of Ministers. When a party with absolute majority elects a leader, the Governor has no choice but to appoint him the Chief Minister and invite him to form the government. Problems arise when no political party has an absolute majority in the legislature. Here the discretion of the Governor comes into play. For example, in 1952 the Congress Party was the largest single party in Madras legislature, but did not have an absolute majority. Still the Governor Mr. Sri Prakash invited Mr. C. Rajgopalachari to form the government as the leader of the largest single party. This principle was however, not followed in West Bengal in 1970. The CPM led by Mr. Jyoti Basu was the largest single party in the West Bengal assembly. The Governor Mr. S.S. Dhavan asked Mr. Basu to prove his majority. Mr. Basu insisted on calling the assembly and proving his majority on the floor of the House. The Governor ultimately did not invite him to form the government. Thus different criteria have been followed by different Governors in similar circumstances. The opponents of Congress say that this has been done at the behest of the Congress government which was in Office at the Centre.

ii) Dismissal of a Ministry

A Chief Minister and his Ministry hold Office during the pleasure of the Governor. His pleasure is not subject to any scrutiny. However, the Governor has to exercise his discretion judiciously. There is a general feeling that the Governors have not done so. For example, the Governor of West Bengal Mr. Dharam Veera dismissed the Ajoy Mukherjee Ministry in 1967 on the ground that he did not call a meeting of the assembly within the time specified by the Governor for proving the majority. The action was severely criticised by many jurists who felt that it was a wrong convention to establish. It would have been much better to establish the convention that a Governor can call a meeting of the assembly to test the majority of the government, in case the Chief Minister refused to do so. The opposition interpreted it as a deliberate attempt on the part of the Governor of helping the ruling party at the Centre. According to them Governor's pleasure is subject to the Ministry enjoying the confidence of the assembly which alone should decide the fate of a Ministry.

iii) Dissolution of the Assembly

In British Parliamentary Democracy, the king is guided by the advice of the Prime Minister in the matter of dissolution of the House of Commons. Likewise the Governor should be guided by the advice of the Chief Minister in the matter of dissolution of the assembly. Unfortunately such a convention has not been established. For example, in 1967 the Chief Minister of Punjab, Mr. Gurnam Singh advised the Governor to dissolve the assembly. His advice was not accepted by the Governor on the ground that as long as it is possible to form a government, the assembly should not be dissolved. Same thing happened to the advice of Mr. Charan Singh when he advised the Governor of U.P. in 1968 to dissolve the assembly.

The opposition parties have alleged that here again the Governors have tended to act according to the wishes of the Central Government.

iv) Use of Emergency Power

It has also been alleged that the Governors have not used their discretion judiciously in advising the President for using his emergency powers under Article 356 of the

Constitution. In 1959 itself, the Governor of Kerala reported to the President that due to failure of law and order, the government of the state could not be carried on according to the provisions of the Constitution. The first non-Congress (CPM) state government of the country was thrown out by the President on the basis of this report which was severely criticised by all sections of the Opposition. In 1984 the Governors of J&K and Andhra Pradesh verified the numerical support of the ruling (non-Congress) parties in the assembly and hurriedly advised the dismissal of the state governments on the ground that in the absence of stable majorities, the governments of these states could not be carried on according to the Constitution. In either case, the majority of the government was not tested on the floor of the assembly. Moreover, in case of Andhra Pradesh even the arithmetic of numbers proved to be incorrect. In these cases there were open allegations also that the Governors had tried to reduce the state governments to a minority.

General Remarks

It appears that our Constitution envisages a dual role for the Governor. He is a constitutional head of the state government as well as a representative of the President. The mode of appointment of the Governor and his holding Office during the pleasure of the President have tended to emphasise the second role of the Governor i.e. his role as a representative of the President. Since the President has to act on the advice of the Council of Ministers headed by the Prime Minister, the Governor has indirectly to act according to the wishes of the leader of the ruling party at the Centre. This has been resented by the opposition parties and has also been criticised by eminent jurists. It has been argued that provisions regarding the appointment and termination of the Governor have made him a tool of the ruling party at the centre and not an impartial head of the state.

On the other side, it has been argued that the mode of appointment and termination of the Governor was deliberately adopted by the framers of Constitution, after a good deal of debate, with a view to guard against the fissiparous tendencies present in our polity. However, it is said that by appointing pliable Governors, the ruling party has used this high Office as an instrument of oppression for the Opposition.

2.4 STATE LEGISLATURE

Legislation provides the framework for policy formulation and arms the government with powers to implement the policies. At the state level the function of providing the necessary legislative framework is performed by state legislature. Our Constitution provides that every state shall have at least one house, viz. the Legislative Assembly comprising 60 to 500 members chosen by direct election on the basis of adult suffrage from territorial constituencies. In addition, any state can create a second house, viz. Legislative Council if it so desires. This can be done by a resolution of the Assembly passed by a special majority (i.e. a majority of total membership of the Assembly not being less than two-thirds of the members actually present and voting) followed by an act of Parliament. By the same process, an existing Legislative Council can be abolished also. Andhra Pradesh, West Bengal and Punjab have followed this procedure to abolish their Legislative Council. At present, only Bihar, Maharashtra, Karnataka and U.P. and J&K have two houses. Whenever constituted, the membership of the Council cannot be more than 1/3 of the membership of the assembly but not less than 10. The composition of Council membership is as follows :

- 1/3 elected by members of local bodies
- 1/12 elected by electorate of graduates of 3 years' standing
- 1/12 elected by teachers of 3 years' experience in Secondary School or above
- 1/3 elected by MLAs from non-members of the Assembly
- 1/6 nominated by the Governor

Election is to be in accordance with the principle of proportional representation by a single transferable vote.

Duration of the Assembly is five years unless dissolved earlier by the Governor. Its term may be extended by Parliament during Emergency upto a period of six months beyond the expiry of the proclamation of Emergency by the President. The Legislative Council is a continuing body with 1/3 of its members retiring every second year.

Legislative Procedure—(bicameral legislature)

A) Regarding a Money Bill

- a) A Money Bill can originate only in the Legislative Assembly and not in the Council.
- b) The Council cannot reject or modify this bill passed by the Assembly. It can only make recommendations which may or may not be accepted by the Assembly. The Bill as passed by the Assembly with or without modification is presented to the Governor for assent. If the Council does not return the Bill for 14 days, it can straightaway be presented to the Governor for his assent.

Thus the will of the Assembly ultimately prevails. The Council can at best delay its passage.

B) Regarding a Bill other than a Money Bill

- a) Such a Bill can originate in either house.
- b) If a Bill is passed by the Assembly, the Council may reject the Bill; modify it; or may not pass it for 3 months. If the Bill is again passed by the Assembly with or without modifications, the Council, on its second journey, may only delay it by one month.
- c) If a Bill originates in the Council and is rejected by the Assembly, the matter ends.

Thus in every way the supremacy of the Assembly is established; more so in case of Money Bills. The dispute between two houses is always resolved according to the will of the Assembly. This is in contrast to the Union Legislature where a dispute between the two houses is resolved by a joint sitting. This is probably in recognition of the fact that the upper house in Union Legislature is representative of the states.

Governor's Veto

When a Bill passed by state legislature is presented to the Governor for his assent:

- a) He may assent to the Bill, in which case it would become law.
- b) He may withhold assent, in which it does not become law.
- c) He may, in case of a Bill other than a Money Bill, return the bill with a message.
- d) The Governor may reserve a Bill for the consideration of the President.

Options (a) and (b) do not involve use of discretion by the Governor. He may not withhold assent without the advice of the Council of Ministers. However, in case of options (c) and (d) the Governor may act in his discretion. When a Bill is returned with a message, the legislature may again pass the Bill with or without modifications. The Governor then has no option but to signify his assent.

Option (d) however gives the Governor and the President a real veto on a Bill passed by state legislature. When a Bill is reserved for the assent of the President, he may either declare his assent; withhold his assent or return the bill to state legislature with a message. The state legislature has to reconsider the Bill within six months. Even if the bill is passed again with or without modifications, it is not obligatory on the part of the President to signify his assent.

The opposition parties have criticised that this provision of veto detracts substantially from the autonomy of the state governments. The Governor, as an agent of the President may interfere with the legislative powers of the state.

Governor's Power to Issue Ordinances

When the legislature is not in session, the Governor can issue Ordinances which have the force of law. Any Ordinance so issued by the Governor has to be placed before the legislature whenever it is convened and ceases to have effect at the expiration of six weeks from the date of reassembly unless disapproved earlier. The Governor's Ordinance-making power is coextensive with the legislative powers of the state legislature and is subject to the same limitations about obtaining previous sanction from the President.

Legislative Control over Administration

Apart from providing necessary legislative support to the executive, the legislature also acts as an instrument of popular control over administration. In a Parliamentary democracy like ours, this control is exercised in following forms :

i) Assembly Questions

The members of the assembly have a right to ask questions from the Government. They can also ask supplementary questions. This device keeps the government on its toes. Whenever any weaknesses are noticed, the Government is compelled to promise and take corrective action.

ii) Discussions

Apart from asking question, the members may ask for discussions over important matters. They may also bring forward call attention motions and adjournment motions on important public matters. Even if such motions are not allowed, a lot of information has to be supplied by the Government and some discussion does take place. Here again the Government is kept on a tight leash and has to answer the representatives of the people.

iii) Financial Control by Budget

No money can be raised and no expenditure can be incurred without a vote by the legislature. By thus controlling the purse-strings, the legislature controls the programmes and activities of the Government. It is true that by virtue of its majority in the legislature, the Government may ultimately get voted the money it wants, but during the process a lot of discussion takes place. This keeps the Government in touch with the needs of the people. The discussion also highlights the weaknesses of the administration in the implementation of the voted programmes.

iv) Post-expenditure Control

The state legislature also scrutinises the expenditure incurred by the Government through the device of audit. Our Constitution provides for an integrated accounts and audit system. The Comptroller and Auditor General of India (CAG) gets the accounts of the state government audited and sends his report to the Assembly through the Governor. The Public Accounts Committee of the state legislature goes through this report, examines and finally reports to the legislature. Any instances of unauthorised, improper, or imprudent expenditure are thus discussed in detail and brought to the notice of the legislature which can then keep a vigilant eye on the Government.

v) Control through Legislative Committees

Apart from the Public Accounts Committee mentioned above, there are several other committees viz., Estimates Committee, Committee on Public Undertakings, Committee on Assurances etc. These committees examine the various aspects of the working of the Government and make useful suggestions. They also criticise the government for its failures and bring these failures to the notice of the legislature and the people. This is a good device of exercising control over the government as the assembly is too unwieldy a body to examine the working of the Government in detail.

vi) Ministerial Responsibility

The most potent weapon of the legislature is of course to enforce the ministerial responsibility. In a Parliamentary government the political executive is a part of the legislature and is responsible to it all the time. The government can be thrown out at any time by a vote of no-confidence or even by rejecting its budget or any of the substantive legislative measures. As the political executive is thus always responsible to the legislature, the administrators become indirectly responsible to it through the ministers.

In spite of these controls it is often felt that the administration is not responsive enough. On the other hand it is argued that the legislative control, specially the one through audit is too tight and takes away the initiative of the administrators.

Check Your Progress I

- i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

Explain the three-fold distribution of powers between the union and the states.

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.....

2) What are the emergency powers of the Governor.

3) Discuss the legislative procedure regarding

What are the various ways of organising administration?

12.5 STATE COUNCIL OF MINISTERS

As already mentioned the executive power of the state is exercised in the name of the Governor, who is the constitutional head of the state. But, the Governor has to have a Council of Ministers with the Chief Minister at its head to aid and advise him. But for a few discretionary functions, the Governor has to act on the advice of the Council of Ministers. It means that the real executive power is exercised by the Council of Ministers.

Ministers in the Council are appointed by the Governor on the advice of the Chief Minister and hold Office during his pleasure. It means that a Minister can be dismissed by the Governor on the advice of the Chief Minister.

On the pattern of the union government, Ministers in the state governments are also of the following categories:

- a) Cabinet Ministers
- b) Ministers of State
- c) Deputy Ministers
- d) Parliamentary Secretaries

In Government of India, only Cabinet Ministers attend the meetings of the Cabinet. In State government, however, all the Ministers attend Cabinet meetings, making discussion on serious rather difficult matters. For expeditious and efficient transaction of business some states have adopted the device of forming Cabinet Committees. Some of these committees are standing committees, while some ad hoc committees are constituted to deal with some specific problems. The system of Cabinet Committees is not so popular in the state governments as in the central government. Most of the important matters in the states are placed before the Cabinet which meets quite frequently.

12.5.1 Powers and Functions of the Council of Ministers

The Council of Ministers is the highest policy-making body of the state government. It lays down policy in respect of all matters within the legislative and administrative competence of the state government. The Council also reviews the implementation of the policy laid down by it and can revise any policy in view of the feedback received during implementation. Since the Governor has to exercise his executive powers on the advice of the Council of Ministers and all the executive power is exercised in the name of the Governor, there is no limitation on the powers of the Council except the following:

- i) The limits imposed by the Constitution and the laws passed by the union and state legislatures.
- ii) Self imposed limits to exclude consideration of less important matters.

The second limitations will be clear after reading the next sub-section.

12.5.2 Division of Work into Departments at the State Level

According to the doctrine of ministerial responsibility, the Council of Ministers is collectively responsible to the state assembly. It is, however, impossible for the Council to take all the decisions collectively. During the early British period, the administration of the state was carried on by the Governor-in-Council. At that time most of the decisions were taken collectively, because the number of decisions to be taken was not very large. With the passage of time, the scope of governmental activity increased and the matters that came up for the decision of the Council also proliferated. This led to the development of 'portfolio system' in which the Councillors were placed in charge of certain specified subjects leaving only a few important matters to be placed before the whole Council. The same system has continued after Independence. Under our Constitution, the Governor has to make rules for the efficient conduct of business [Article 166(3)]. The state governments have framed 'Allocation of Business Rules' according to which the work is divided among different Ministers. This division of work can be done on the basis of functions, or on the basis of clientele, or on geographical basis or on the basis of a combination of these factors. Very often the division of work is decided on personal considerations rather than on any rational criteria. Most of the work in respect of subjects allotted to a Minister is disposed of by him. However, according to the rules of business, some matters have to be reserved by the Minister for :

i) Consideration of the Chief Minister

These are called coordination cases. In these cases the Minister in charge of a portfolio, records his recommendations and submits the file to the Chief Minister for his orders. Rules of business give a list of such cases. The Chief Minister may also reserve some cases or classes of cases for his orders.

ii) Presentation before the Cabinet

These are important policy matters which have wide repercussions. Important cases of disagreement between two or more Ministers are also brought before the Cabinet for its decision. A list of such cases is given in the rules of business. In addition, the Chief Minister may require any case of any department to be placed before the Cabinet. A few of the typical Cabinet cases are given below :

- a) Annual financial statement to be laid before the legislature and demands for supplementary grants.
- b) Proposals affecting state finance not approved by the Finance Minister.
- c) Exemption of important matters from the purview of State Public Service Commission.
- d) Proposals for imposition of new taxes etc.

12.6 ROLE OF THE CHIEF MINISTER

The Chief Minister performs the same functions in respect of the state government as the Prime Minister does in respect of the Union Government. Although the real executive power of the state government vests in the Council of Ministers, the Chief Minister has acquired a very special role in the exercise of this executive power. He is not the first among equals, but, is the prime mover of the executive government of the state.

The Chief Minister is appointed by the Governor and holds Office during his pleasure. However, when a single political party has an absolute majority in the assembly, the Governor has only a ceremonial role in these matters. He has to invite the leader of the majority party to form the government and cannot dismiss him so long he enjoys the confidence of the assembly. The only exception probably may occur when the majority party changes its leader in the assembly. Of course the Governor does have some discretion in these matters during periods of instability when no single party can claim an absolute majority in the assembly.

12.6.1 Powers of the Chief Minister in relation to the Council of Ministers

The Chief Minister is the leader of the Council of Ministers. With the passage of time, the position of Chief Minister has strengthened vis-a-vis his Council of Ministers. He has to assign portfolios among his Ministers and can change such portfolios when he likes. He plays a coordinating role in the functioning of his Council of Ministers. He has to see that the decisions of the various departments are coherent. He has to lead and defend his Council of Ministers in the Assembly. In short he has to ensure the collective responsibility of the Council of Ministers to the state assembly. The Chief Minister sets the agenda for the Cabinet and greatly influences its decision. He takes decisions on important matters in coordination even though these are allotted to individual Ministers. Moreover, the Governor appoints the Ministers on the advice of the Chief Minister and the Ministers hold Office during the pleasure of the Governor. As a result of these provisions, the Minister in fact holds Office during the pleasure of the Chief Minister. This power of dismissing the Ministers at will and the power to change their portfolios has greatly strengthened the power of the Chief Minister in relation to his Ministers and ultimately the Council of Ministers.

Having said that, it must also be realised that the power of the Chief Minister in relation to his Council of Ministers also depends on political conditions prevailing in the State. If a cohesive party has an absolute majority in the Assembly, the Chief Minister becomes very powerful and the Ministers are afraid of him. His power is further enhanced in case of a State-wide regional party for in that case he is not subject to the discipline of the national leadership. The position of a Chief Minister gets weakened if he heads a coalition government or a faction ridden party. In either case he has to effect compromises to keep a balance among the coalition partners or various factions within the party.

12.6.2 Powers of the Chief Minister in relation to the Governor

The powers of the Governor in relation to Chief Minister have been discussed above. The powers of Chief Minister in relation to the Governor have not been mentioned anywhere in the Constitution. A convention was sought to be established whereby the Chief Minister could be consulted regarding the appointment of the Governor in his state. Even this has not been followed by the union government in many cases. The only other power which can be indirectly inferred from the Constitution is the power to exercise executive power of the state in the name of the Governor. All the public appearances of the Governor and the speeches delivered by him on such occasions have to be in accordance with policy laid down by the Council of Ministers headed by the Chief Minister. Similarly the speeches of the Governor on ceremonial occasions and annual speech before the assembly are all to be approved by the Cabinet.

12.6.3 Powers of the Chief Minister in relation to the Legislature

Formerly the Chief Minister is also the leader of the House. Apart from this formal position, the Chief Minister also provides real legislative leadership to the house in the sense that he sets the legislative agenda. The legislative measures are brought before the assembly after approval of the Council of Ministers headed by the Chief Minister. It is true that private members may also bring a Bill before the assembly. But, that hardly has a chance of success. Apart from the fact that it has no backing of the majority party, the private members do not have the wealth of information available to the government. Apart from setting up the legislative agenda, the Chief Minister has to keep the assembly informed about the various activities of the government by answering questions, making statements, intervening in the debates etc.

12.6.4 Powers of the Chief Minister in relation to the Bureaucracy

By virtue of being the head of the political executive, the Chief Minister controls the entire bureaucracy of the state. In this function he is assisted by the Secretariat headed

by the Chief Secretary. He approves all senior appointments like those of Secretaries, Additional/Joint/Deputy Secretaries, Heads of the Departments, Chairmen and Managing Directors of Public Sector Undertakings etc. Through his Cabinet, he controls their service conditions and disciplinary matters. He provides them leadership to ensure good performance and good morale. At the same time he has to keep a watch on their performance through administrative channels as well as through his own sources like party workers, complaints from aggrieved persons and actual observation during tours, etc.

12.7 EMERGING TRENDS

We have so far discussed the constitutional provisions regarding the functioning of the state administration. We would now study as to how these provisions have actually worked in the context of political developments in the country.

As already mentioned earlier, one of the basic features of our Constitution is division of functions between the Union (Centre) and the States. The scheme of division itself is based towards the centre and gives greater financial and administrative powers to it. Over a period of time the centre has emerged stronger. In this connection following features deserve notice :

- i) The central government has more lucrative sources of revenue. Moreover, it can generate money and also indulge in external borrowing. The states on the other hand have meagre revenues and are unable to finance their development programmes without assistance from the centre. In a way it has helped weaker states to get more resources, but has also given a handle to the centre to discipline the states which do not fall in line with its thinking. This has to great extent undermined the autonomy of the states. Such a trend is visible even in federations like the U.S.A.
- ii) The establishment and functioning of a non-statutory body like Planning Commission has tended to strengthen centre vis-a-vis the states. The discretionary grants of the Government of India are given on the recommendations of the Planning Commission. Many schemes of the state government require clearance from Planning Commission. The states Five Year Plans and Annual Plans are decided according to the priorities laid down by the Planning Commission and with their consultation and concurrence. This has severely undermined the autonomy of the states.
- iii) For a long time the Congress Governments remained in power at the Centre and also in the states. In addition to the constitutional discipline, there was the party discipline which kept states almost in subordination. With the emergence of the opposition governments, this trend is now changing. The state governments are now asserting their autonomy.
- iv) Article 356 of the Constitution has been used too often to dismiss the state governments belonging to opposition parties. In this connection one may recall a large scale supersession of state governments by Janata Government in 1977 and by the Congress Government in 1980. Even otherwise this emergency provision has been used for too frequently. This has also undermined the autonomy of the state governments.
- v) Most of the matters connected with development concern the states as well as the centre. For example subjects like agriculture, rural development, forest, although falling in state sector, concern the centre also. We therefore find big departments of agriculture, rural development etc. at the centre also. Apart from providing finance to the states, they also provide expertise which can be better hired at the national level than at the state level. This has also increased the dependence of the states on the centre.

Check Your Progress 2

- Note : i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

- 1) What are the powers and functions of the Council of Ministers?

different interests and keeping the bureaucracy under control and responsive to the peoples' needs.

The state legislature provides the necessary legislative support for policy formulation and policy implementation. It exercises control over the executive by various devices like assembly questions; discussions; call attention and adjournment motions; control over budget; audit; examination by committees like PAC, CPU, estimates committee etc. Ultimately the legislature can enforce the ministerial responsibility.

The working of the Constitution over a period of time has tended to strengthen the union or central government vis-a-vis the state governments. The main reasons have been the dependence of the state governments on the Union Government for financial resources; centralising role of planning; frequent use of Article 356 of the Constitution etc.

2.9 LET US SUM UP

In this unit we have discussed the constitutional framework of the state administration. Powers of the state governments with respect to the State List and Concurrent List were made clear. We also discussed the role of the Governor and State Council of Ministers. Powers of the Chief Minister, who is the real executive at the state level have been clearly dealt with. The unit discussed the role of the State legislature. The emerging trends between the relationship between States and the Union have also been highlighted.

2.10 KEY WORDS

Convention : An accepted rule.

Remission : Reduction of the amount of sentence without changing its character e.g., sentence of imprisonment for one year may be remitted to six months.

Reprieve : Pardon or postpone the punishment.

Repugnancy : Contradiction.

Respite : A temporary stay of execution.

2.11 SOME USEFUL BOOKS

Dasu, D.D. 1988. *Introduction to the Constitution of India*; Prentice Hall : New Delhi.

Maheshwari, Shriram. 1979. *State Governments in India*; The Macmillan Company of India Limited : Delhi.

Handey, Lallan Behari, 1984. *The State Executives*; Amar Prakashan : Delhi.

Ylce, M.V. 1967. *India's Constitution*; Asia Publishing House : Bombay.

2.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

- the distribution of powers between the centre and the states under Union List, State List and Concurrent List.

2) Your answer must include the following points:

- Governor is satisfied that a situation has arisen in his state whereby the administration of the state cannot be carried on according to the Constitution.
- He can report the fact to the President.
- On receipt of such a report the President may assume to himself the powers of the state government.
- He may reserve to the Parliament the powers of the State legislature.

- 3) Your answer must include the following points :
- Money Bill can originate only in the legislative assembly and not in the council.
 - The council cannot reject or modify a Bill passed by the assembly.
 - It can only make recommendations which may or may not be accepted by the assembly.
 - The Bill as passed by the assembly with or without modification is presented to the Governor for assent.
 - If the Council does not return the Bill for fourteen days, it can straightaway be presented to the Governor for his assent.
 - The will of the assembly ultimately prevails.
 - The council can at best delay its passage.
- 4) Your answer must include the following points :
- Assembly questions
 - Discussions
 - Financial control by budget
 - Post-expenditure control
 - Control through legislative committees
 - Ministerial responsibility

Check Your Progress 2

- 1) Your answer must include the following points:
- It is the highest policy making body of state government.
 - It lays down policy in respect of all matters within the legislative and administrative competence of the state government.
 - Also reviews the implementation of the policy laid down by it and can revise any policy in view of the feedback received during implementation.
 - There are no limitations on the powers of the Council except the following:
 - The limit imposed by the Constitution and the laws passed by the union and state legislatures.
 - Self imposed limits to exclude consideration of less important matters.
- 2) Your answer must include the following points :
- He is the leader of the Council of Ministers.
 - He has to assign portfolios among his ministers and can change such portfolios when he likes.
 - He plays a coordinating role in the functioning of his Council of Ministers.
 - He has to see that the decisions of the various departments are coherent.
 - He has to lead and defend his Council of Ministers in the assembly.
 - He sets the agenda for the Cabinet and greatly influences its decisions.
 - Takes decisions on important matters in coordination even though these are allotted to individual ministers.
- 3) Your answer must include the following points :
- Scheme of division of functions between union and states itself is biased towards the centre and gives greater financial and administrative power to it.
 - Over a period of time the centre has emerged stronger. The following features deserve notice :
 - Central government has more lucrative sources of revenue.
 - The establishing and functioning of non-statutory body like Planning Commission has tended to strengthen centre.
 - Article 356 of the Constitution has been used too often to dismiss the state governments.
 - They also provide expertise which can be better hired at the national level than at the State level. This has also increased the dependence of the states on the centre.

UNIT 13 STATE SECRETARIAT: ORGANISATION AND FUNCTIONS

Structure

- 3.0 Objectives
- 3.1 Introduction
- 3.2 Meaning of Secretariat
- 3.3 Position and Role of State Secretariat
- 3.4 Structure of a Typical Secretariat Department
- 3.5 Pattern of Departmentalisation in State Secretariat
- 3.6 Distinction between Secretariat Department and Executive Department
 - i3.6.1 Policy and Administration : Discrete Processes or A Continuum?
- 3.7 Chief Secretary
 - 13.7.1 His Position
 - 13.7.2 Chief Secretary's Functions
- 3.8 Let Us Sum Up
- 3.9 Key Words
- 3.10 Some Useful Books
- 3.11 Answers to Check Your Progress Exercises

3.0 OBJECTIVES

After studying this unit, you should be able to :

- understand the meaning, significance and role of the state secretariat
- explain the vertical structure of a typical secretariat department and the pattern of departmentalisation in the state secretariat
- understand the distinction between the secretariat department and the head of the executive department as well as their mutual relationship
- define the terms 'policy' and administration and say if they are discrete processes or a continuum; and
- understand the significance and role of the chief secretary in the state secretariat system.

3.1 INTRODUCTION

This unit discusses the organisation and functions of state secretariat. It explains the pattern of departmentation in the secretariat and the distinction between the secretariat department and executive department. In addition, position and functions of Chief Secretary in the state administration are also discussed.

3.2 MEANING OF SECRETARIAT

The three components of government at the state level are: (i) the minister; (ii) the secretary; and (iii) the executive head. (The last one in most cases is called the director, though other nomenclatures are also used to refer to the executive head). The minister and the secretary together constitute the secretariat whereas the office of the executive head is designated as the directorate.

Literally the term secretariat means the secretary's office. It originated at a time when what we had in India was really a government run by the secretaries. After Independence the power of governance passed into the hands of the popularly elected ministers and thus the ministry became the seat of authority. In the changed political situation the term secretariat has become a synonym for the minister's office. But because the secretary is the principal adviser to minister he needs to be in the physical vicinity of the minister. In effect therefore secretariat refers to the complex of buildings that houses the offices of ministers and secretaries. Maheshwari's elaboration is instructive: The expression Secretariat is used to refer to the complex of departments whose heads politically are ministers and administratively the secretaries.

13.3 POSITION AND ROLE OF STATE SECRETARIAT

The following extract from the Administrative Reforms Commission's Report on State Administration gives a succinct expression to the position and role of the state secretariat :

The state secretariat, as the top layer of the State administration, is primarily meant to assist the State Government in policy making and in discharging its legislative functions. It also acts "as a memory and a clearing house preparatory to certain types of decisions and as a general supervisor of executive action". The main functions of the state secretariat are broadly as follows :

- a) assisting the ministers in policy making, in modifying policies from time to time and, in the discharge of their legislative responsibilities;
- b) framing draft legislation and rules and regulations;
- c) coordination of policies and programmes, supervision and control over their execution, and review of results;
- d) budgeting and control of expenditure;
- e) maintaining contact with the Government of India and other state governments; and
- f) overseeing the smooth and efficient running of the administrative machinery and initiating measures to develop greater personnel and organisational competence.

The administrative philosophy to which the secretariat system owes its existence is that policy making must be kept separate from policy execution. Several advantages are claimed in favour of such an arrangement.

- 1) Freedom from operational involvement makes the policy making apparatus forward looking and allows it to think in terms of overall goals of government rather than narrow, sectional interests of individual departments.
- 2) Policy making receives the time and attention it deserves if the same set of persons were charged with the functions of policy making as well as its execution, the former task would suffer an inevitable neglect. This is because, policy making, is a serious exercise in drawing up what would be a future course of action, but always tend to appear to be less urgent than policy execution which involves routine, day-to-day administration.
- 3) Secretariat serves as a disinterested adviser to the minister. It is important to remember that the secretary is secretary to the government and not to the minister concerned which ensures objective examination of the proposals coming from the executive departments. It enables a more balanced scrutiny of the proposals.
- 4) Policy making must be separated from current administration and day-to-day implementation should be left to a different agency with executive freedom. That ensures delegation of authority.

It should be in order at this stage to portray the broad dimensions of the secretariat's role in some details.

The foremost of these is the secretariat's role in policy making. It assists the ministers in the formulation of governmental policies. This has two aspects. First, the secretary supplies to the minister data and information needed for policy formulation. Secondly, the secretaries sometimes provide the programmes, on whose strength ministers are voted to power, with content by working out their details. Secondly, the secretariat assists ministers in their legislative work. Drafts of legislations to be introduced in

in the legislature by ministers are prepared by the secretaries. Besides, to answer questions in legislature, the minister needs relevant information: the secretary supplies this information to the minister. Secretary also collects information required with respect to the legislative committees. Third, the secretariat functions as an institutionalised memory. This means that the emerging problems require an examination in the light of precedents. Records and files maintained in the secretariat serve as an institutional memory and ensure continuity and consistency in disposal of issues. Fourth, secretariat is a channel of communication between one government and another, and between the government and such agencies as the Planning Commission and Finance Commission. Finally, the secretariat evaluates and keeps track of execution of policy by the field agencies.

3.4 STRUCTURE OF A TYPICAL SECRETARIAT DEPARTMENT

Typically, such secretariat department has two hierarchical formations: that of the officers and, what is described as, the office.

Officers
Conventionally the officers' hierarchy has had three levels. Under this, typically, an administrative department is headed by a secretary who will have a complement of deputy secretaries and under/assistant secretaries. But with growth in the functions of various secretariat departments the number of levels in the officers' hierarchy has been on the increase. As a result, between the secretary and the deputy secretary, in some cases, positions of additional and/or joint secretaries have also been created.

Office
A unique feature of the secretariat system in India has been the distinction between its two component parts—"the transitory cadre of a few superior officers" and "the permanent office." (A. Avasthi, pp 133-134). The officers in each department, because they hold tenure posts, come and go. It is the office, which is manned by permanent functionaries, which provides the much needed element of continuity to the secretariat department. Unlike officers, the office constitutes the permanent element in the secretariat system. The office component is comprised superintendents (or section officers), assistants, upper and lower division clerks, steno-typists and typist. Office performs the spadework on the basis of which the officers consider cases and make decisions. Office supplies officers with materials which constitute the basis for decision-making.

The structure of a typical department has the following organisational formations:

Department	-- Secretary
Wing	-- Additional/Joint Secretary
Division	-- Deputy Secretary/Director
Branch	-- Under Secretary
Section	-- Section Officer

Section is the lowest organisational unit and it is under the charge of a section officer. Other functionaries in a section are assistants, upper and lower division clerks, steno-typists, typists, etc. Section is referred to as the office. Two sections constitute a branch which is under the charge of an under secretary. Two branches ordinarily form a division which is headed by a deputy secretary. When the volume of work of a department is more than a secretary can manage, one or more wings are established with a joint secretary in charge of each wing. At the top of the organisational hierarchy is the secretary who is in charge of the department.

3.5 PATTERN OF DEPARTMENTALISATION IN STATE SECRETARIAT

Each secretary is normally in charge of more than one department. The number of secretariat departments would therefore be larger than the number of secretaries. The number of secretariat departments, quite naturally, varies from state to state. Their

3) Discuss the significance of the 'office'.

→ What is the typical pattern of departmentalisation in state secretariat?

13.6 DISTINCTION BETWEEN SECRETARIAT DEPARTMENT AND EXECUTIVE DEPARTMENT

The secretariat departments must be distinguished from the executive departments. Secretariat has the function of aiding, assisting and advising the political executive in arriving at policy choices. The heads of executive departments—who are in the main known as director (although other nomenclature are also used to refer to them)—have the responsibility of implementing policies formulated by the political executive. Therefore the secretaries assist in policy formulation whereas the directors' role lies in executing the policy. Long ago, the Simon Commission observed, the executive department "is an administrative unit separate from the secretariat which reaches its apex, usually, in a single officer like the Inspector General of Police, or the Chief Conservator of Forests, outside the secretariat altogether. Such a head of a department will usually be concerned principally with a single secretary to Government and a single... Minister for his orders and the funds which he has to spend."

Each secretariat department is in charge of a number of executive departments. This number varies over a wide range with some departments taking charge of a much larger number of executive heads than others. The situation may again be illustrated with reference to Andhra Pradesh where 19 secretariat departments are in charge of 130 executive departments (1982 figures). This yields an average of 6 to 7 executive departments in relation to one secretariat department. However, it must be carefully noted that not all secretariat departments have executive departments attached to them. Some of the secretariat departments are engaged in advisory and controlling functions and therefore do not have executive departments reporting to them. Examples are departments of Law, Finance, etc.

The secretariat and executive departments organisationally express the policy-formulation and policy execution processes involved in the functioning of the government; the two may be looked upon as extensions of the personality of the council of ministers. The former is a policy making organ, the latter a policy executing organ.

The secretariat department is normally headed by a generalist civil servant (drawn from the IAS), the executive department by a specialist. The specialist (the head of the executive department) functions under the supervision of the generalist (the secretary or the head of the secretariat department). This can be illustrated with some examples. Director of Agriculture, who is a specialist, in that he is trained in and holds a formal degree in agricultural sciences, would function under the supervision of the secretary, agriculture (a generalist, an IAS). The latter represents agriculture department at the secretariat level, whereas the director of agriculture represents agriculture department at the executive level. The director is the executive head of the agriculture department—the directorate of agriculture. Likewise, the home department in the secretariat has the inspector-general of police as its executive head of the department. Similar correlation obtains between education secretary and education director, industries secretary and industries director, social welfare secretary and social welfare director, and so on.

13.6.1 Policy and Administration : Discrete Processes or A Continuum

We have emphasised the distinctness of the roles of the secretariat and the directorate by saying that, while the former is concerned with policy formulation, the latter is concerned with policy execution (or with administering policy, or, to put it yet more simply, with administration). The question which may, therefore, be asked is whether policy and administration are discrete processes. The answer is that at a conceptual level the two are distinct; it is possible to identify and define them as two clearly distinguishable phenomena. But that at a practical plane the two are inextricably interlinked, even tend to become indistinguishable and, therefore, it is difficult to say where policy ends and administration begins.

Policy is concerned with political choices and involves questions of broader values whereas administration is concerned with implementing programmes emanating from particular policy decisions. Administration, therefore, involves such details of execution as framing organisational structures, staffing of organisations, coordinating activities, directing, controlling and motivating personnel, and so on.

That the two are dichotomous is the traditional view which owes its origin to Woodrow Wilson's essay of 1887 "The Study of Administration." Politics, he said, is the proper activity of Legislature and other policy-making groups (e.g., political parties, cabinet, etc.). Administration is the sphere of administrators who carry out the policies stated in the laws. The context of the dichotomy was the civil service reform movement of the 1880s in the United States which aimed to eliminate political interference in civil service. It was argued that civil service recruitment should, in the interest of administrative efficiency, be based on considerations of merit and fitness rather than partisan politics. In other words, politics should be kept out of administration. Max Weber further justified separation of policy from administration by arguing that the attributes of politicians are exactly the opposite of those of the civil servants. The essence of politics is to take a stand, to take personal responsibility for the policies decided on, and to admit the transitory nature of the political role. The essence of administration is to execute conscientiously the order of the political authority, even if it appears wrong to the administrator. The administrator is politically neutral. He simply does what he is asked to do and assumes no personal responsibility.

However, the complexities of governmental operations have increasingly required administrators to become involved in policy making or political decisions. As a result of this, it is in practice found difficult to draw a clear boundary separating policy and administration, or to say where policy ends and administration begins. This would be clear from the following:

Administrative Expertise

There are several sources from which the modern day administrators have obtained a kind of 'expertise' which the politicians need to use when formulating policies. (1) Because the administrators stay in office longer (they are career civil servants) than the politicians, who come and go with elections, the former have opportunities of giving sustained attention to problems. From this they gain an invaluable kind of practical knowledge that comes from the experience of handling these very problems day in and day out. This knowledge is conserved in records and transmitted to new generations of civil servants through training programmes. This monopoly of experience and practical knowledge coupled with continuity in office gives them a decisive edge over politicians in framing policies. (2) Besides, administrators are in possession of facts, figures,

information and intelligence regarding the specific areas in which policies are to be framed. Politicians would need these data and statistics in formulating policies.

(3) Administrative expertise also comes pre-eminently from the fact that the governments of today employ a large variety of professionals (doctors, engineers, scientists, economists, etc.). They possess technical knowledge which forms a vital input in policy making. (4) The advent of merit system has also helped to build up administrative expertise by attracting better talent in civil service and loosening the grip of politicians on civil service.

Administrators' Role in Policy Making

The increase in civil service expertise, together with growth in the functions of government and growing complexity of administration, has resulted in an increasing dependence of politicians on administrators in the task of policy making. This is reflected in the following.

- 1) Policy making exercise is done on the basis of facts, figures, information and data which are supplied by the bureaucracy. In other words, politicians, in order to enhance the credibility of the policies they frame, depend on the administrators' data support to their policies.
- 2) Civil servants, based on their long administrative experience, tender advice to the lay politicians on the administrative, technical and financial feasibility of the various policy options under consideration.
- 3) Civil servants prepare the draft legislations (bills) which, after ministerial approval, are placed before the legislature for its consideration. In other words, administrators initiate the process of public policy formulation which in its final form assumes the shape of an act passed by legislature.
- 4) Administrators formulate policy through the exercise of administrative discretion. When an administrator is required to choose between alternative courses of action within a policy frame, he is said to exercise discretion. In this sense administrators are described as supplementary law-makers. Because here, the actual content of policy becomes entirely a matter for bureaucratic determination. Here administrators actually decide how the power of the state shall be used in specific cases. In modern times, there has come about a tremendous increase in administrative discretion by virtue of an incessant increase in the volume of legislation to be enacted. Legislature is under the circumstances, compelled to confine itself to indicating broad framework of law, leaving details to be filled up by the administrative agencies. The growing variety and complexity of laws to be enacted has further circumscribed the legislature's competence. The legislators do not have the technical knowhow and training to venture into the details of particular legislations. This further necessitates exercise of administrative discretion. And, at any rate, if legislature delves into the details of each law, this would be at the cost of other important duties and functions of the legislators and therefore an undesirable thing to happen. This, coupled with the assurance that it has the necessary means available to hold administration accountable to itself, has, in fact, encouraged the legislature in its attitude not to delve too deeply into the details of the enactments it formulates. And, it is not possible to work out the details of the enactments for another reason too. Ultimately, the policy is to be executed in the field where an administrator must necessarily face a bewildering variety of situations as he sets himself to the task of policy execution. For the law making agency it is clearly not possible to visualise, at the point of legislation, the different variety of situations that may arise in the field. For this reason, once again, the policy makers must do no more than provide only broad guidelines in the legislations they frame.

Check Your Progress 2

Note : i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the unit.

1) Explain the major differences between secretariat and executive departments.

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2) Why was separation between policy and administration advocated?

3) Identify the sources of administrative expertise.

4) Explain the policy making role of the administrators.

13.7 CHIEF SECRETARY

13.7.1 His Position

Every state has a chief secretary. This functionary is the kingpin of the state secretariat, his control extending to all secretariat departments. He is not simply first among equals, he is in fact the chief of the secretaries. The chief secretary's pre-eminent position is clearly reflected in the varied roles he assumes in the state administrative set-up.

Chief secretary is the chief advisor to the Chief Minister and secretary to the state cabinet. He is the head of the General Administration Department whose political head is the Chief Minister himself. Chief secretary is also the head of the civil services in the state. He is the main channel of communication between the state government and the central and other state governments. Chief secretary is the chief spokesman and public relations officer of the state government and is looked upon to provide leadership to the state's administrative system.

The office of the chief secretary is an institution unique to the states; it is without a parallel in the administrative landscape of the entire country. The chief secretary's office has, for instance, no parallel in the central government. The work he performs in relation to the state government is, at the central level, shared by three high-ranking functionaries of more or less an equal status, i.e., cabinet secretary, home secretary, and finance secretary. This is a vivid reflection to the wide scope of the duties and powers of the chief secretary.

Yet another significant reflection on position of the chief secretary's office is the fact that it has been excluded from the operation of the tenure system. Chief secretary would normally retire as the chief secretary or else he would, from this position, move to the central government to take up a more important position.

In considering the position of the chief secretary, another fact needs to be taken note of. The incumbent of this office is not necessarily the senior most civil servant of the state. This was at any rate the situation till 1973 when, for instance, in U.P., the chief secretary was junior in rank and seniority to the members of the Board of Revenue. Same was the case in Punjab, where he was junior to the Financial Commissioner. Since 1973, however, the office of the chief secretary has been standardised; its incumbent since then on began to hold the rank of the secretary to Government of India and receives emoluments admissible to the latter.

How does the clamping of the Presidents' rule on a state effect the chief secretary's office? Where the centre does not appoint advisers during the President's rule, the chief secretary becomes clothed with the powers belonging to the Chief Minister. When, however, central advisers are appointed, it tends to inhibit the chief secretary in his administrative capacity because the former are drawn from the ranks of senior civil servants (senior to the state's chief secretary) as a result of which a hierarchical relationship becomes operative.

13.7.2 Chief Secretary's Functions

The principal functions of the chief secretary are listed below:

He is the principal adviser to the Chief Minister in which capacity he, inter alia, works out the detailed administrative implications of the proposals made by ministers and coordinates them into a cohesive plan of action.

Chief secretary is the secretary to the cabinet and as such he prepares agenda for cabinet meetings, arranges them, maintains records of these meetings, ensures follow-up action on cabinet decisions, and provides assistance to cabinet committees.

Chief secretary is the head of the civil services of the state. In that capacity, he decides on the postings and transfers of civil servants.

By virtue of the unique position he holds as the head of the official machinery and adviser to the Council of Ministers, the chief secretary is the coordinator-in-chief of the secretariat departments. He takes steps to secure inter-departmental cooperation and coordination. For this purpose he convenes and attends a large number of meetings at the secretariat and other levels. Meetings serve as a powerful tool of effecting coordination and securing cooperation of different agencies.

As the chief of the secretaries, the chief secretary also presides over a large number of committees and holds membership of many others. Besides, he looks after all matters not falling within the jurisdiction of other secretaries. In this sense, the chief secretary is a residual legatee.

Chief secretary is the secretary, by rotation, of the zonal council of which the particular state is a member.

He exercises administrative control over the secretariat buildings, including matters connected with space allocation. He also controls the Central Record Branch, the secretariat library, and the conservancy and watch and ward staff. Chief secretary also controls the staff attached to the ministers.

In situations of crisis, chief secretary acts as the nerve centre of the state, providing lead and guidance to the concerned agencies in order to expedite relief operations. It would be no exaggeration to say that in times of drought, flood, communal disturbances, etc., he virtually represents the government for all functionaries and agencies concerned to provide relief.

In conclusion it may be noted that a host of personnel matters and many other minute and unimportant administrative details consume a sizeable chunk of the chief secretary's time. The Administrative Reforms Commission is constrained to agree with the following observations of the Maharashtra Reorganisation Commission (1962-68) on the manner in which the chief secretary has become burdened with trivial details :
"....it seems unfortunate that the highest official in the state has to sign gazette notifications of appointments, promotions, transfers, leave, etc., that he has to spend time on minutiae of protocol, passports, etc." To rectify this situation, the ARC has recommended that this functionary be relieved of the work of routine nature as well as provided with appropriate staff assistance. That alone will ensure speedy implementation of decisions and effective coordination of policies and programmes of the state government.

Check Your Progress 3

- Note : i) Use the space given below for your answers.
 ii) Check your answers with those given at the end of the unit.

1) Bring out the salient aspects of the position of the chief secretary.

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2) What are the main functions of the chief secretary?

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13.8 LET US SUM UP

The term secretariat refers to the complex of departments which, at political level, are headed by ministers and, at administrative level, by secretaries. Secretaries assist Ministers in the task of policy formulation and in their legislative duties.

Organisationally and functionally, the heads of the executive departments constitute separate and distinct administrative units which are hierarchically subordinate to the secretariat departments. In most cases executive departments are designated as directorates because their heads are, in most cases known as directors. Directorates execute policy. Each secretariat department is usually in charge of a number of directorates.

Policy and administration, though conceptually distinct categories, are at a practical plane, inextricably interlinked. They form a continuum; it is difficult to say where policy ends and administration begins. This is because the administrators work as supplementary policy makers, and have, besides, a large policy making role to perform.

Chief secretary, as the head of the administrative set-up of the state, performs important leadership and coordination functions. This functionary is the nerve centre of the state secretariat.

13.9 KEY WORDS

Chief Secretary as a Residual Legatee : The matters which do not fall within the jurisdiction of other secretaries are passed on to the chief secretary.

Inter alia : Among other things.

Line and Staff : This refers to the division between those agencies and individuals engaged mainly in implementing policy, and those concerned primarily with providing advice and assistance to the chief executive. Line has an executive role which the staff agencies are charged with aiding the chief executive and line officials in developing and implementing policies. Broadly speaking, directorate is a line agency and secretariat is a staff agency.

Spadework : Routine preparatory work.

The Department : Literally the word department means a part or portion of a larger whole. Sometimes it is used to denote parts of things other than the administrative structure. However, in the present context the term department refers to the biggest

blocks or compartments, immediately below the chief executive, into which the entire work of government is divided. It is thus the highest and the biggest organisational formation below the chief executive.

13.10 SOME USEFUL BOOKS

- Avasthi, A. 1980, *Central Administration*; McGraw Hill : New Delhi.
Maheshwari, S.R. 1986, *Indian Administration*; Orient Longman : Delhi.
Maheshwari, S.R. 1979, *State Governments in India*; Macmillan : Delhi.

13.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should cover the following points :
- Origin of the term secretariat in India during pre-Independence era, when it was referred to secretary's office.
 - Ministry becoming the seat of authority after Independence and importance given to the popularly elected Ministers.
 - In the changed political situation, where the secretary is the principal advisor to the minister and both work together, secretariat referred to as conglomeration of departments whose political heads are ministers and administrative heads are the secretaries.
- 2) Your answer should cover the following points :
- The secretariat assists the ministers in preparation of drafts of legislations to be introduced in the legislature.
 - Providing necessary information for answering questions in the legislature.
 - Collecting information required with respect to the legislative committees.
- 3) Your answer should cover the following points :
- An important element of continuity provided by the office which has permanent functionaries.
 - It constitutes the permanent element in the Secretariat system.
 - Performance of spadework by the Office which enables the officers consider cases and make decisions.
 - Provides sufficient materials to the officers which forms the basis for decision making.

See Sec. 13.4

Check Your Progress 2

- 1) Your answer should cover the following points :
- Policy formulation function of the secretariat department, while the function of the executive department is that of policy execution.
 - The secretariat department headed by a generalist and the executive department by a specialist.
 - Functioning of the specialist or the head of the executive department under the supervision of the head of the secretariat department.

Your answer should cover the following points :

- Views expressed by Woodrow Wilson in 1887 regarding the separation of policy from administration.
- Justification of separation of policy from administration by Max Weber.

See Sub-sec. 13.5.1

See Sub-sec. 13.5.1

Check Your Progress 3

See Sub-sec. 13.7.1

See Sub-sec. 13.7.2

UNIT 14 DIRECTORATES/REGIONAL ADMINISTRATION

Structure

- 14.0 Objectives
- 14.1 Introduction
- 14.2 Directorates
 - 14.2.1 Meaning and Nomenclatures
 - 14.2.2 Organisation of Directorates at the State and Sub-statal Levels
- 14.3 Types of Executive Agencies
 - 14.3.1 Role of Attached Offices and Subordinate Offices
- 14.4 The Board of Revenue
 - 14.4.1 Status and Position
 - 14.4.2 The Board as a Supra-district Level Agency
- 14.5 The Pattern of Revenue Administration at the Supra-district Level
- 14.6 Composition and Functions of the Board of Revenue
 - 14.6.1 Composition
 - 14.6.2 Functions
- 14.7 Regional Administration
 - 14.7.1 Significance
 - 14.7.2 Meaning and Patterns
 - 14.7.3 Role
 - 14.7.4 Assessment
- 14.8 Divisional Commissioner
 - 14.8.1 Position and Scope of the Office
 - 14.8.2 Chequered Career of the Institution
- 14.9 Divisional Commissionership : A Controversial Office—Substantive Points of the Controversy
 - 14.9.1 Arguments For
 - 14.9.2 Arguments Against
- 14.10 Functions of Divisional Commissioner
- 14.11 Let Us Sum Up
- 14.12 Key Words
- 14.13 Some Useful Books
- 14.14 Answers to Check Your Progress Exercises

14.0 OBJECTIVES

After you have read this unit, you should be able to :

- understand the meaning, significance and role of directorates
- explain why directorates must function both at the state as well as sub-statal levels
- explain the position and significance of the board of revenue as a state level revenue agency which is distinct and separate from the rest of the governmental machinery at the state level; and
- describe the meaning of and rationale behind the regional administration.

14.1 INTRODUCTION

This unit discusses a diverse range of agencies at the state and sub-statal levels. Two state level agencies (i.e., directorates and the board of revenue) are discussed here and two sub-statal agencies (i.e., regional administrative organisations and divisional commissioners) are also pursued.

Directorates

Directorates are the executive arm of the state government; they translate into action the policies framed by the state secretariat. The terms 'directorates' and 'executive agencies' are often interchangeably used although, directorates are but one type of executive agency. This point is pursued later in the unit. Directorates, as we shall see later, are classified into two categories—attached offices and subordinate offices. This classification facilitates academic comprehension of the roles which the two types perform in policy execution.

Regional Administration

Because the directorates are concerned with policy execution, and since execution of policy must necessarily take place in the field (i.e., at the district, block and village levels), the need arises for them (the directorates) to create intermediate level administrative agencies to coordinate and supervise the field operations. This intermediate level administrative set-up between the state headquarters (the directorate) and the district is referred to as 'regional administration'. A generic term which is used to refer to regional level agencies (and those at district and lower levels) is sub-statal agencies, because they exist at levels below the state headquarters. Each region is comprised a certain number of districts; thus a region is an areal unit below the state level and above the district level. As a rule, though not always, all executive departments at the state headquarters have regional organisations; names which these regional agencies carry vary from department to department.

Divisional Commissioners

Divisional Commissioners, referred to above, are regional agencies in respect of the states' revenue function. Work of revenue administration at the state headquarters is entrusted not to a government department but to an autonomous agency called the board of revenue. Therefore divisional commissioners are but the regional level representatives of the board of revenue.

Board of Revenue

Board of revenue is an administrative innovation of a great significance. This institution was created way back in 1786 to relieve state governments of the detailed work in the field of revenue administration. Since then a large number of states in India have created boards of revenue. The equivalents of the board of revenue, in states which have not created the boards, are finance commissioners or revenue tribunals.

14.2 DIRECTORATES

14.2.1 Meaning and Nomenclatures

As has been explained in Unit 13, the secretariat is concerned with setting the broader policies and goals of the state government while the responsibility for achieving those goals and executing those policies rests with the heads of the executive departments. The executive agencies are as a rule located outside the secretariat and constitute distinct organisational entities. A popular label to identify an executive agency is 'directorate'. In a large number of cases, the heads of the executive agencies are known as directors. Many examples of this could be cited; director of agriculture, director of animal husbandry, director of education, director of social welfare, director of transport, director of public health, director of town planning, and so on. However, other nomenclatures are also used to refer to the heads of the executive departments. Thus the executive head of the department of police is known as the inspector/director general of police; that of the jail department, the inspector-general of jails; that of the forest department, the chief conservator of forests; that of the cooperative department, the registrar of cooperative societies; that of the sales tax department, the commissioner of sales tax; that of the irrigation department, the chief engineer (irrigation); that of the printing and stationery department, the controller and so forth.

In other words, although in a large number of cases the heads of the executive departments are called directors, they are also known by other names.

14.2.2 Organisation of Directorates at the State and Sub-statal Levels

Apart from the state level, the executive agencies also function at the sub-statal levels. This is quite natural. Because, while the policy must be formulated at one centre (the state headquarters: presently, the state headquarters is signified by secretariat and

directorates), its execution must necessarily take place in the field. Therefore, the directorates must make a conscious effort at achieving a vertical penetration down to the grass-roots level. When this is done, lesser directorates emerge at the regional level; the state level executive department establishes offices in the regions; a region is simply a territorial unit below the state but above the district level. When this process progresses further down the line, the district, block and village level field agencies of a directorate emerge. Through the creation of field agencies, the administration is able to reach the doorsteps of the people it serves. As a rule, all executive departments—developmental as well as regulatory—have field agencies.

To illustrate the organisational structure of a directorate at the state and sub-statal levels, we present below the organisation charts of the Directorate of Food and Agriculture of the Government of Andhra Pradesh at the state, regional, and district levels. (This information refers to the year 1982.)

Chart 1

The Organisation of Directorate of Food and Agriculture at the State Headquarters Level :

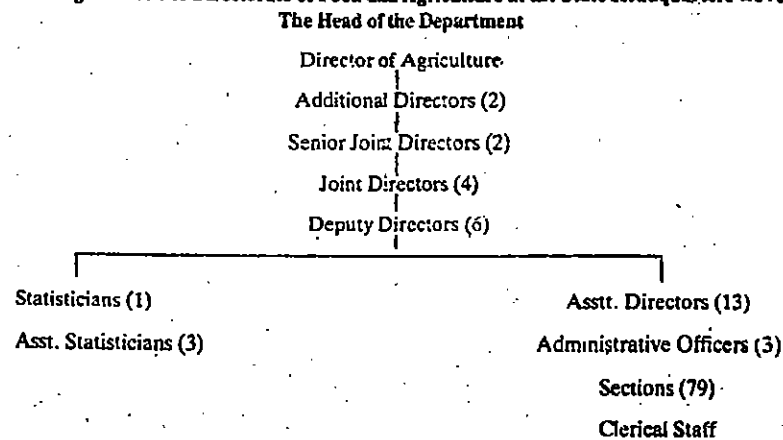


Chart 2

The Organisation of Food and Agriculture Department at the Regional Level

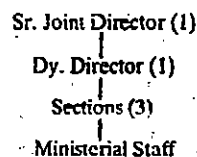
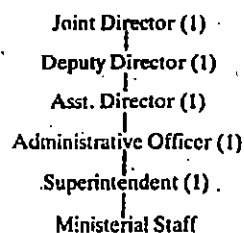


Chart 3

The Organisation of Food and Agriculture Department at the District Level



At the state level, as is shown in Chart 1 above, the headship would normally be with a 'full' director who would be assisted by a complement of lesser directors : additional directors, senior joint directors, joint directors, deputy directors, assistant directors,

and other functionaries. Of course, as would be understood, depending upon the workload of a department, the number of levels of hierarchy at the headquarters could be larger or smaller. The regional level set-up of an executive department, as is demonstrated in Chart 2, would usually be headed by an officer of a lower rank, a senior joint director in this case. It could indeed even be a person of simply a joint director or even lower level; that would again depend on the workload and other factors. The district level organisation of the Food and Agriculture Department (Chart 3) has as its head a joint director. This is, again, not a typical situation. Many district level offices of the executive departments are headed by deputy or even assistant directors. Again, many factors will combine to determine the rank of the officer who may head the district level set-up.

At the level immediately below the district (block level), each development department is represented by an extension officer who is a part of the extension team functioning under the block development officer. Thus, to take an example, there could be an agricultural extension officer in each block, representing the state level directorate of agriculture. At the village level, as is well known, there exists the multi-purpose extension functionaries known as the village level workers (VLWs).

4.3 TYPES OF EXECUTIVE AGENCIES

With steady increase in the functions of government, the executive agencies have grown in number as well as variety. The two most familiarly known executive agencies are the attached offices and the subordinate offices. But with the emergence of a large public sector in the country, other types of executive agencies have also developed. Of these, the public corporation (e.g., Life Insurance Corporation) and the government company (example : Steel Authority of India Ltd.) remain the most outstanding examples. There are other types of executive agencies too, but those details need not be told us up here. What needs to be remembered is that with the growing governmental functions a variety of organisational patterns have been evolved to suit the requirements of the varied range of functions which the government is increasingly taking on.

4.3.1 Role of Attached Offices and Subordinate Offices

Let us now briefly see what are attached and subordinate offices which, as we have already stated, are the two most important forms of executive agencies. The *Manual of Office Procedure* describe these as;

“Where the execution of policies of government requires decentralisation of executive direction and the establishment of field agencies, a ministry has under its subsidiary offices which are Attached and Subordinate Offices. The Attached Offices are responsible for providing executive direction required in the implementation of the policies laid down by the ministry to which they are attached. They also serve as repository of technical information and advice to the ministry on technical aspects of the questions dealt with by them. The Subordinate Offices function as field establishments or as the agencies responsible for the detailed execution of the decisions of government. They generally function under the direction of an attached office” (Emphasis added)

As the attached office has in essence a two-fold function. First, they furnish technical information and advice to the ministry to which they are attached. (Ministry is the policy making body, but this policy making exercise must be based on technical information and advice. It is the attached office which supplies this assistance to the ministry.) The second function of the attached office is to provide executive directions to the agencies which are responsible for implementing the policies of government.

In contrast with the attached office, a subordinate office functions as the field establishment or as the agency responsible for the detailed execution of the policies and programmes of the government. As a rule, it functions under an attached office.

A oft-quoted analogy with human body clarifies the distinction further. It is as under: Secretariat is the brain, the attached office is the trunk, and the subordinate offices or them are the limbs of the body.

Check Your Progress 1

- Note : i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1) What are the various nomenclatures used to refer to the executive agencies?

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2) Why directorates must have sub-statal formations?

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3) Distinguish between attached offices and subordinate offices.

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14.4 THE BOARD OF REVENUE

14.4.1 Status and Position

The Board of Revenue, as the name itself suggests, is an agency, at the state level, concerned with revenue administration in the state. Although it exists at the state level, it is not a part and parcel of the state government machinery. The preceding statement is intended to underline and emphasise the fact that, unlike the government departments—which are definitionally a part and parcel of the governmental machinery—the board of revenue is an autonomous agency created under a statute. By virtue of this fact, the board has an existence distinct and separate from the government.

14.4.2 The Board as a Supra-district Level Agency

The principal justification for the creation of Board of Revenue lies in that it relieves the state government of the detailed work in the field of revenue administration. It also has a large supervisory and coordination role vis-a-vis the district level revenue functionaries (collectors/deputy commissioners). The fact that it exists at the state headquarters level should not be allowed to blur the truth that the board of revenue is an agency separate from the state government as such. (Since it is a statutory body, it is endowed with a distinct legal identity of its own.) This, coupled with the fact that it discharges supervisory functions in relation to the district collectors lends justification to its classification as a supra-district level agency.

14.5 THE PATTERN OF REVENUE ADMINISTRATION AT THE SUPRA-DISTRICT LEVEL

There is no uniformity in the pattern of revenue administration at the supra-district level in the country. In this connection two points need to be particularly remembered. First, there are some states in which there are two administrative agencies (one at the state headquarters level and another at the regional level) between the district and the state government and there are others in which there is only one administrative agency. Second, all states do not have a board of revenue; some have, in place of the board, a financial commissioner or revenue tribunal. In terms of this, five distinct patterns of revenue administration at the supra-district level can be identified. These are as under:

Pattern One

Under this there is only one intermediate level i.e. the Board of Revenue, with no regional/divisional level revenue set-up (known as the divisional commissioner). Under this pattern fall the following states : Tamil Nadu, Kerala and Rajasthan.

Pattern Two

Under this pattern, there are two intermediate agencies viz., Board of Revenue and divisional commissioners. This Pattern is prevailing in the states of U.P., M-P., Bihar, West Bengal, Orissa and Assam.

Pattern Three

Under this pattern also there are two intermediate agencies. But here there is no Board of Revenue; the Board's equivalent under this pattern is Financial Commissioner. So, under this pattern, there is Financial Commissioner at the headquarters level and divisional commissioner at the regional level. This situation prevails in Punjab and Jammu & Kashmir.

Pattern Four

Under this pattern, again, there are two intermediate agencies. But, as was the case with the Pattern Three, here also there is no Board of Revenue. The Board's equivalent, under this pattern, is the Revenue Tribunal. The two intermediate links here therefore consist of (i) Revenue Tribunal and (ii) Divisional Commissioner. This pattern is prevailing in Maharashtra and Gujarat. The difference between the two states is that whereas commissioners in Maharashtra are regionally located, in Gujarat they are located at the state headquarters and their duties are functionally distributed.

Pattern Five

This pattern is prevalent in Andhra Pradesh, where the Board of Revenue was abolished in 1977 and since then its functions being discharged by independent Heads of Departments called Commissioners. There are no Divisional Commissioners at the regional level. At present, there are five Commissioners each looking after (i) Land Revenue (ii) Survey, Settlement and Land Records (iii) Commercial Taxes (iv) Excise and (v) Civil Supplies respectively.

14.6 COMPOSITION AND FUNCTIONS OF THE BOARD OF REVENUE

14.6.1 Composition

The number of the members of the Board varies from state to state. The U.P. Board, for instance, has six members whereas the Bihar and Orissa Boards have one full-time member each. The practice everywhere is to appoint only the senior officers as members of the Board. The work among members is functionally divided. Decisions on important policy matters are taken by the full Board. The Board has a Secretariat of its own.

14.6.2 Functions

The functions of Boards of Revenue vary from state to state in their details. Generally speaking, however, the Boards perform the following functions:

- 1) The Board advises the government on all matters of revenue policy.

- 2) It is the highest body in the revenue hierarchy of the state. Being the highest revenue court, it hears appeals and is empowered to revise decisions in revenue cases.
- 3) It exercises general superintendence over the revenues of the state, from whichever source they may arise.
- 4) Board is the final authority under the Sales Tax Act, Excise Act, Prohibition Act, and Agricultural Income Tax Act.
- 5) The Board undertakes the settlement operation in the state under its jurisdiction. This is a function which holds the key to peace and stability in the rural India.
- 6) The Board exercises large inspectorial duties. It inspects revenue department in collectorates and divisional commissioners' offices.
- 7) In some states, the Chairman, Board of Revenue, writes annual confidential reports of the divisional commissioners and district collectors.
- 8) In states, which do not have divisional commissioners, the Board comes in direct contact with district administration. This inter alia means that it assumes a more pervasive supervisory role in respect of them.
- 9) In general, the Board relieves the state government of a great deal of detailed work in the sphere of revenue administration and functions as an institutional adviser to government on a wide variety of matters.

Check Your Progress 2

Note : i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

- 1) Explain the legal status of the Board of Revenue.

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- 2) What are the equivalents of the Board of Revenue?

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- 3) What are the functions of Board of Revenue?

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14.7 REGIONAL ADMINISTRATION

14.7.1 Significance

In order to bring administration closer to the people, it is usual to divide the state into smaller territorial units (regions) and establish an intermediate administrative set-up.

(regional administrative set-up) between the state headquarters and the districts. This permits more delegation and speedier disposal of business. It lightens the workload of the head of the department, relieves him of less important work, permits him to concentrate on general policy issues affecting the state, and allows a detailed examination to be undertaken of the problems which are of particular relevance to specific regions. It also facilitates better coordination and supervision of the programmes being executed at the district level.

ARC Study Team Report on District Administration (1967) thus explains the significance of the regional administrative set-up for a state :

"Most States in India are comparatively large, both in area and population. The six largest States together cover approximately 61% of the area of the country. In such large States, there are wide variations in the socio-economic and geographical characteristics of each region. This underlines the need for a regional level in the administrative set-up. On the one hand, policy formulation and coordination can be better achieved at a level intermediate between the district and the state government; on the other, the state government being comparatively remote from the locale of policy implementation, cannot assess local problems in their proper perspective. It is in these circumstances that the services of a senior and experienced administrator are needed at an intermediate level, between the policy formulation level at the State headquarters and the implementing level in the district."

4.7.2 Meaning and Patterns

The phrase 'regional administration' thus refers to the network of organisations that function below the state level but above the district. Most departments in a state maintain regional headquarters in these intermediate geographical territories. These territories do not bear a common name, nor are they geographically coterminous in respect of the various departments at the state level. They often crisscross each other for different purposes (revenue collection, law and order maintenance, forest management and so on). Each department creates its sub-statal formations to suit its particular requirement.

Majority of states (with the exception of Andhra Pradesh, Tamil Nadu, Kerala, Rajasthan and Gujarat) are divided, for purposes of revenue and general administration, into real units called 'divisions'. Each division is headed by a divisional commissioner who inter alia coordinates and supervises the work of the district collectors under his jurisdiction. Similarly, the police department at the state headquarters has Deputy Inspectors General at the intermediate level. These territorial divisions in respect of the police department are called 'ranges'. This 'range' may be coterminous with the commissioner's division. Where the workload of a department does not warrant this, the intermediate territorial unit may not be coterminous with the commissioner's division. Thus the forest department divides the state into intermediate geographical territories (also) called 'ranges'; in deciding the geographical area of a range, the forest department considers its own peculiar requirements. A range is headed by a conservator of forests who reports to the head of the forest department at the state level, called the Chief Conservator of Forests. To take one more example, the state level irrigation department has superintending engineers at the regional level each of whom is in charge of the executive engineers of his region.

There are always some departments which are not represented at the regional level even though they have field establishments. This, as S.R. Maheshwari puts it, is a case of "long arms and short fingers." Maheshwari quotes the example of the medical department of the Maharashtra state to illustrate this point. The surgeon general, as the head of the medical department, has four deputy directors of health services, who, while being stationed at the headquarters, look after the matters pertaining to divisions in which there are four—Bombay, Poona, Nagpur, and Aurangabad.

Finally, whether a particular department will have a regional administrative set-up or not will depend on (i) the size of the state and (ii) the volume and nature of work handled by it. Obviously, the particular historical circumstances in which a department was created, and grew, and the personalities involved in its evolution, will also affect the final decision.

14.7.3 Role

- 1) The foremost function of the regional level officer is that of the supervision and coordination of the work of the district level functionaries of his department. That, as we have previously hinted, constitutes the very *raison d'être* of the creation of an intermediate level set-up of administration between the state headquarters and the districts.
- 2) The regional officer also performs the important function of setting norms and standards for the comparatively young district level officers. Through an elaborate system of inspections and tours, reports and returns, directives, and periodic meetings with the district level functionaries, he ensures that these norms and standards are kept.
- 3) Through on the spot inspections, the regional officer keeps himself and the state headquarters posted with difficulties or problems which the functionaries at the slower geographical formations may face. He also initiates measures for their rectification. If the available technical guidance at the lower levels is inadequate, the regional officer ensures that the situation is corrected. Also, the responsibility for ensuring that the targets are achieved rests with him.
- 4) Regional officers maintain an active touch with the panchayati raj institutions under their jurisdiction.

14.7.4 Assessment

The existence of the intermediate administrative set-up between the state headquarters (policy formulation level) and the districts (policy implementation level) has been criticised on the ground that it has no substantive role to perform. That it is, in fact, a redundant level of administration which only contributes, through a post office-type of role, delay in the administrative process. Also, that returns—from the creation of a regional set-up are not commensurate with the expenses involved in its maintenance. How accurate is such assessment? The Andhra Pradesh Administrative Reforms Commission, in its 1965 Report, appears to offer more objective views on the subject. Their observations are as under :

“Many departments of governments have their regional (i.e. divisional) officers, each of whom is incharge of a region (i.e. division) consisting of five to nine districts. In their evidence before us, several legislators and other prominent non-officials expressed the view that these officers were not contributing anything but delay and that it was better to abolish these posts. They were emphatic that these regional level offices served only as post offices and that their existence was affecting the initiative and efficiency of the officers at the district level. The heads of departments whom we examined in this connection were all unanimous in saying that these posts were serving a very useful purpose and that it was very necessary to retain them. In their view it was very difficult in these days of expanded and intensive activity for a head of department to effectively supervise the work going on in twenty districts, some of which were far away from the headquarters. When it was pointed out to them that the Board of Revenue was controlling the work in twenty districts without having regional officers they explained that the Board stood on a different footing, since there were more than one member in the board and the district officers were on themselves responsible and competent ... which was not the case in the other department. Taking all things into consideration, we are of the view that the regional officers, wherever they exist, should be continued but ... should not confine their attention merely to supervision and direction. They should be vested with substantial powers as has been the case in the industries department, so that they might be able not only to give relief to the heads of departments but also take final decisions at a level nearer to the people of the region. They should themselves deal with the problems of the districts in their charge and effectively assist and guide the district officers, only matters of all state importance being referred to the head of department.”

Check Your Progress 3

- Note : i) Use the space given below for your answers.
 ii) Check your answers with those given at the end of the unit.
- 1) Discuss the meaning of Regional Administration.

Discuss the role of Regional Level Officer.

4.8 DIVISIONAL COMMISSIONER

4.8.1 Position and Scope of the Office

The most important of the regional level functionaries is the divisional commissioner. Because the intermediate areal unit (between the state headquarters and the districts) which he heads is called a division, this functionary, deriving his name from this fact, is called the divisional commissioner. A division comprises several districts; the divisional commissioner supervises the work of the district collectors under his charge. The commissioner's role is limited not simply to the sphere of revenue administration; instead he is the coordinator, at the divisional level, of a wide range of activities: law and order administration, development administration, rural development, as well as revenue administration. Divisional Commissioner, therefore, occupies a place of special significance in the intermediate (regional) level administrative set-up. He is not just one of the many other regional level functionaries, instead by virtue of the scope of his work, the divisional commissioner attracts wide advisory, and even superintending, duties vis-a-vis the other regional functionaries.

States With and Without Commissionership

Divisional commissioners exist in the following states: Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Orissa, Punjab, Uttar Pradesh, and West Bengal. There are no commissioners in Andhra Pradesh, Tamil Nadu, Kerala, Gujarat and Rajasthan. Thus, it must be noted that, from this angle, there are two distinct categories of states in the country: those with commissioners and those without them.

4.8.2 Chequered Career of the Institution

The office of divisional commissioner in the country has had a chequered career. It has seen a succession of abolitions and revivals in various states since independence. M-P and (old) Bombay states had abolished it in 1948 and 1950 respectively. However, both revived the commissionership—M-P in 1956 and Bombay in 1958. Rajasthan abolished the institution in 1961. U.P. went half way: it reduced the number of commissioners and enlarged their geographic jurisdiction. Soon thereafter, however, it restored the status-quo. Likewise, the commissionership was abolished in Maharashtra, but was subsequently revived.

4.9 DIVISIONAL COMMISSIONERSHIP : A CONTROVERSIAL OFFICE—SUBSTANTIVE POINTS OF THE CONTROVERSY

Thus, the office of the commissioner has aroused much controversy. Two distinct schools of thought appear to have emerged; one in its defence and the other against it. Those who champion its cause argue that creation of a strong intermediate tier of administration would encourage decentralisation and bring state administration

physically and psychologically closer to people at the grassroots. Besides, improved coordination and supervision of the field establishment would be achieved. Those who argue against it, and recommend its abolition, maintain that the creation of an intermediate level of administration curbs the initiative and responsibility of the district functionaries. That the state where the institution of divisional commissioners exists have not achieved any marked improvement in efficiency, or speed in disposal. Even 'coordination' does not appear to have achieved any worthwhile results; besides, because ministers nowadays tour the districts frequently, the problems of coordination are easily noticed as a result. And because facilities for speedy communication are now available, the collector can easily get in touch with the headquarters in case of need. There will, therefore, hardly be any need for referring matters to an intermediate authority which, most often, refers them, in its turn, to the state government.

We may now summarise arguments for and against the institution of divisional commissioners.

14.9.1 Arguments For

The ARC Study Team in its **Report on District Administration** argues in favour of the office of the divisional commissioner on following grounds.

- 1) The divisional commissioner's presence will facilitate coordination of the regional level officers of the various development departments. Such coordination cannot be achieved at the state headquarters because it is too distant for the purpose. Only an officer who has an intimate awareness of the problems of the region can do this effectively.
- 2) In large states (e.g., U.P. with 54 districts, M-P with 43 districts) it is not possible to exercise effective supervision over collectors unless it is undertaken by a regionally based officer. Moreover, if there is no commissioner, comparatively young and inexperienced collectors will be denied the advantage of advice and guidance of an experienced administrator.
- 3) The Commissioner's presence at the intermediate level will encourage delegation from the state level. This will make speedy disposal of cases possible as well as make administration more accessible to the general public.
- 4) The Commissioner's presence can be used to provide more adequate guidance to the Panchayati Raj (PR) institutions. He can also be utilised to facilitate coordination between the Panchayati Raj bodies and regional and state level agencies.
- 5) A regionally based officer of an adequate administrative experience will act as a catalyst for regional planning and implementation.
- 6) An administrator of the commissioner's seniority and experience could perform a useful training role in respect of the young IAS and state civil service officers of this division.

14.9.2 Arguments Against

Arguments against the post of divisional commissioner were thus summed up by the Bengal Administration Enquiry Committee (1944-45):

- 1) The activities of government have grown too large and complex at the district level, as a result of which a division is no longer a suitable areal unit for purposes of supervision. Division is too large an area to be an effective unit of administration.
- 2) As authorities of supervision over districts and as appellate revenue bodies, commissioners are disproportionately expensive.
- 3) It is doubtful if, as an intermediate level of administration, the commissioners have much useful role to perform or any specific contribution to make in the disposal of work. The post has been reduced to the position of a mere post office and contributes only delay in the despatch of public business.
- 4) Commissioners are officers of wide and mature experience and as such their availability at the state headquarters would mean a fuller use of that valuable experience. Divisional administration fails to create a much useful preoccupation for officers of the commissioner's seniority and experience.

14.10 FUNCTIONS OF DIVISIONAL COMMISSIONER

- 1) Divisional Commissioner is the overall regional officer giving guidance to district level officers, on the one hand, and providing feedback and advice to the state headquarters, on the other.
- 2) In the main, he engages in coordination, supervisory, inspectorial, and appellate work.
- 3) In the sphere of revenue administration, the commissioner's duties are many fold. He has well defined powers in land revenue matters and hears appeals against the revenue decisions of the district collectors. He inspects revenue offices within his division. All correspondence to state government, in regard to revenue matters, is channelled through him. He also has responsibilities in regard to land reforms.
- 4) Commissioner has also responsibilities in the sphere of rural development. He reviews programmes relating to rural development and inspects community development blocks and panchayat samiti offices.
- 5) In the sphere of local government, both rural and urban, the commissioner has been given certain powers. He enjoys appellate powers under the Panchayati Raj legislation. With the exception of municipal corporations, which directly deal with the state government, other urban local bodies are in many ways subjected to the commissioner's authority.
- 6) The commissioner shoulders direct responsibility in regard to law and order in his division. He is the head of the law and order administration in the territory under his command.

Check Your Progress 4

- Note : i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

1) What makes divisional commissioner different from the regional level functionaries of the other departments?

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2) List states with and without divisional commissioners.

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3) Give arguments in favour of divisional commissionership.

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4) List the functions of divisional commissioner.

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14.11 LET US SUM UP

Directorates are executive agencies charged with the role of translating the policies, framed at the secretariat level, into concrete action. Directorates establish intermediate level administrative set-up—between the state headquarters and the districts—which coordinates and supervises field operations. This intermediate set-up is called the regional administration. The board of revenue is an organisation at the headquarters to deal with the issues concerning the revenue administration of the state. It is an autonomous body with an existence distinct and separate from the rest of the state government machinery. Divisional commissioners are the regional level representatives of the Board of Revenue.

14.12 KEY WORDS

Board : A board is a multi-headed extra-departmental organisation. It typically consists of a group of individuals, mainly specialists, who are collectively assigned responsibility for carrying out a certain governmental function. A board is preferred to a single head when quasi-legislative and quasi-judicial functions have to be performed. Under a board type of organisation it is possible to pool together the knowledge and experience of several individuals.

Generic term : Common name.

Inter alia ; Among other things.

Nomenclature : A formal system of naming.

Raison d'être ; Reason for.

Sub-statal level : Level below the state headquarters.

14.13 SOME USEFUL BOOKS

Administrative Reforms Commission, 1967, *Report on District Administration*, The Manager of Publications : Delhi.

Administrative Reforms Commission, 1969, *Report on State Administration*, The Manager of Publications : Delhi.

Avasthi, A. 1980. *Central Administration*, McGraw Hill : New Delhi.

Maheshwari, S.R. 1986. *Indian Administration*, Orient Longman : Delhi.

Maheshwari, S.R. 1979. *State Governments in India*, Macmillan : Delhi.

14.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) See Sub-section 14.2.1.
- 2) Your answer must include the following points :
 - i) Policy is formulated at the State headquarters while the implementation takes place in the field.
 - ii) Work has to be divided between directorates at the state level, regional level and village level agencies.
 - iii) Administration is able to reach the doorsteps of the people.

3) Your answer must include the following points :

- i) Attached Offices are responsible for providing executive direction for implementation.
- ii) Attached Offices give advice and technical information to the Ministry.
- iii) Subordinate offices are field establishments dealing with detailed execution of policies.
- iv) Subordinate offices function under attached offices.

Check Your Progress 2

1) See Sub-section 14.4.1.

2) See Section 14.5.

3) Your answer must include the following points :

- i) Board as an advisor to the government on matters of revenue policy.
- ii) Board's functions relating to revenue cases.
- iii) Board's inspectorial duties.

Check Your Progress 3

1) Your answer must include the following points :

- i) Regional Administration refers to the network of organisations that function below the state level but above the district.
- ii) Administration is divided into areal units called 'divisions' at the regional level.
- iii) Different patterns of regional administration exist in the States.

2) Your answer must include the following points:

- i) Functions relating to setting up of norms and standards for district level functionaries.
- ii) Functions relating to problems which the functionaries face at the lower geographical formations.

Check Your Progress 4

1) Your answer must include the following points :

- The divisional commissioner occupies a special place in the regional level administrative set-up.
- His nature and scope of functions are different from the regional level functionaries of other departments.

2) See Sub-section 14.8.1

3) Your answer must include the following points :

- Divisional Commissioner brings about coordination.
- He is aware of the problems of the region.
- Effectively exercises supervision over collectors and performs useful training in respect of young Civil Service Officers.
- Encourages delegation from the state level.
- His presence is useful for Panchayati Raj institutions.

Your answer must include the following points :

Functions relating to :

- guidance to district level officers
- coordination
- inspection
- rural development
- law and order.

UNIT 15 PATTERNS OF RELATIONSHIP BETWEEN SECRETARIAT AND DIRECTORATES

Structure

- 15.0 Objectives
- 15.1 Introduction
- 15.2 Factors Shaping the Secretariat-Directorate Relationship
 - 15.2.1 Aspects of the Functioning of Secretariat
 - 15.2.2 Factors Responsible for Expansion in Secretariat
- 15.3 The Bases of Advocacy of the Two
 - 15.3.1 Arguments in Favour of Secretariat
 - 15.3.2 Arguments in Favour of Directorates
- 15.4 Emerging Patterns of Relationship between Secretariat and Directorates
- 15.5 The Status-quo Approach
 - 15.5.1 Arguments For
 - 15.5.2 Arguments Against
- 15.6 **The Bridging- the -Gulf Approach**
 - 15.6.1 Ex-officio Secretariat Status
 - 15.6.2 Concurrent Appointment of Secretary as the Head of the Executive Agency
 - 15.6.3 Amalgamation of Directorate with Secretariat
 - 15.6.4 Amalgamation — The Second Model
- 15.7 **The De-amalgamation Approach**
 - 15.7.1 Why De-amalgamation? : The Bihar Experience
 - 15.7.2 Arguments for Continued Amalgamation
 - 15.7.3 Arguments for De-amalgamation
 - 15.7.4 What is Involved in Effecting De-Amalgamation?
- 15.8 **Let Us Sum Up**
- 15.9 **Key Words**
- 15.10 **Some Useful Books**
- 15.11 **Answers to Check Your Progress Exercises**

15.0 OBJECTIVES

After you have read this unit, you should be able to :

- understand the factors which create tensions in the secretariat-directorate relationship
- explain the existing framework of this relationship (as obtaining under the traditional split system) and identify its strong and weak points
- understand the possible approaches which might be invoked to generate alternative models of the secretariat-directorate relationship; and
- explain the shades of differences which distinguish one alternative from another.

15.1 INTRODUCTION

You have read in Unit 7, Block 2 that the secretariat, as the policy-making body, and directorate, as the policy-implementing agency, constitute two wheels of the governmental machinery; unless they achieve a certain measure of coordination and cooperation, the ability of the machine to deliver goods will be hampered. At a theoretical plane, the two have well-defined powers, jurisdiction and roles but, in practice, various factors arise to blur these demarcations leading to estrangement and mutual acrimony between the two wings, ultimately affecting the performance of the government.

The question of relationship between secretariat and directorate is important per se. It however, assumes added significance in a situation where this relationship has deflected from its original course, as has happened in India, and as would, in fact, happen in any dynamic situation. Why the relationship between the two has tended towards some kind of estrangement? Can some alternative models be suggested to reformulate the relationship between secretariat and non-secretariat organisations? This unit seeks to explain these questions.

The existing set-up in the country, under which the two function with complete independence from each other, under the discipline of a well defined framework of responsibilities and relationship, has attracted criticisms: mainly that secretariat tends to transgress its defined jurisdiction; does not adequately delegate to the attached offices; delays scrutiny of proposals submitted by the non-secretariat organisations; and so on. On these grounds, it is suggested that the present split system be abandoned. And an alternative model, under which the two wings are merged, has been recommended and partially tried out. The Merger or Amalgamation model seeks to bridge the gulf between secretariat and attached offices by integrating them into a single entity. This ('bridging-the-gulf') approach proposes other models also. It may be pointed out that where amalgamation has been tried out, it has run into difficulties of various kinds and, therefore, efforts have in fact been underway to de-amalgamate the two offices. Clearly, this (de-amalgamation) signifies a return to the traditional split system, or, in other words, a return to the status-quo model.

It will be observed from the foregoing that the question of the secretariat-directorate relationship is a vexed question. Readymade solutions to remodel this relationship are difficult to come by. With all the problems it may give rise to, the traditional split system, as its virtues. Ensuing sections pursue this discussion at some length.

5.2 FACTORS SHAPING THE SECRETARIAT-DIRECTORATE RELATIONSHIP

Two sets of factors have played a dominant role in shaping the secretariat-directorate relationship at the state level. Of these, one concerns the functioning of the secretariat at a practical plane. The second is concerned with the expansion that has lately come out in secretariat — in its role, in its personnel, in the number of administrative units which it is comprised, and so on. Of course, the two factors are closely inter-related; it is to facilitate academic understanding of the matter that these are being dealt with separately here. It may be noted, it is these very factors which — as they work themselves out — generate situations which tend to build up tension in the secretariat-directorate relationship.

5.2.1 Aspects of the Functioning of Secretariat

The institution of secretariat has attracted considerable criticism. One cannot perhaps find fault with the secretariat as a concept, for at a conceptual plane it is meant to encourage division of labour (between policy making and policy executing agencies) and specialisation which results from such compartmentalisation of work. Again, at a conceptual level, the idea of secretariat is meant to promote delegation of authority from policy making to policy execution level. By implication it discourages centralisation and concentration.

However, in practice, these advantages of the secretariat system have failed to fully materialise. There is a large divergence between what is held to be valid in theory and what is achieved in practice. The manner of functioning of the secretariat and its bearing attitude have generated tensions in the secretariat-directorate relationship which have adversely affected the advantages commonly ascribed to the secretariat system.

The substantive points of criticism against the secretariat, which have a bearing on its relationship with the executive departments, are placed below.

The secretariat has an expansionist attitude, meaning it has arrogated to itself functions which do not belong to it. It does not confine itself to policy-making; instead the secretariat freely engages in matters of executive nature. This encroachment has materially weakened the authority of the executive agencies.

- 2) The secretariat hesitates to delegate adequately to the executive agencies. As a result of this, the execution of policies is delayed. Besides, the initiatives of the executive agencies is cramped through the need for repeated consultations with, and approvals from, the secretariat.
- 3) Scrutiny, in the secretariat, of proposals submitted by the heads of the executive departments begins at clerical level. This procedure is dilatory. Besides, it undermines the authority of the heads. As is well known, the proposals of the heads of the departments are based on proposals received from the district and regional level officers and are submitted to the secretariat after a detailed scrutiny in the attached offices. If, therefore, these proposals are to be subjected to further scrutiny, this leads to unnecessary duplication and delay.
- 4) More substantively, the very idea of the generalist administrators (who staff the secretariat) overseeing, superintending and evaluating the work of specialists and technocrats (who staff the executive agencies) is out of place in the modern technological age. And, it is all the more untenable that the secretariat should scrutinise the proposals and schemes emanating from the attached offices, the argument being that the lay generalists have possibly nothing to contribute in such an exercise.

The above-noted situations, coupled with the fact that secretariat has become identified with the real power structure in the governmental system (it is in fact considered 'the government'), have unduly inflated the influence and authority of the secretariat and aggravated tensions between the secretariat and executive departments. The importance of secretariat has got further enhanced since, as previously noted, it delves into the questions not only of policy (which constitute its legitimate sphere) but also those of execution. It has thus expanded its functional area through large, unauthorised encroachments in the executive sphere. This is, quite obviously, at the expense of the executive offices and only further adds to tension between the secretariat and executive agencies. Another situation which must be noted in this regard is the easy access which secretariat officers enjoy with the political executive. There is no gain saying the fact that this, in its own way, contributes to the existing tensions between the secretariat and attached offices. We shall discuss the factors that have been responsible for bringing about expansion in the role of the secretariat and an increase in its personnel and the number of administrative units of which it is comprised. That will help us to develop important insights in the subject of the preceding discussion. For after all, it is partly this expansion which is at the root of the secretariat-directorate tensions. These factors are set out below.

15.2.2 Factors Responsible for Expansion in Secretariat

The foremost of these is the parliamentary system of government. The principle of legislative accountability — under which the minister is, inter alia, supposed to answer questions, concerning his department, on the floor of the house — has brought about centralisation of functions in the secretariat. Also, easy access of ministers to their constituents generates pressures on ministers in regard to matters such as appointments, promotions, transfers, and so forth. Now, clearly, these are matters of executive nature. The ministerial desire to nurture his constituency (and therefore, respond to demands for appointments, etc.) results in the minister's involvement in executive matters. This is how the secretariat, a policy making body, becomes involved in the matters of policy execution.

The second factor which has been responsible for a steady and substantial increase in the volume of work in the secretariat is the governmental policy to develop the economy through planning and state intervention and a whole host of welfare functions which the government in recent years has assumed. Every effort at directing and administering the economy leads to increased volume of work in the government. Secretariat, in particular, has gained in stature and influence from this situation. The reason for this is that more important work as well as decisions commanding wide impact have devolved on the secretariat. Two factors account for this. First, the generalist secretaries are thought to possess a breadth of vision and a well-rounded experience which comes from the varied job placements which an IAS officer is typically exposed to in the course of his career. In contrast, the head of the department is considered narrow in vision and too theoretical in approach. Secondly, the ministerial staff in the secretariat is considered to be of a higher calibre as compared to that in the attached offices. The result is that the secretariat attracts more business.

Third, as noted above, not an insignificant portion of growth in the secretariat is due to its taking over numerous executive functions and multifarious unimportant tasks which do not properly belong to it.

Finally, some expansion is also due to the tendency of the bureaucracy to proliferate in any situation. The secretariat is thus today encumbered with non-essential work and has become unwieldy and overstaffed.

15.3 THE BASES OF ADVOCACY OF THE TWO

The foregoing discussion provides us the perspective in which the question of relationship between the secretariat and directorates may be considered. The issues in this relationship will emerge more clearly if the arguments in favour of secretariat and those in favour of directorates are first summed up.

15.3.1 Arguments in Favour of Secretariat

- 1) The secretariat is an essential institution in the Public Administration system which we have developed. The secretariat system of work, with all its deficiencies, has lent balance, consistency and continuity to the administration and served as a nucleus of the total machinery of a ministry. It has facilitated inter-ministry coordination and accountability to the Parliament at the ministerial level.
- 2) The secretariat system helps to separate policy making from policy execution. This is a welcome thing to happen with the secretariat concentrating on the long-term policy issues and the executive agencies being given the freedom to implement policies. It has encouraged division of work, specialisation and, above all, delegation of authority.
- 3) Since the secretariat is required to concentrate on policy-making alone, it is able to achieve freedom from involvement in matters of detailed, day-to-day administration. This helps the secretariat to remain forward looking and plan in terms of the overall, aggregative national objectives.
- 4) The generalist secretary, who is the kingpin of the system, is uniquely suited to advise the minister, who is a layman. The secretary is, on the one hand, able to keep the exalted fervour of the specialist head of the department in check and, on the other, tender objective advice to the minister, examining proposals submitted by the head from a larger viewpoint of the government as a whole.
- 5) The existence of secretariat ensures objective evaluation of the programme implementation in the field. This task cannot be left to the executive agencies, which actually implement policies, for they should not be asked to judge over their own performance. Secretariat is best suited to do this job.
- 6) Overall, the secretariat is an institution of a proven merit. It has stood the test of time and successfully delivered goods: the combination of 'tenure system' and a permanent 'office' which has been evolved as a part of the system has given it strength, vitality and dynamism. There is no viable substitute in sight for the secretariat system.

15.3.2 Arguments in Favour of Directorates

- 1) Unlike the secretariat, the directorates are staffed by specialists who have achieved excellence in their respective specialisations. These specialists have, moreover, over the years, been able to gather an intimate knowledge of the field conditions. By virtue of these facts, the director or the head of the department, it is argued, is comfortably placed to discharge the role of tendering policy advice to minister. This will permit fuller projection of the director's experience in the policy making process.
- 2) As the specialists rise in the functional hierarchy, they are able to acquire a valuable administrative experience. This coupled with the fact that they are, by virtue of their training, well versed in the technical aspects of the policy issues provides the heads of the departments a superior equipment — as compared with the generalist secretaries — to tender advice on policy matters. The argument, in other words, is that the heads combine with administrative experience the valuable technical knowhow which the secretaries lack.

- 3) As science and technology make rapid advances, the volume and complexity of governmental activity of a technical and scientific character has been on the increase. And, with this, specialised areas of administrative activity have emerged in the government. The specialist heads of departments are uniquely suited to respond to this situation.
- 4) The specialist heads of departments alone, rather than the generalist secretaries, are in tune with the modern trend of specialisation and professionalism in the government. There is virtually no professional area, it is argued, which is not represented in the government today. Pure sciences, medicine, veterinary science, engineering, agricultural science, architecture, and accountancy are some of the examples of this trend.

Check Your Progress I

Note : i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

- 1) Enumerate the important aspects of the functioning of secretariat which cause tension in the secretariat-directorate relationship.

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- 2) Discuss the factors responsible for the expansion of the secretariat.

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- 3) What are the arguments advocated in favour of directorates?

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15.4 EMERGING PATTERNS OF RELATIONSHIP BETWEEN SECRETARIAT AND DIRECTORATES

What might be a suitable pattern of relationship between the secretariat and non-secretariat organisations? On the question of evolving a suitable pattern, broadly three schools of thought are discernible. Each adopts a different approach. Neither yields a conclusive answer for, as we shall see in the ensuing discussion, it is possible to list arguments for as well as against the arrangement each proposes. Based on their dominant thrust, the three schools of thought or approaches may be referred to as :

-) The Status-quo Approach;
-) The Bridging-the-Gulf Approach; and
-) The De-Amalgamation Approach

5.5 THE STATUS-QUO APPROACH

The status-quo approach favours the traditional split system and holds that the secretariat and the directorates have well-defined roles in our administrative set-up to which they should continue to stick. The approach is based on the traditional concepts of staff-line dichotomy where secretariat performs the role of a staff agency and the attached office that of the line agency. The status-quo approach also accepts the additional policy administration dichotomy. The advocates of this approach believe that the relationship between the secretariat and directorates should be based on the following principles :

-) Policy making should be the responsibility of the secretariat and policy implementation that of the directorates.
-) Subject to the rules governing the conditions of service, the head of department should have fullest control over the personnel under him.

The secretariat department should provide common services and undertake domestic housekeeping in respect of the directorate(s) attached to it (for instance, the allocation of office accommodation).

5.5.1 Arguments For

The advocates of status-quo justify the existence of separate agencies for policy formulation and policy implementations on the following grounds.

Persons responsible for the execution of policy must not be entrusted with the responsibility for the assessment of its achievements and failures.

Agency concerned with execution of policy remains so much engrossed in details that it may lack a broad outlook necessary for the framing of a policy.

When schemes framed by specialists are scrutinised by the generalists, it gives these schemes a broader orientation and greater objectivity.

Separation encourages delegation and decentralisation. It also provides for division of work between secretariat and directorate.

Split system has the important merit of being a familiar arrangement. Besides, it is a system of proven effectiveness; it has, as it were, delivered the goods. It has stood the test of time. Its scrapping will break continuity with the past.

5.5.2 Arguments Against

Arguments against the traditional split system are too well known to need any detailed cataloguing. Briefly, these are as follows.

Schemes are processed twice in two different offices which causes avoidable delays.

Scrutiny of schemes in secretariat begins at the assistant's level; he is hardly qualified to scrutinise the schemes framed by heads. The assistant's notings tend to confuse the issues and lead to unnecessary queries. In the process, the original intentions underlying the schemes get distorted and obscured.

More fundamentally, the critics of the split system point out, it is doubtful if generalist secretaries have the necessary knowhow to undertake examination of the schemes prepared by qualified specialists; whether they may in fact be expected to make a worthwhile contribution to this exercise.

Split system is also criticised on the ground that it is unegalitarian in outlook. That it makes the attached offices feel like an inferior entity far removed from the charmed circle. One result of this is low sense of participation among the personnel of attached offices.

Check Your Progress 2

Use the space given below for your answers.

- ii) Check your answers with those given at the end of the unit.

Enumerate important arguments in favour of status-quo approach.

2) Why status-quo approach is not favoured these days?

15.6 THE BRIDGING-THE - GULF APPROACH

As against the School advocating status-quo, there is another which advocates measures for bridging-the-gulf between the secretariat and non-secretariat organisations. Its protagonists suggest various devices for bridging-the-gulf. These include (1) the conferment of ex-officio secretariat status on the heads of executive departments; (2) the system under which a secretary concurrently holds the office of the head of the executive department; (3) the merger or amalgamation device under which an executive department is placed in a corresponding secretariat department; and (4) a device which is a variant of (3), involving, once again, merger or amalgamation but, under this device, the secretariat department is placed with the corresponding head of the department, rather than the other way about. Each of these methods is in turn discussed below.

15.6.1 Ex-officio Secretariat Status

Meaning

This device consists in the conferment of a suitable ex-officio secretariat status on the heads of executive departments. The result is that by virtue of holding office as a head, the incumbent of the (head's) position holds a suitable rank in the secretariat. The clear advantage is that the two offices (those of the director and secretary) are now combined in a single individual. The director, by virtue of being an ex-officio secretary, can sign on behalf of the government. The need for scrutiny of schemes in two offices is obviated. The same individual, in his capacity as director, proposes the scheme and, in his capacity as secretary, scrutinises it. This is of course an oversimplified description of the ex-officio system, but this is how in essence it functions. Thus, to take an example, in some states, the Chief Conservator of Forests is ex-officio secretary to the state government in the Department of Forest and Environment. To take an example from the Central Government, the Director General of the Indian Council of Agricultural Research is ex-officio additional secretary to the Government of India.

Advocacy by State-level Administrative Reforms Committees

The Administrative Reforms Committees appointed by certain state governments have from time to time recommended conferment of ex-officio secretariat status on the

heads of the executive departments. It would be helpful to pause at this stage to take a brief look at their recommendations; the exercise will inter alia assist us in analysing the advantages or the merits which particular state governments ascribe to the ex-officio system.

The Andhra Pradesh Administrative Reforms Committee (1964-65) recommends conferment of the ex-officio status as a method of achieving psychological closeness between the secretariat and directorates. The device, the committee felt, would make the head of department feel a part and parcel of the broad based (governmental) team comprising its two major organisational components: the secretariat and the directorate — which is entrusted with a common task. It would remove the feeling of 'separateness' on the part of the head and ensure his fuller association in the secretariat's policy formulation work. The Committee recommended conferment of the secretariat status on 23 heads but opined that, to start with, the secretariat status be given "only to those who are doing important work and spending large amounts' particularly on work connected with development activities."

The Punjab Administrative Reforms Commission (1964-66) recommends conferment of secretariat status as a method of ensuring adequate financial and administrative powers to the heads of the executive departments.

The Kerala Administrative Reorganisation and Economy Committee (1965-67) recommends conferment of appropriate secretariat status on the heads of departments to achieve "better quality of work and the *esprit de corps* that follow from the psychological satisfaction that such status would give to the heads of departments." The committee recommended the grant of the ex-officio secretariat status to 55 officials of the executive departments.

The Rajasthan Administrative Reforms Committee (1962-63) had recommended the option of the ex-officio system on an experimental basis. It proposed that the government may to begin with, make the Chief Engineer, Public Works Department (Buildings and Roads), and the Director of Industries and Supplies, ex-officio additional secretaries to the government. And that it may, later, extend the system to other departments.

Arguments For

When the head of department has an ex-officio secretariat status, he can make decisions, and sign, on behalf of the government. This permits much economy of time since the matter does not have to move up the secretariat for finalisation. The twin roles of secretariat and directorate are now performed by a single functionary; the making of the proposal (a head of department function) and its scrutiny, consideration, and sanction (a secretariat function), both the roles are performed by the same functionary.

The head of department is more closely involved in the policy making process. This means that his experience is more adequately projected in policy formulation. Also, more desirable policy implementation is possible since the head of department, under this arrangement, develops fuller awareness of the considerations which have underlain a policy.

Overall, the head of department gains in status and weight. He achieves a particular facility and speed in handling matters and making decisions. The overall efficacy of the governmental system to deliver goods is enhanced. Bureaucratic procedures become deemphasised; a programmatic bias and a performance orientation is achieved.

Arguments Against

Integration is apt to blur the line of demarcation between the functions of policy-making and policy-implementation. As a result, the task of long-term policy making is liable to be neglected because the day-to-day operational problems are likely to induce a sense of urgency about them.

Not only the policy formulation work per se will suffer, but also the short-term considerations may overwhelm the strategic ones and deprive policy making of the long-term content.

Integration may also affect the programme implementation adversely. This is because the executive officers have, as such, plenty to do in the field; their involvement in the secretariat work will overburden them.

- 4) Government will be deprived of the advantage of a broad and balanced scrutiny of the policy proposals when a technocrat takes over the secretariat functions.
- 5) Integration violates the fundamental principle of the secretariat system, namely, policy making must remain separated from policy implementation.
- 6) Indiscriminate conferment of the secretariat status will debase the value of the secretariat designations and, at the same time, undermine the authority of such functionaries of the executive agencies as do not have the secretariat status.

15.6.2 Concurrent Appointment of Secretary as the Head of the Executive Agency

We have above referred to the ex-officio secretaria system; under this, an appropriate secretariat status is conferred upon the head of the executive department. The reverse is also done: namely a secretary is concurrently appointed as head of the attached office. In this way, a single functionary is made responsible for both, policy formulation as well as policy implementation with the assistance of a common office located in the secretariat. Some examples of this could be cited from the central government: joint secretary in the Department of Labour and Employment (Ministry of Labour, Employment and Rehabilitation) is concurrently the Director-General of Employment and Training. Similarly, additional secretary in the Department of Food (Ministry of Food and Agriculture) is also the Director-General of Food.

The advantage of this system is clear enough, namely, it helps to eliminate the distance between the secretariat and the attached office. But, at the same time, the system blurs the distinction between the secretariat and the head of the department. A comprehensive projection of the system throughout the country could only take place if the view was held that the secretariat as such has no longer a role to play apart from the executive head.

15.6.3 Amalgamation of Directorate with Secretariat

Terms like integration, merger and amalgamation have been interchangeably used to suggest an arrangement under which the distinction between the secretariat and the non-secretariat organisations is completely dissolved. Under this system the office of the heads of the executive agencies is merged with the corresponding departments in the secretariat.

The advocacy of amalgamation is based on the argument that the encroachment of the secretariat into the executive functions is in any case an established fact of the Indian administrative landscape. This is so because the political executive in India is unable to devote adequate attention to policy functions. Instead, it preoccupies itself rather quite excessively with matters of day-to-day nature (like appointments, promotion, and transfers for instance). As a result, the secretariat itself becomes involved in what are patently executive matters and which therefore should in fact fall in the domain of the directorate — because, ultimately the role of the secretariat is governed by the role perceptions of the political executive. It is thus argued that since the roles of the two agencies anyhow overlap, amalgamation would be both logical as well as desirable.

Among the advocates of amalgamation, the ARC's team on **The machinery of the Government of India and its procedure of work** has been most outstanding. It recommends abolition of the distinction between the secretariat as the policy making body and the non-secretariat organisations as the executive agencies based on an elaborate scheme of merger which it has proposed. The idea is to provide for adequate interaction between the policy making the policy implementing agencies of the government and remove the invidious distinction between the secretariat and non-secretariat parts of administration.

The ARC itself has, however, expressed itself against a general abolition of the distinction between the secretariat and the executive agencies. It favours integration on a more restricted scale. It recommends integration with secretariat of only those executive departments which are concerned with development programmes. It suggests that policy execution dichotomy should continue to be maintained in case of executive organisations concerned with regulatory, training, survey and research activities.

Amalgamation or integration involves placement of non-secretariat organisations with executive duties functionally in the secretariat without giving them any secretariat status

the heads of the non-secretariat organisations which are amalgamated with the secretariat retain their present designations which indicate the nature of their functions.

The heads of executive agencies, amalgamated with the secretariat, function as principal advisers to the state government in their respective areas.

Under the integration arrangement, coordination between the "non-secretariat organisations part" and the "traditional part of the secretariat" would be the responsibility of the secretary.

Advantages

Two state level Administrative Reforms Committees have also favoured the idea of merger of the offices of the heads of departments with the state secretariat. They ascribed the following advantages to the arrangement.

The Administrative Reforms Committee of Andhra Pradesh, of the year 1960, commends merger in view of "the increased work-load in the context of larger and larger Five Year Plans (and) the urgency with which the plans have got to be executed year by year."

That would be one advantage of effecting merger of the two offices, namely, it promises speedier execution of the development projects. Other advantages of merging the two offices, according to the Committee, are as under.

- It permits continuous contact between the secretariat and the directorate.
- It expedites sanction of schemes and staff.
- It speeds up implementation of schemes and facilitates their periodic review.

The other state level committee to recommend the substitution of the two parallel hierarchies (secretariat and directorate) by an integrated composite office was the M. P. Administrative Reforms Commission (1970-72). It ascribes following advantages to such an arrangement.

- This will encourage specialisation in the various aspects of administration.
- It does away with duplication (in scrutiny of schemes, for instance) and cuts delays.
- The arrangement will help to improve the quality of performance and avoid dispersal of manpower and financial resources.

Disadvantages

The disadvantages of amalgamation would be similar to those of the preceding two methods discussed in this section.

5.6.4 Amalgamation — The Second Model

Under the merger device, of which we have spoken above, the office of the head of the executive department is integrated with the corresponding secretariat department. The opposite also happens so that the ministry's office is merged into the headquarters organisation of the head of the executive department. Such a system was in operation in the Directorate-General of Posts and Telegraphs before the P&T Board was instituted. Here, the ministry and the executive department have a common office and common files — all under the control of the executive department. This common office serves both, the officers of the secretariat as well as those of the executive department. Same clerical staff put up papers before both the levels of officers. A distinguishing feature of this arrangement is that, at the secretariat level, all noting is done by officers of and above the rank of under secretary. This arrangement permits speedy disposal of cases and helps to effect sizeable economy in expenditure.

Its disadvantages are similar to those of the previously discussed three methods.

Check Your Progress 3

- Note : i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1) List arguments in favour of the ex-officio device.

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.....

2) What are the advantages of amalgamation device?

3) Enumerate the features of the second model of the amalgamation device.

15.7 THE DE-AMALGAMATION APPROACH

15.7.1 Why De-Amalgamation? : The Bihar Experience

How has merger or amalgamation worked in practice? Has it produced the desired results? Bihar is one state in the country where amalgamation was effected as far back as 1951. Empirical results are available from the Bihar experiment on amalgamation. There is a sharp division of opinion among the functionaries who have had the opportunity to work under amalgamated set-up. A number of officials report that the scheme has been successful and has yielded good results. At the same time, a large number of officials have criticised the scheme and opined that it should be done away with. In other words, they feel that amalgamation has failed and the process of de-amalgamation should now be started.

15.7.2 Arguments for Continued Amalgamation

Those who report favourably on the experience of amalgamation argue as follows :

- 1) Amalgamation has obviated the need for examination of proposals independently by the directorate and secretariat.
- 2) It has cut down delays and ensured expeditious disposal of cases.
- 3) It has effected economy in establishment expenditure.

15.7.3 Arguments for De-amalgamation

The officials who recommend de-amalgamation give the following arguments.

- 1) Although amalgamation permits much economy of time in that it obviates two parallel scrutinies of proposals, the experience has shown that, under the amalgamated set-up, the quality of final proposals/schemes has declined which frequently involves reconsideration. This, they point out, was not so when directorate and secretariat functioned separately.
- 2) Amalgamation has resulted in gradual removal of distinction between the functions of the heads of departments and those of the secretariat.
- 3) Amalgamation has rendered objective examination of proposals and schemes at the secretariat level difficult. The secretaries have to write their notes on files in a guarded manner so as to avoid giving offence to the head of department. This extra caution often prevents a frank examination of the cases by the secretariat officers.
- 4) Under the amalgamation schemes, the head of department remains stuck up in the secretariat. He is not able to go on tours and inspections which are his main obligations.

15.7.4 What is Involved in Effecting De-amalgamation?

In 1979, Bihar decided to scrap the amalgamation or, in other words, to return to the traditional split system. However, Bihar has experienced difficulties in implementing the de-amalgamation Plan. Difficulties were mainly two-fold. First, during the three decades of amalgamation: there was a unified cadre of the subordinate staff i.e., for the secretariat and the heads of departments. De-amalgamation involves separation of this unified cadre. Second, because of the amalgamation of the secretariat and executive department, no separate files had been maintained for the two sets of departments. De-amalgamation necessitated duplicating many files and documents.

In view of these difficulties it was decided to enforce de-amalgamation in two stages. In the first stage the heads were to confine themselves to field work alone, meaning they would curtail their involvement in the secretariat duties. And, in the second stage, separation of cadres and files was planned. For these reasons, the process of de-amalgamation in Bihar could not be completed even until 1982 although the decision to de-amalgamate was reached in the year 1979.

15.8 LET US SUM UP

In the possible patterns of relationship between secretariat and directorate, we have, in this unit, highlighted only the more prominent ones. The two agencies remain locked in a process of constant interaction. And, therefore, the relational patterns which are generated would be legion. As a quest for greater efficiency in government forges ahead, administrative experiments ensue in its wake; this leads to modifications and alterations in particular patterns and abandonment of others. And old gives place to the new; the process is on-going.

15.9 KEY WORDS

Amalgamation : This is one of the organisational devices to reduce distance between secretariat and directorate. Under this arrangement, the distinction is completely dissolved by merging the office of the head with that of the secretary.

Bridging-the-gulf Approach : This is a name given to a particular methodology which is employed in remodelling the secretariat-directorate relationship. It seeks to reduce the distance between the two agencies through a number of organisational devices. It derives its name from this fact.

De-amalgamation : This is the negation of the amalgamation device. It seeks to do away with the integrated or amalgamated set-up. Thereby, it aims to restore the traditional split system.

Esprit de Corps : Spirit of loyalty and devotion which unites the members of a group or society.

15.10 SOME USEFUL BOOKS

Administrative Reforms Commission, 1969. *Report on State Administration*; The Manager of Publications: Delhi.

Administrative Reforms Commission, 1968. *Report on the Machinery of Government of India and its Procedures of Work*; The Manager of Publications: Delhi.

Administrative Reforms Commission Study Team, 1967. *Report on Personnel Administration*; The Manager of Publications : Delhi.

Avasthi, A.. 1980. *Central Administration*; McGraw Hill : New Delhi.

Maheshwari, S.R.. 1979. *State Governments in India*; Macmillan: Delhi.

Maheshwari, S.R. 1986. *Indian Administration*; Orient Longman : Delhi.

15.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points :
 - Expansionist attitude of the secretariat.
 - Inadequate delegation to executive agencies by the secretariat.
 - Duplication and delay at the secretariat level.
 - Scrutiny of proposals and schemes of the executive agencies by the secretariat.
- 2) Your answer must include the following points :
 - Principle of legislative accountability that has led to centralisation of functions in the secretariat.
 - The ministerial desire to nurture his/her constituency resulting in minister's involvement in executive matters.
 - Increase in welfare functions of the government.
 - The ministerial staff in the secretariat is considered to be of higher calibre.
 - Secretariat has become unwieldy and overstaffed.
- 3) Your answer must include the following points :
 - presence of specialists in the directorates.
 - The specialists in the directorates have valuable administrative experience and technical knowhow.
 - Governmental activities have become technical in character.

Check Your Progress 2

- 1) Your answer must include the following points :
 - It separates policy formulation and policy implementation.
 - According to the approach, generalist scrutiny gives broader orientation to specialist's schemes.
 - It encourages delegation, decentralisation and division of work.
- 2) Your answer must include the following points :
 - It leads to delays.
 - Scrutiny of schemes at the assistant's level distorts the aims of the schemes.
 - According to technocrats, generalists do not have necessary knowhow to scrutinise the schemes made by them.
 - These schemes make attached offices feel inferior.

Check Your Progress 3

- 1) See Sub-sec. 15.6.1
- 2) Your answer must include the following points :
 - It leads to speedier execution of the development projects.
 - It permits continuous contact between the secretariat and the directorate.
 - Speeds up implementation of schemes.
 - Encourages specialisation in various aspects of administration.
 - Reduces duplication in scrutiny of schemes.
- 3) Your answer must include the following points :
 - Ministry and executive departments have a common office and common file.
 - The ministry and executive departments have common clerical staff.
 - Noting is done by officers of and above the rank of under secretary.
 - The model helps in speedy disposal of cases.
 - It helps to effect sizeable economy in expenditure.

UNIT 16 STATE SERVICES AND PUBLIC SERVICE COMMISSION

Structure

- 16.0 Objectives
- 16.1 Introduction
- 16.2 Meaning of Civil Service
- 16.3 The Significance of an Independent Recruiting Agency
- 16.4 Components of Civil Service at the State Level
 - 16.4.1 All-India Services
 - 16.4.2 State Services
 - 16.4.3 Inter-relationship and Interlinkages
- 16.5 Classification of State Services
 - 16.5.1 Classification Based on Pay Scales etc.
 - 16.5.2 Gazetted - Non-gazetted Classification
- 16.6 Recruitment of State Civil Services
 - 16.6.1 Features
- 16.7 Constitutional Provisions in Respect of the Commission
- 16.8 Composition of the Commission
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- 16.11 Commission's Working
 - 16.11.1 Exercise of Patronage by Government
 - 16.11.2 The Question of Commission's Membership
- 16.12 Let Us Sum Up
- 16.13 Key Words
- 16.14 Some Useful Books
- 16.15 Answers to Check Your Progress Exercises

16.0 OBJECTIVES

After you have read this unit you should be able to :

- understand the constituents of civil service at the state level and the criteria and system of classification of state services;
- understand the system of recruitment of state services;
- explain the significance and role of state public service commission; and
- identify factors that hinder its working.

16.1 INTRODUCTION

This Unit aims to describe the nature of civil services at the state level. It discusses the aspects related to classification and recruitment of state civil services. The composition and working of State Public Service Commissions are also discussed.

16.2 MEANING OF CIVIL SERVICE

The phrase "state services" refers to the civil service at state level. Civil service refers to the civilians employed by a government and distinguishes civilian pursuits in government from military. Civil service is a career service. Elective officials and employees of semi-government bodies do not form part of the civil service. An essential ingredient of the civil service concept is merit system. Merit system means selection based on ability as adjudged by an open competitive examination for civil service jobs. An independent recruiting agency is the hallmark of a merit system. The state level recruiting agencies are designated as State Public Service Commissions.

16.3 THE SIGNIFICANCE OF AN INDEPENDENT RECRUITING AGENCY

It is of basic importance that recruitment to any civil service is free from any suggestion of bias. Then alone any merit system will inspire confidence. To ensure objectivity and impartiality in recruitment, several measures have been evolved since the advent of the merit system. One, the executive branch has been divested of the power of making recruitment to the civil services and a separate agency created for the purpose. Two, the agency thus created is an extra-departmental body (i.e., a commission) which functions outside the normal machinery of government. Three, a constitutional status has been conferred on this agency. It must be remembered that the commission is only a recruiting agency, it is not an appointing authority. The authority of making appointments vests in government. The commission is an advisory body. Its decisions are not mandatory.

Need for a Commission Type of Organisation

A Commission type of organisation as distinct from the customary departmental type—may be employed for undertaking the work of recruitment of civil servants. The commission form is involved for the performance of a function requiring expert, specialist knowledge. It is a form of organisation designed to facilitate collective deliberation by a group of experts who are able to pool their knowledge and experience to arrive at informed and objective decisions. When decisions are collectively made, such a method of arriving at decisions is described as corporate mode of functioning or decision making. The body thus acting corporately is described as a board. Public Service Commission is nothing but a board, which is but styled as a commission. (Incidentally, it should be remembered that boards may also bear such designations as councils, corporations, companies, authorities, and so on; and, of course, a board may also be styled simply as board).

When a commission consisting of experts meets to deliberate on issues, professional and technical criteria receive necessary weightage in the resulting decisions. When several heads combine for deliberation, biases are cancelled out and objectivity is ensured. Because a commission functions outside the mould of normal governmental machinery, greater flexibility and innovativeness of approach is possible. Bureaucratic rigidities and delays, which characterise government departments, are kept at bay.

Significance of a Constitutional Status for the Commission

This is intended to ensure that it functions without fear or favour. This would be facilitated when its composition, role and delegations, privileges of its members, method of appointment and removal of members, qualifications for appointment and grounds for removal, etc., are constitutionally provided. For, under such a situation, the executive branch of government can no longer exercise any discretion in these matters and as such the commission can function without being influenced by it. Conferment of the Constitutional status is thus in the nature of a safeguard against any possible encroachment on its authority and independence. A state public service commission is thus an advisory body of experts which exists under the authority of the Constitution to recruit personnel for the State services.

16.4 COMPONENTS OF CIVIL SERVICE AT THE STATE LEVEL

Let it be first clearly understood that at the state level in India not one but two distinct sets of civil services operate. One of these is the civil services recruited by the respective state governments to handle a diverse range of governmental activity at the state level. These are known as the state civil services or simply state services. The second set of civil services serving states is the all-India services. All-India services officers are recruited to perform a varied range of jobs both at the State level as well as at the Centre. It is this feature of the All-India services which renders them clearly distinguishable from the state services. Among the best known examples of the all-India services are the Indian Administrative Service (IAS) and the Indian Police Service (IPS). Thus the civil service at the state level is composed of two distinct components. One, state services and two, all-India services.

6.4.1 All-India Services

All-India services were constituted with the express purpose of creating an elite corps of officers who would man top positions both in the states as well as at the centre. Officers of the all-India services are recruited by the central government through the Union Public Service Commission. Upon recruitment each officer is allotted to a specific state cadre. It is from the particular state, to which he is allotted, that the concerned officer moves to the central government. The arrangement under which such movement takes place is known as the tenure system. The officer is moved back and forth between the state (of his allotment) and the centre during the first twenty years of his career (after which he finally lands up at the centre). Officers of the all-India services operate under the joint control of the centre and the state to which they are allotted. The fact that the all-India services officers are centrally recruited (and then allotted to various states) guarantees that all states have a certain minimum and uniform level of talent in their administrative services and that the states' administrative machinery is adequately equipped. The existence of the tenure system, under which officers of the all-India services move to the centre periodically, ensures that the incumbents of the policy making posts at the centre are backed by rich field experience.

The all-India services have to supply personnel for all superior administrative posts in the states, at the district level and above. Thus the posts of district collectors, divisional commissioners, members of the Board of Revenue, secretaries to the government, chief secretary, etc., are filled up by IAS officers. Similarly, the posts of Superintendents of Police (SPs) and above in the police department at the state level are reserved for the IPS officers.

6.4.2 State Services

These are recruited by the respective state governments through their public service commissions or other agencies. Members of these services are primarily meant for service in the states; only occasionally may a few members of some of the state services be borrowed by the centre or some other organisations. States have well organised services to cater to the needs of different sectors of governmental activity in non-technical and technical spheres. Typically, a state may have the following services: (1) Administrative Service, (2) Police Service, (3) Judicial Service, (4) Forest Service, (5) Agriculture Service, (6) Educational Service, (7) Medical Service, (8) Fisheries Service, (9) Engineering Service, (10) Accounts Service, (11) Sales Tax Service, (12) Prohibition and Excise Service and (13) Cooperative Service.

6.4.3 Inter-Relationship and Interlinkages

The personnel of the state services operate in subordination to the members of the All-India services. State services occupy lower positions in the administrative hierarchy than those held by the personnel of the all-India services. They constitute the middle level of the state administrative system.

An attempt has been made to evolve — from out of those two sources of supply — a common stream. This has been achieved in two ways. One, by providing opportunities to the state services personnel to rise to higher posts which are normally reserved for the all-India services officers. Two, by inducting a certain percentage of the state services personnel into the all-India services.

6.5 CLASSIFICATION OF STATE CIVIL SERVICES

A two-fold system of classification of the state services is in vogue.

Under the first system, the services are classified into class I, class II, class III and class V. The criteria of this classification are : (i) admissible pay scales; (ii) the degree of responsibility of the work performed; and (iii) the corresponding qualifications required. All state services are constituted department-wise.

Under the second system, the services and posts are classified into the gazetted and non-gazetted categories.

6.5.1 Classification Based on Pay Scales etc.

Class I and class II services constitute the officers' class of the state level services,

whereas class III and class IV consists of the clerical employees and manual workers respectively.

Class I Services

Class I services include a number of posts on a common time-scale of pay and some posts carrying salaries above the ordinary time-scale. Each departmental service ordinarily has a class I cadre.

Recruitment to class I posts is made on the basis of promotions from class II services as well as by direct recruitment by state public service commission. Direct recruitment takes place on the basis of an open competitive examination. Generally this would include written examination and personality test; sometimes, however, direct recruitment may also take place on the basis of an interview.

It may be noted that there is no uniform practice as to the number of posts which may be filled up by promotion or direct recruitment. In fact, there are wide variations on this account from state to state.

Class II Services

Class II services are generally of a specialised nature, although there are some generalist services as well in this category. These are subordinate civil service, subordinate police service, and the like. Class II services are lower in status and responsibility than those in Class I. These are, however, considered important enough to require that the authority for making appointments to them be vested in the state government itself.

The most important among the class II services is the subordinate civil service (also classed the subordinate executive/administrative service). Some states have even instituted a higher salary scale for this service vis-a-vis other class II services; this signifies the special place which this service enjoys in the overall range of class II services.

It may be noted that, as in class I service, there is no common pay scale for class II services among different states.

Recruitment to class II posts is made partly by promotion and partly by open competition (direct recruitment). In case of specialised services, direct recruitment is done on the basis of interviews held by the state PSCs. For civil, police, and judicial services (class II), however, a more comprehensive selection procedure is employed. This includes the written examination and interview.

Unlike in the case of class I services, no uniform practice prevails in regard to the class II services also as to the number of posts to be filled by promotion or by open competition. The practices vary over a wide range from state to state.

Class III and Class IV

Class III services are divided into two categories: (i) subordinate executive (including, for instance, naib tahsildars, sub-inspectors of police, deputy inspectors of education, and so on), and (ii) clerical services. Recruitment to these posts is made partly at the level of their public service commissions and partly at the departmental or district heads' level.

Class IV services include persons performing manual work, skilled or unskilled. Posts falling under this category include those of peons, watchmen, drivers, carpenters, fitters, cooks, laboratory servants, and the like. Until recently, these posts were classified as inferior services with their holders enjoying less favourable terms of service with regard to leave, pension, etc. Lately, however, their conditions of service have improved.

16.5.2 Gazetted-Non-gazetted Classification

As stated above, the second system of classification employed for the state services places them under the familiar categories of gazetted and non-gazetted.

A gazetted government servant is one whose appointment, transfer, promotion, retirement, etc., are announced in the official gazette in a notification issued by order of the Governor. A gazetted officer holds charge of an office and his duties are of a

supervisory or directory nature. Gazetted posts include all-India services and class I and class II state services. Non-gazetted posts are those in class III and IV services.

16.6 RECRUITMENT OF STATE CIVIL SERVICES

Recruitment involves three separate but inter-connected steps. (1) Attracting eligible candidates to apply for jobs. (Vacancies are brought to the notice of interested individuals through advertisements). (2) Selecting candidates for jobs through an open competitive examination. (3) Placing selected candidates in appropriate jobs which also involves issuance of appointment letters to those concerned by a competent authority. The first two steps are carried out by an independent recruiting agency; in states it is the public service commissions which perform those functions. The third step constitutes the responsibility of the government. It is therefore to be remembered that PSCs are only recruiting and recommendatory agencies; the power of appointment rests in the government.

Recruitment is of two types : internal and external. Internal recruitment is made by promotion from within whereas external recruitment is undertaken through an open competitive examination. We shall be here dealing with external recruitment alone. Also, we shall be concentrating on the recruitment practices only in respect of the class I and class II services. An outline of the chief features of the recruitment of state civil services is provided below.

6.6.1 Features

Recruitment to state civil services is made at the age level 21-25.

Age relaxation is available for the members of scheduled castes, scheduled tribes and backward communities.

Recruitment is made through an open competitive examination administered by the PSC; higher level posts are filled up by promotion.

Vacancies to be filled up are advertised by the PSC every year and applications invited from candidates all over the country.

Minimum qualification required is a bachelor's degree of a recognised university.

The competitive examination through which selections are made has two components. First, a written, essay-type examination. Second, a personality test. Candidates obtaining certain minimum marks in the written examination are invited for a personality test which is but an interview of about half an hour's duration.

Marks secured by each candidate in written examination and personality test are tallied up. Depending upon the number of vacancies, a list of successful candidates is prepared. This list is in order of merit.

This list is then communicated to the government for necessary action, i.e., issuance of appointment letters. The commission, because it is an advisory body, can only commend candidates for appointment. The authority to make appointments vests with the government alone. The commission recruits candidates, the government appoints them.

Check Your Progress 1

- Note : i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

1. What are the constituents of civil service at the state level?

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The purpose of the above provisions is to place the commission and its members well beyond any possibility of being influenced either by a lure of office or by a threat of insecurity or from any other reason.

16.11 COMMISSION'S WORKING

We have so far considered the formal framework within which a state PSC functions. We shall now discuss the actual working. Our comments on the actual working centre on two aspects. One, exercise of patronage in civil appointments by government in spite of the commission's existence. Two, the question of the commission's membership.

16.11.1 Exercise of Patronage by Government

Notwithstanding the constitutional safeguard against the non-acceptance of the commission's advice, there is criticism that the government is able to exercise patronage in appointments in certain ways.

Making ad hoc appointments without prior consultation with the Commission : Commission is not consulted for making ad hoc appointments. Through repeated renewals such persons pick up necessary experience of the job which puts them at an advantage vis-a-vis the fresh applicants. In such cases, the commission is faced with a fait accompli.

Exclusion of certain categories of posts from the purview of PSC : In theory, recruitment to all civil posts in a state is done by PSC. However, the Constitution provides that the executive may exclude certain categories of posts from the purview of the PSC. Under this dispensation, class III and IV appointments are made without the PSCs intervention. This is understandable in view of the large volume of work which these matters would devolve on the central recruitment agency. However, there are some higher appointments which have also been excluded. This, the critics point out, is an encroachment on the commission's jurisdiction. Moreover, it is alleged that such exclusions are made by state governments without consulting the state PSCs.

Drafting of advertisements by the concerned department : Advertisements for filling up vacancies are drafted by the concerned departments. And these are sometimes drafted to suit particular candidates which the departments may have in view. The commission cannot vary the terms of advertisements.

Revision of terms of appointment and merit lists : Occasional cases have been reported where the terms offered to the selected candidate were revised to his disadvantage without consulting the commission. There are also occasional instances where the order in the merit list prepared by the commission is changed by the government for reasons which are unknown.

Delay in issuing appointment letters : Occasionally, there are inordinate delays on the part of the government in issuing appointment letters to the selected candidates. This results in the best qualified candidates being lost to other professions. Besides, it gives rise to the suspicion that such delays may be motivated.

The above situations affect the operation of the merit system and undermine the commission's role.

16.11.2 The Question of Commission's Membership

Membership to persons with insufficient credentials : The matter of membership of the state PSCs has attracted adverse notice. The criticism has been that membership in some states have gone to persons with insufficient credentials; that in fact some appointments have been made on grounds of party and political affiliations and not consideration of merit. Such persons naturally feel beholden to their political masters and could not be expected to stand up to their patrons to uphold merit and professionalism in civil services. This creates apprehensions as to the ability of the PSCs to work with objectivity and independence.

Predominance of the members of the official category : The narrow base of the commission's membership has also attracted adverse attention. The point at issue has been the predominance of the members of the official category. In terms of the Article 316, the expectation was that the official and the non-official components of the

commissions' membership would be roughly equal to each other. This has in practice not been realised. Non-officials have far out-numbered the officials in some PSCs while in others there are no non-officials at all. Professions like teaching, law, engineering, science, technology and medicine have remained unrepresented or inadequately represented on the commissions. It is necessary that professionals receive adequate representation on the PSCs. This would not only help in meeting the constitutional requirement by evenly balancing the official and non-official components of the commission's membership, but one would also expect from this a qualitative improvement in their deliberations.

Check Your Progress 2

Note: Use the space given below for your answers.
Check your answers with those given at the end of the unit.

1) What is the significance of according a constitutional status to the PSC?

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2) Why has the commission been made an advisory body?

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Identify factors affecting the commission's efficacy as a watchdog of the merit system

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12 LET US SUM UP

Performance of a multifarious tasks of regulatory and developmental nature at the level has necessitated that large and well organised civil services be maintained by These are civil services based on the merit system. These civil services are a service whose recruitment is done through an open competitive examination. Concepts of merit system, career service and open competition emerged during the century to rid civil service administration of political interference. The idea was recruitment to civil service as well as matters concerned with the salaries, promotions and transfers of civil servants should be based on the technical and financial considerations rather than political. When politicians do not interfere in matters, civil servants appointed under the merit system provide continuity to the merit system in that the civil service component stays and works undisturbed on the ministers come and go depending upon the fortunes of the political

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Block

4

LOCAL ADMINISTRATION

UNIT 17

Structure of Field Administration

UNIT 18

The District Collector 19

UNIT 19

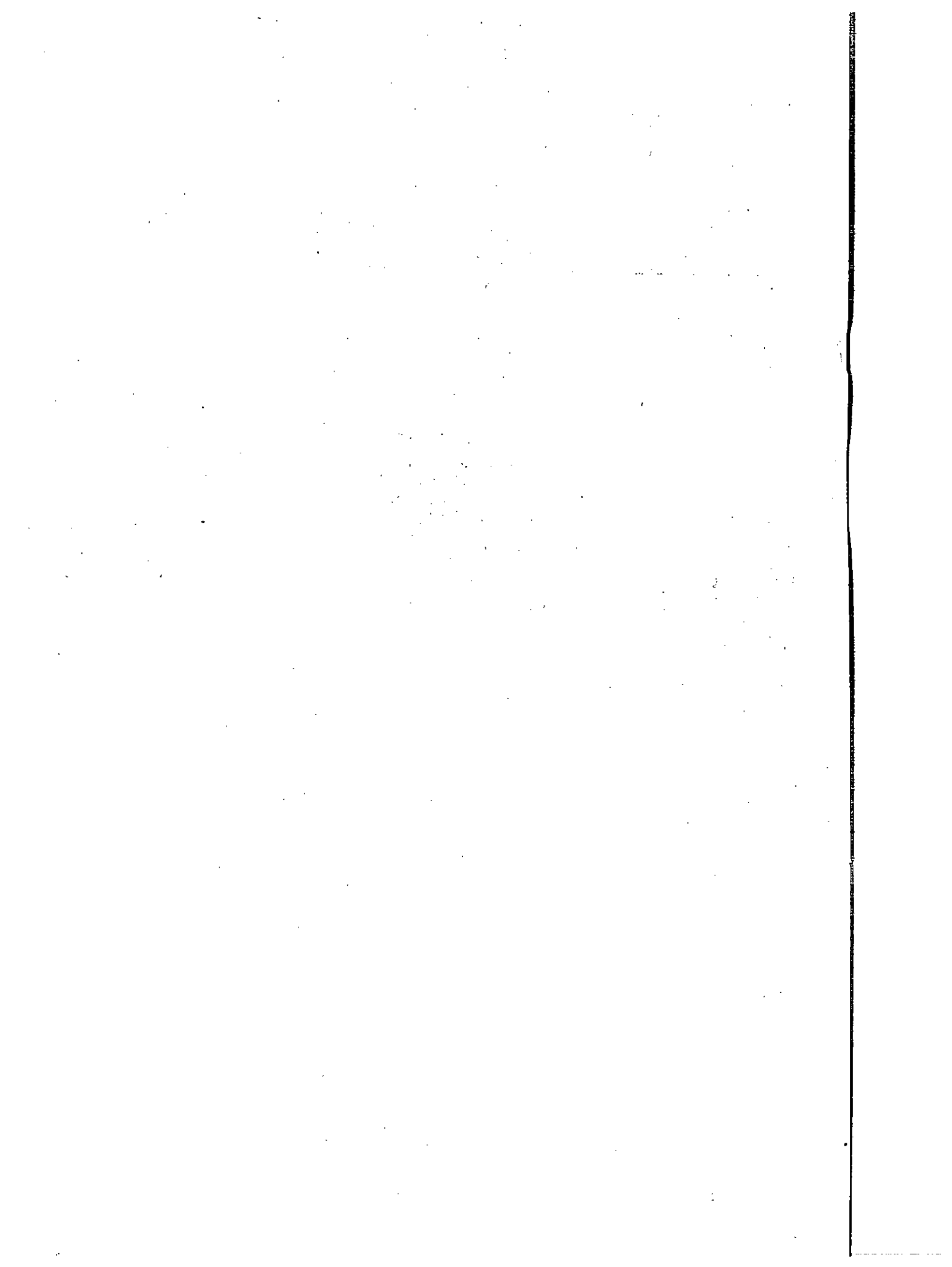
Police Administration 30

UNIT 20

Urban Administration 45

UNIT 21

Panchayati Raj 58



UNIT 17 STRUCTURE OF FIELD ADMINISTRATION

Structure

- 17.0 Objectives
- 17.1 Introduction
- 17.2 Divisional Administration
- 17.3 Evolution of District Administration
- 17.4 Size of the District
- 17.5 Territorial Sub-divisions
- 17.6 Collector and District Administration
- 17.7 Component Parts of District Administration
- 17.8 Administrative Organisation
- 17.9 Problem Areas in Field Administration
- 17.10 Let Us Sum Up
- 17.11 Key Words
- 17.12 Some Useful Books
- 17.13 Answers to Check Your Progress Exercises

7.0 OBJECTIVES

Field administration in India presents a variegated picture. It is not uniform throughout the country. In the field administration in the country, the district is an important territorial unit. Field offices of almost all state government departments are located at the district level. In this unit we will study different aspects of field administration. After studying this unit you should be able to :

- 1 describe the importance of field administration in India
- 1 explain the nature of divisional administration in India and the role of Divisional Commissioner
- 1 trace the evolution of district administration in India
- 1 explain the criteria for the creation of districts
- 1 describe the component parts of district administration and the administrative organisation at the district level ; and
- 1 analyse the problem areas in field administration.

7.1 INTRODUCTION

Central and state governments are responsible for policy formulation. For this purpose a vast politico-administrative apparatus has been established. Implementation of these policies has to take place at the field level. The state government officers cannot transact their business from the headquarters of the state or central governments. Long distances, magnitude of the work, the administrative costs, and time taken to communicate makes delegation of a large part of their powers and functions and implementation to the field organisations and officials inevitable. Or else it may lead to delays and other dysfunctionalities. Therefore, field offices are a necessity for the efficient functioning of administration. In every country there are field offices though the nature and scope of their operations vary. It is at the field level that the policies are translated into reality and programmes are implemented. In India we find state level departments and ministries establishing a large number of field offices and delegating their powers and functions to the field officers to implement them. Divisional offices, wherever they exist, district offices, corporations

and local self government institutions broadly constitute the component parts of field administration in India. Historical traditions, political considerations, administrative convenience, technical requirements, development imperatives and the need for greater interaction between the administration and the community are the criteria based on which offices of field administration are organised. It is with the field offices and officers, that a great majority of people come into closer contact with the government. It is also here that the quality and efficiency of the government is judged by the people. The field administration in India undertakes a wide range of activities associated with the life of the community. It is here that the development policies for the realisation of socio-economic objectives are implemented. In India the states are divided into territorial divisions for administrative convenience. This system has a long history from ancient to the modern times. In recent times the need for dividing the state into divisions and need of the Divisional Commissioner has been well accepted. Below the divisional level, district is an important territorial unit. Throughout history district has been considered as the most convenient unit where the administrative operations could be concentrated for the purposes of governance. The nature of powers, no doubt, varied from time to time depending upon administrative needs. Invasions, conquests, annexations and political and administrative changes did not affect this basic unit of administration. Many districts, over decades, have been bifurcated and reorganised to meet political and administrative requirements. It, however, did not affect the continuation of the district as a unit of administration. There have been changes in the territorial units below the district level also. Because of the importance of field administration in the public administrative system of the country, in this unit we shall examine the nature of divisional administration, evolution of district as a unit of administration, its size, functions and problems. Other important aspects of field administration like role of collector, police administration, nature, structure and working of urban and rural local bodies in field administration will be discussed in the following units.

17.2 DIVISIONAL ADMINISTRATION

Administrative organisation at the sub-state level in the country is not uniform. Broadly, there are two different systems. Firstly, the state is divided into a few divisions, each division consisting of a few districts. In this system, the Divisional Commissioner is the head of the division and acts as a link between the district administration and the state government. In the second system, where there are no divisions, the district administration directly deals with the State Government without any intermediary in between. The field administration in the country falls in between these two systems. In states like Karnataka, Maharashtra, Bihar and West Bengal, the divisional system is in operation. In other states like Andhra Pradesh and Tamil Nadu, the district administration is the first tier of field administration.

An important feature of the state administration is that several executive departments have regional offices in the state. For example, in Andhra Pradesh, where the district is the first level of field administration below the state, several state government departments like the education, police and cooperation have established regional offices. The 'range' offices of the police department are established for two or more districts. The Deputy Inspector General of the range acts as a link between the Director General of Police at the state level and the Superintendent of Police at the district level. An important feature to be noted is that the jurisdiction of these regional level offices is not uniform. The number of districts in the 'range' or 'region' of the Police or Education Department is not one and the same. In recent years the number of executive departments having regional offices is increasing. The regional offices are established irrespective of the existence of divisional set-up.

History and tradition rather than considerations of usefulness are basically responsible for the evolution of divisions in some parts of the country in the public administrative structure. The division may consist of three or four or even more districts depending upon the size of the district. The size of the division, both in terms of area and population, varies from division to division within the state. In Karnataka, a division consists of four to six districts; about 20 to 25 sub-divisions; and about 50

talukas and about 50,000 villages. The jurisdiction may extend over 25,000 sq. miles. with a population of about ten million. Viewed from this point of view, some of the divisions are bigger than some of the states in the country and even some of the nations elsewhere. The Divisional Commissioner is the head of the divisional administration.

The Divisional Commissioner is the highest executive authority in the division. He supervises the administration and implements the policies of the state. In Maharashtra, he is the Chief Controller of Revenue and the principal officer supervising developmental programmes in the division. In Bihar, he is the nodal point of administration and incharge of all the activities in his division.

The entire administration of the division, however, is not brought under his control. Mostly, revenue and development departments, the public distribution system and welfare departments are under the control of the Divisional Commissioner. He acts as the Revenue Commissioner of the division exercising delegated powers from the relevant Acts. He reviews the working of the revenue administration like collection of revenue and takkavi loans and inspects revenue offices periodically. As a head of rural development administration, he is considered as Divisional Development Commissioner. All rural development departments, including Panchayati Raj institutions, work under his control. He reviews the programmes and activities connected with agricultural development, cooperation etc., relating to rural development. He supervises and controls all the municipal institutions as well. He is expected to review the entire gamut of development activity in the division. He presides over the divisional coordination committee meetings and reviews the progress of different departments. Like the Deputy Commissioner, he is in constant touch with the people and tries to redress their grievances. This clearly indicates that the Divisional Commissioner is an important functionary and the most important tasks at divisional level are entrusted to him.

Based upon the experience, two different viewpoints exist about the usefulness or otherwise of Divisions and the Divisional Commissioners. The first view is that the division has proved as a useful tier of administration and that it should be strengthened. The protagonists of this view argue that there is need for decentralising more powers to him so that he can provide effective leadership to the district administration. The districts are too large for the state government to exercise effective control. It is also argued that the district collectors or deputy commissioners are relatively young and therefore, the presence of Divisional Commissioner with whom they can interact regularly for guidance and advice would help the district administration. For these reasons they emphasise the need for continuing and strengthening the divisional administration.

P.R. Dubashi, based upon his experience, considers divisional administration extremely useful territorial administration. The government, he feels can stand to benefit by strengthening the institution of Divisional Commissioner. This can be done in three ways, viz., 1) through greater delegation and decentralisation; 2) entrusting the coordination functions to the Divisional Commissioner; and 3) using the Divisional Commissioner as an advisor in policy-formulation. The Administrative Reforms Commission's Study Team on District Administration recommended that the institution of Divisional Commissioners should be introduced in all the states except the small states like Kerala, Punjab and Haryana.

The other view is that the Office of the Divisional Commissioner should be abolished. Many reasons are put forward for this. Since the Commissioner happens to be all done, he will not be able to devote time and attention to the supervision of all departments and local bodies. Secondly, presence of the Commissioner close to the Collector may dampen the latter's initiative. There are also doubts whether the Commissioner can interfere with the statutory functions of the Collector. The system, it is argued has not proved useful wherever it existed. As N. Umamathy has noted that lack of confidence in the Commissioners, inadequacy of their powers, interference in the exercise of the discretionary powers, heavy paper work, large area, short term of office, etc., cumulatively seem to have contributed to their declining position, role, utility and success. Direct dealings between the government and people nullify certain powers and freedom of the Divisional Commissioner. The Administrative Reforms Commission after examining all the arguments, recommended for the abolition of the Divisional Commissioners as they exist now. They felt, however, that the

Commissioners may be appointed in larger states with jurisdiction of fairly large size regions which are homogeneous in terms of economic conditions for undertaking the specific functions of regional planning, to undertake statutory functions having an inter-district coverage, and to inspect district offices.

The system of regional offices also has come for a serious scrutiny during the last three decades. The Rajasthan Administrative Enquiry Committee (1962-63) felt that the regional offices should combine in themselves the twin functions of the executive and evaluation agencies. The Andhra Pradesh Administrative Reforms Committee (1964-65) thought that the regional offices should have substantial powers to take final decisions as it is nearer to the people of the region. On the other hand, the Punjab Administrative Reforms Commission (1964-66) thought that it is better to dispense with regional offices and strengthen the status and the rank of district level officers. The need for regional offices need to be examined in the context of the nature of work. For purpose of efficiency regional offices may be necessary. (If technical supervision of the activities at the district level is necessary.)

The Administrative Reforms Commission felt that each state should make a detailed review of the regional offices before taking decisions about them. It laid down the following criteria for establishing the regional offices in the states :

- 1) The work of supervision and control thrown up by the local offices is so voluminous that it would not be possible for the Head of the Department to do it effectively.
- 2) The size of the set-up required for the office of the Head of the Department is such that the work could be devolved on regional offices at an appreciably higher cost.
- 3) The operations are far-flung geographically, so that central control would involve higher costs of administration on account of touring, etc.
- 4) Supervision and control at an intermediate level is warranted by administrative needs and the nature of work devolving on the organisation.

17.3 EVOLUTION OF DISTRICT ADMINISTRATION

District as a basic unit of field administration has been in existence through the ages. It has not changed substantially from the times of Manu. Manusmriti describes village as a basic unit. About 1000 villages were grouped together as a district and were placed in the charge of an officer. Significantly even today many districts in India approximately consist of about the same number of villages. The territorial structure of administration of the country can however be traced to the Mauryan era. About 2500 years ago the Mauryans created an administrative structure for better administration. The system consisted of revenue villages called 'gramas', a group of revenue villages called 'stana' (visaya or taluk), several stanās called 'aharas' or the district, a group of aharas called 'pradesh' or the region and several pradeshas called 'janapada' or a province. During Gupta period also similar administrative units existed wherein the empire was divided into desas, desas into bhuktis and bhuktis into visayas. The desas, bhuktis and visayas can broadly be compared to the present states, divisions and the districts respectively. The Visayapathi, the head of the district administration, had both revenue as well as police functions and is comparable to the present day district collector. During Moghul period also there was a similar pattern of district administration based on delegation of authority to the man on the spot. Moghul empire was divided into subas, subas into circars and circars into paraganas. Circars approximate to the modern district. The British inherited the Moghul administration. During the period of East India Company several experiments were made in the field of administration. By 1781, the district again became the unit of administration under the district collector as head of the district. Broadly the concept was of an areal specialisation which became the cardinal feature of the Indian administrative system. Thus, the present day district administration has historical roots. The Simon Commission in 1930 made the following observation on the subject :

"The system has some roots in the past. Akbar, for instance, sub-divided all Bengal

into circars but until the establishment of British rule there never existed the settled administration. Discipline and strong supervision which are essential if single officials are placed in charge of areas as large as Indian districts and allow the degree of independence which has been given to the existed officers within the limits imposed by law and precedent"

Independence, and adoption of welfare state necessitated a complete reorientation of the concept of district administration. The main stress has been on Development Administration. Community Development Programme created institutional set-up for rural development. Balwant Rai Mehta Committee recommended a three tier structure of a local government at village, block and district level. The introduction of Panchayati Raj, thus was a radical change in the district administration. Different states have adopted different patterns. In some states like Maharashtra and Gujarat district level bodies i.e., Zilla Parishads were made strong. Elsewhere in Andhra Pradesh and Rajasthan it was constituted as a supervisory and coordinating body.

17.4 SIZE OF THE DISTRICT

County in America and Britain, Department in France, Hsien in China, Jilla in Nepal, Amphoe in Thailand and Chi-ho in Japan are the counterparts of a district in India. These territorial units, like districts in India, differ widely both in area and population. For example, the county in USA varies in size from 64 sq. kms. to 2,253 sq. kms. and in England, it varies from 381 sq. kms. to 6,811 sq. kms.

Historically, the British felt that larger districts are desirable both from economy and administration points of view. They felt powers can be deconcentrated to the districts with large areas. Several committees and commissions which went into the question of the size of the district, could not come to any agreement as to the optimum size of the district. However, towards the end of the colonial period the British felt that district should be of compact size.

Before its division, Ladakh was the biggest district in India with an area of 1.5 lakh sq. kms. whereas, Gyalshing (South) in Sikkim is the smallest in the country with an area of 750 sq. kms. What is interesting is that some of the districts are larger than the states like Kerala, Tripura, Sikkim, etc. Even in case of population, there are wide variations. For example, in England, population of a county is about 25 lakhs; in case of India, the population of districts varies between 60,000 to 40 lakhs.

At the beginning of the century, the British felt that a manageable size of the district could be 5,000 sq. miles and a population of 15 lakhs. During the British period, there were 250 districts with an average size of 11,474 sq. kms. and an average population of 9,31,000. At the time of Independence in India, there were 360 districts which rose to 412 in 1981 and by mid eighties there are 450 districts. In 1981, the average size of the district was about 8,000 sq. kms. and the average population was about 17.39 lakhs.

An interesting feature in India is the reorganisation of districts after Independence by state governments. On several occasions, such reorganisation has taken place on political considerations which resulted in avoidable political disharmony. In America, for example, the reorganisation takes place with the full consent of the people affected by such reorganisation. Frequent reorganisation in India may not be conducive for efficient administration at the district level. In the country, there is a feeling that small districts are conducive for efficient administration, faster development and for active participation of the people in the development process. But an examination of states like Nagaland and Tripura and smaller districts in the states do not give any inkling that socio-economic progress is linked to the size of the district.

In the 60s the average size of the district in Kerala was about 1,500 square miles whereas in Rajasthan it was about 7,000 square miles. The average population in Rajasthan was 5,00,000 whereas it was around 25 lakhs in Kerala. The optimal size of a district has been a matter of discussion over the last few decades. No fixed formula has emerged, as the districts have varied over the last two centuries depending upon the needs and requirements. The

3) Explain the criteria for establishing regional offices.

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3) The role and evolution of district administration in India.

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4) Describe the criteria for an ideal size of district. Do the districts in India conform to these criteria ?

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5) Describe the role of Collector in district administration.

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17.7 COMPONENT PARTS OF DISTRICT ADMINISTRATION

The district is an important geographical unit where the people come into direct contact with the apparatus of Public Administration. Though the actual pattern of administration varies from state to state there is a large measure of uniformity in the broad pattern of district administration. Because of proximity of the community to the district administration one finds a large number of state level agencies functioning in the district undertaking a variety of functions. These functions can be categorised into nine broad headings, namely, law and order, revenue, agricultural production, welfare, public distribution, elections, administration of local bodies, functions relating to emergencies and natural calamities and residuary functions.

A major concern of district administration is maintenance of public safety, law and order, crime control and administration of justice. District collector and the

Superintendent of Police undertake these functions. These two functionaries between them are responsible for maintenance of peace and tranquility in the district. Administration of jails, though a separate department, is a closely related function in this category. As a district magistrate, collector has supervisory role in the administration of jails.

The second group of functions are related to revenue administration. Assessment and collection of land revenue, collection of other public dues and taxes like sales tax, maintenance of land records, adjudication of land disputes between private individuals or government and private individuals, implementation of land reforms, consolidation of agricultural holdings, etc. constitute revenue functions at the district level. District collector is basically responsible for all these functions and to support him there is an elaborate network of revenue and other departmental officials.

After Independence, Development Administration has become all pervading and government has begun to deal with wide area of developmental functions. Because of the rural nature of the society agricultural development is an important function of district administration. This includes irrigation, cooperatives, animal husbandry, fisheries, etc. Each of these functions is looked after by a different subject matter specialist working under the supervision and control of the district collector. In some states where zilla parishads are strong, most of these functions are undertaken by the Panchayati Raj institutions.

Welfare is another component of development function in the district. Public health, welfare of weaker sections and backward classes, education, etc., come in this category. Each of these functions is entrusted to separate officers at the district level. These functions are managed by the Panchayati Raj institutions where they are strong.

Public distribution is an important function particularly in the context of scarcity and also black-marketing. This is a delegated function assigned to the collector. Separate organisations, however, exist under his control. Articles of daily consumption like foodgrains, kerosene, sugar, etc., come under this category.

In a democratic system, elections to various bodies at national, state and local levels are conducted periodically. The process of election beginning from the registration of voters to the conduct of elections and the declaration of results is a vital function to be carried out at the district level under the supervision of the district collector.

Local administration is a vital link between district administration and the local community. Rural and urban local bodies play a pivotal role in district administration. The state governments have entrusted the supervisory and controlling role to the collectors in the district.

Natural calamities and emergencies is another vital area which need to be taken care of whenever required. The entire administration has to be geared to meet the threat of emergencies during natural calamities. As head of district administration the collector plays a significant role in managing the crisis.

Apart from the important functions listed above, there may be many areas/functions of the government which can neither be precisely defined nor explained. These residuary functions like small savings, contribution to public loans, etc., are equally important in the district administration.

The primary objective of the district administration is to ensure orderly and speedy development of the district. To achieve this objective the administration deals with the maintenance of law and order, collection of land revenue and other taxes, public distribution system, calamities and emergencies, productive agencies and administration of justice.

17.8 ADMINISTRATIVE ORGANISATION

The wide variety of functions undertaken at the district level result in a complex administrative system at that level. Apart from the office of the district collector, there are several departments namely, agriculture, animal husbandry, irrigation,

cooperatives, social welfare, education, civil supplies, medical and public health, industries, etc., in the district. Collectively all these departments constitute what is called the district administration. Every state level department has corresponding functional departments at the district level.

Various departments in the districts are structured separately. The revenue department comprises various officials — collector and the joint collector at the district level, deputy collector at the sub-division, tahsildar at the taluka, revenue inspector at the circle and village officers like patwari or karnam at the village level. The superintendent of police, deputy superintendent of police, Inspector, sub-inspector, and the constable work at various levels as field functionaries. Similarly there are the department officers of health, education, agriculture, co-operation, etc. In many cases their jurisdiction is coterminous with a district, but increasingly there is more than one district level officer for each district. The Panchayati Raj institutions have a hierarchy of officials some of whom have been integrated with development departments at block and village level. Officers of agriculture, education and health have been organically linked to zilla parishad or panchayat samiti while retaining their overall accountability to their parent department. This aspect is again discussed later in this unit.

Though working in the same district, each department maintains a distinct identity of its own like their state counterparts. Despite task differentiation and maintaining distinct identity there is a certain degree of task sharing between the departments. For example, the district collector who is normally identified with the revenue administration is closely associated with agriculture department at the district level. In states like Andhra Pradesh he enjoys powers of state level heads of departments. One consequence of this organisational set-up is that specific functions have been artificially split up and administered by different departments. For example, agricultural credit is administered by cooperatives, agriculture and revenue departments. This system of organisation has, according to Ishwar Dayal and others, led to a few dysfunctionalities. Splitting up total task between departments where no one has total control and clear cut accountability is the first dysfunctionality. Secondly, the people have to contact different organisations to get supplies for their primary activity. Thirdly, district level departments have become upward looking in communications as they busy themselves in sending periodical reports to their state level officers. Because of the administrative verticalism the district collector is not in a position to gain a comprehensive and coordinated picture of total activities to take corrective measures in case of necessity. This is the third dysfunctionality.

Based upon analysis of the district organisation Ishwar Dayal and others have proposed a new organisational framework for district administration. But in a vast country like India, no single model of administrative organisation at district level would ever provide necessary answer to the challenging tasks.

After Independence, two patterns of district administration have emerged in the country. In the first pattern regulatory functions have been completely separated from development functions. All district officers of development departments work with zilla parishads wherein a senior IAS officer is appointed as the chief executive officer. Zilla parishads exercise administrative control over the officials. Maharashtra and Gujarat are good examples. In the second pattern which obtains in Rajasthan, Andhra Pradesh and other states, Collector continues to be incharge of both the regulatory and development functions playing a very significant role in both. Both the patterns have worked satisfactorily. In the first, however, greater opportunities are provided to the elected representatives to associate themselves with the district development administration. This pattern also has added advantage of ensuring better coordination in developmental activities. There is need for looking into the pros and cons of each to evolve a suitable system.

17.9 PROBLEM AREAS IN FIELD ADMINISTRATION

The broad framework of field administration remained more or less the same over the last 200 years. Except a few reorganisations here and there and addition of

developmental functions, no major structural reorganisation has ever taken place in the administrative set-up. This has resulted in several problems for the administration as well as for the community. We shall now re-examine a few of these problems.

Firstly, there are wide variations in the size of the districts both in terms of area and population. The reorganisation that has taken place after Independence is mostly on political considerations than on administrative requirements and efficiency. These variations are creating serious problems for the administration. This is mainly in terms of access of district administration to the people.

With the increase in the number of functions and role of development departments there has been a considerable decline in the importance of the revenue officials. But their stranglehold over land records and their linkages with local power groups has become a disturbing factor. In spite of the commitment of the central and state governments, there have been several difficulties in implementing land reforms in the country. This is another problem area.

Rural and urban local institutions are an important part of field administration. These local institutions have considerable role to play both in civic and developmental aspects. There has been a tendency to entrust more developmental functions to the Panchayati Raj bodies. But there are several complaints of partisan outlook of the elected functionaries leading to favouritism and nepotism. As a result, there is political disharmony, intensified factionalism and increased crime rate.

Similarly, the municipal local institutions also face several problems. Shrinking revenue base, inadequate technical capacity, increasing pressure due to growing population coupled with high expectations of the community for more and better services are creating several problems not only to the municipal institutions but even to the district administration.

One of the well-known features of bureaucracy is its emphasis on rules and regulations. Increase in workload over the decades is leading to delays, red tapism, and consequently corruption. Status quo conscious officials, in some cases, are becoming insensitive to development demands, thereby creating atrophy in administration.

There are a few other problems like deterioration in law and order and problems of inter-agency coordination. The reforms that have been effected over the years, particularly after Independence, could not tackle the major problems of field administration in the country. Structural reorganisation by itself may not, and probably will not help to improve the efficiency of the district administration. There is need for attitudinal change among the officials. Unfortunately, the reform committees and commissions have not dealt with this important aspect of field administration. What is needed, therefore, is a total restructuring of field administration keeping in view both structural as well as behavioural aspects of the officials as well as the expectations of the community in tune with the democratic traditions.

The role of field administration has undergone a radical change during the last two decades. It is no longer practicable for the administrators, however competent and professionally committed they may be to do full justice to the numerous and expanding responsibilities they are called upon to shoulder today. In the changing context, the strength, power and authority of the officers concerned, the different types of administration depends upon their capacity to display qualities such as independence of judgment, self-reliance and resourcefulness. It also equally depends on the measure of support they receive from the people, the government and their superior or subordinate officials. Those who succeed in imparting dynamism and sense of purpose would be able to realise development objectives.

Check Your Progress 2

- i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

Discuss the different components of district administration.

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2) How is district administration organised?

3) Discuss the problem areas in district administration.

17.10 LET US SUM UP

The field administration in India presents a picture of continuity and change. The character of field administration in respect of law and order and revenue administration including land records and land management and the role of collector presents a picture of continuity. When we look at the system of Development Administration in the district we come across change. Objectives and goals of administration have changed after Independence. Introduction of Panchayati Raj, establishment of agencies to implement welfare programmes, increasing focus on people's participation necessitated new relations in the administrative apparatus at the district level. It also necessitated new modes of communication as well as new concepts in methods of accountability. These represent change in the field administration. Notwithstanding these changes the system of field administration has stood the test of time providing for continuity. Field administration is the principal point of contact between the government and the people. Because of the changes in the nature of Public Administration in the country after Independence, there is a need to bring reforms both in structure as well as processes. It will then be possible for the field administration to provide continuity and response to the changing needs and societal aspirations.

17.11 KEY WORDS

Administrative Verticalism: The system where in the district administration, the various heads of district (executive engineer, Superintendent of Police) report to higher authorities of their own Public Service Departments.

Atrophy: Waste.

Nepotism: Favouritism shown to relatives or close friends by those with power.

Community Development Programme: The programme was started in 1952 under the first five year plan. It aimed at changing the outlook of villagers, making them self-reliant, inculcating among them a feeling of cooperation through better utilisation of resources.

Variiegated Picture of field administration : Field administration is not uniform throughout the country. There are wide variations in the size as well as population of the district (which is an important territorial unit of field administration) from state to state and district to district within the State.

17.12 SOME USEFUL BOOKS

- Administrative Reforms Commission, 1967. *Report of the Study Team on District Administration* : New Delhi.
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- Khera, S.S., 1974. *District Administration in India* ; Asia Publishing House : New York.
- Sadasivan, S.N., *Towards a Theory of District Administration, The Indian Journal of Public Administration*, Vol. XXXI, No. 3, July-September 1985.
- Special Number on the District Collector in the nineteen sixties, *The Indian Journal of Public Administration*, Vol. XI, No. 3, July-September 1965.

17.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should include the following points :
- The Divisional Commissioner in the capacity of the highest executive authority in the division, is responsible for implementation of policies and supervision of the administration.
 - Functions of the Divisional Commissioner as Revenue Commissioner of the division.
 - Role of the Commissioner in the capacity of Divisional Development Commissioner in-charge of rural development administration.
 - Coordination and Public Relations function of the Commissioner.
- 2) Your answer should include the following points :
- Historical traditions
 - Political considerations
 - Technical requirements
 - Development imperatives
 - Need for bringing about greater interaction between people and administration
- 3) Your answer should include the following points :
- Existence of district as a unit of administration from the times of Manu. The territorial structure of administration can be traced to the Mauryan era.
 - Presence of similar structure of administration during the Gupta period
 - District administration during the Moghul period
 - The district again became the unit of administration by 1781, with the district collector as head of the district.

- 4) Your answer should include the following points:
- Density of population
 - Topography of the area
 - Productivity of land
 - State of communications
 - Socio-cultural homogeneity
 - Resources for development
 - There is no uniformity in the size of the districts evolved in India. as most of them were formed on the basis of their needs and requirements.
- 5) Your answer should include the following points :
- Role of the collector as the head of the revenue administration.
 - Role of the district collector in the maintenance of law and order in the district,
 - Role of the district collector in the administration of development programmes.

Check Your Progress 2

- 1) Your answer should include the following points :
- Maintenance of public safety, law and order, crime control and administration of justice.
 - Revenue administration.
 - Development Administration which includes irrigation, cooperatives, animal husbandry, fisheries, etc.
 - Welfare including public health, welfare of weaker sections, backward classes, etc.
 - Public distribution,
 - Local administration,
 - Management of crisis like natural calamities, emergencies, etc.
- 2) Your answer should include the following points:
- Presence of several departments namely agriculture, animal husbandry, education, etc. at the district level apart from the office of the collector.
 - Various departments like revenue, police, Panchayati Raj institutions are structured separately in the districts.
 - Emergence of two patterns of district administration in the country after Independence. Separation of regulatory from development functions under the first pattern as in Gujarat and Maharashtra. The second pattern where the collector continues to be in-charge of both regulatory and development functions, as prevalent in states like Rajasthan, Andhra Pradesh.
- 3) Your answer should include the following points :
- Wide variations in the size of the districts both in terms of area and population.
 - Inability of the rural and urban local institutions to discharge developmental functions assigned to them properly, due to the partisan outlook of the elected functionaries.
 - Problems faced by the municipal local institutions like shrinking resource base, inadequate technical capacity, increasing pressure due to growing population,
 - Strict adherence to rules and regulations by bureaucracy leading to delays, red-tapism and corruption,
 - Deterioration in law and order and problems of inter-agency coordination. —

UNIT 18 THE DISTRICT COLLECTOR

Structure

- 18.0 Objectives
- 18.1 Introduction
- 18.2 Evolution of the Office
- 18.3 Functions of the Collector
- 18.4 Collector and Panchayati Raj
- 18.5 Administrative Support
- 18.6 The Lakhina Experiment
- 18.7 The Collector's Work - Some Constraints
- 18.8 Let Us Sum Up
- 18.9 Key Words
- 18.10 Some Useful Books
- 18.11 Answers to Check Your Progress Exercises

18.0 OBJECTIVES

After studying this unit, you should be able to :

- explain the importance of the office of Collector in district administration
- trace the evolution of the office
- describe the traditional and developmental functions of the collector : and
- discuss the constraints within which the Collector has to function in the district administration.

18.1 INTRODUCTION

The institution of collector, created more than 200 years ago, is one of the most significant institutions transmitted by the colonial rulers to independent India's Public Administration system. He is the highest functionary of the district administration in the country. Several epithets are used to describe this institution. "Annadata", "Maabap", 'captain of the team', "eyes and ears of government", are some of the common descriptions. He is also described as "the kingpin of administration", "the key-stone of the arch of district administration", "the area specialist", and more recently in more benevolent terms, as "friend, philosopher and guide", "adviser, educator and helper", "the fulcrum of grassroot democracy", "the main-spring of development" and so on. Even after Independence he continues to occupy a pre-eminent position at the district level and is the key functionary of the State Government. Lord Wavel once stated that the English would be remembered not by this institution or that, but by the ideals left behind in the form of the office of the district officer. A number of reforms and reorganisations that were effected in India's public administrative system both before and after independence did not affect the institution of collector. The setting up of Panchayati Raj wherein democratic institutions were established at the district level and below also did not reduce the importance or significance of this office. On the other hand, it added to the powers, role, as well as the prestige of this institution. Keeping in view the importance of the institution of the collector, we shall in this unit examine the evolution of the institution of the collector, his traditional and development functions, his role in district administration and the constraints which inhibit the performance of functions of the collector

18.2 EVOLUTION OF THE OFFICE

The office of the district collector in India has a long history. Its origin is related to the concept of a territorial unit of administration. During the Mauryan period the kingdom was divided into convenient territorial units and each unit was placed under the charge of an imperial authority. The authority who was important and who corresponded to the district collector during that period was known as 'Rajuka'. Though they were essentially revenue officers, they exercised judicial functions also. Rajukas collected land revenue, maintained roads, promoted trade and industry and carried out public works like irrigation. During the Gupta period, they were called 'visayapathis', who were heads of 'visayas' which were equivalent to the modern districts. The visayapathi was responsible for the general administration including collection of taxes and other revenues. They also commanded military force to maintain law and order in the visaya. The Moghul rulers followed the system of administration of Hindu kings. Under the Moghul system, the 'circar', which is comparable to the modern district had three officers, viz., Amalguzar, Amir Zuazi and Faujdar. The Amalguzar was a principal revenue functionary of the circar and was responsible for the collection of revenue and proper utilisation of land. He also exercised certain administrative functions like punishing the robbers and some quasi-judicial functions like settlement of disputed claims on land. However, he was basically responsible for the collection and management of land revenue. Though during Moghul period Faujdar enjoyed a dominant position in the district administration, Amalguzar performed all revenue functions. Thus we find before the advent of the British, there were always some territorial divisions and officers of these divisions were responsible for realisation of land revenue. These revenue officials were generally invested with several powers and functions. It was, no doubt, considered a feudal form of territorial organisation. The territorial gradation of administrative areas more or less remained the same notwithstanding the changes that were brought about in the system by the British.

The British built on the oriental system and established the present system of field administration. The creation of a district as unit of administration and the appointment of the district collector as head of district administration laid the foundations for stable administration in India. Granting of 'diwani' (civil administration) in Bengal, Bihar and Orissa to the East India Company in 1765 marks the beginning of British revenue administration in India. In 1769 the Company launched a scheme of English supervision over the local revenue collecting institutions. East India Company appointed covenanted servants as supervisors during 1769-70 in the districts of the diwani provinces. The supervisors were expected to report on the produce and capacity of the lands, the amount of revenues and other taxes levied, manner of collection etc. They were expected not only to be concerned with revenue collection but also to have an overall knowledge of all the factors that affected the district. But the system failed, and the Company decided in 1772 to take over the entire executive management of public revenues. Accordingly Warren Hastings issued a proclamation on May 11, 1772. On May 14th, 1772 the supervisors were appointed as collectors. Thus the institution of collector was created for the first time in 1772 during the period of Warren Hastings. From then onwards, collection of revenue became the most important duty of the Company's civil servants. The office of the District Collector thus became an important institution of the British local administration in the country. They were entrusted with the executive powers of management and collection of revenue and other duties of enquiry and investigation. From then onwards the collector's role has gone through several changes, periods of strength, neglect, etc. By the time, India gained Independence the district collector had become an important functionary heading the district administration.

18.3 FUNCTIONS OF THE COLLECTOR

The office of the collector is an important institution transmitted by the British rulers to the Indian administrative system. He performs traditional revenue functions as well

as developmental functions. Throughout the country the powers and functions of the collector more or less remain the same. Though, there are variations in matters of detail, broadly the collector performs the following traditional functions, viz.,

- 1) as the head of revenue administration,
- 2) as the head of police administration,
- 3) as the head of district administration, and
- 4) as an agent of the government.

Revenue Functions

The collector started as a revenue functionary and he continues to be the principal revenue officer and head of the revenue administration in the district. After Independence, the importance of revenue administration has become secondary, the emphasis has shifted to Development Administration, though the revenue functions still remain with the district collector. Besides the collection of revenue, collectors are responsible for the collection of all other dues like takkavi loans and dues belonging to other departments. Maintenance of land records and collection of statistics at the village level are some other functions of the collector. The collector exercises appellate jurisdiction in revenue cases. The recovery of arrears of land revenue in respect of all departments is the responsibility of the collector. Land reform measures including those intended to provide land to the poor and the landless are implemented by him. In the discharge of his revenue functions the collector is assisted by joint collectors, revenue divisional officers, tahsildars, revenue inspectors and village officers.

As the head of the revenue administration, he is the kingpin of relief operations in the district. In times of emergency like floods and famines the collector plays a very crucial role in relief operations. The government takes decisions regarding the quantum of relief and the manner of distribution mostly on the basis of assessment of the situation made by the collector.

Law and Order Functions

District collector also functions as district magistrate, and is responsible for the maintenance of law and order in the district. After the separation of judiciary from the executive, the collector is concerned with the preventive sections of the criminal procedure code. As district magistrate, he is the head of the police administration of the district. In this function, superintendent of police - the head of police force in the district - helps the collector in the discharge of his police functions. In all important matters, the superintendent of police takes orders from the collector. In recent years, there have been many instances of strained relations between the collectors and the superintendent of police. Lack of understanding between the two has its effect on the entire district administration.

Head of District Administration

District collector continues to be the head of the district administration. As district magistrate, he is responsible for the maintenance of law and order. As chief revenue officer, he is responsible for the collection of revenues. He is also closely associated with several other departments like education, industries, cooperatives, public works, etc. In respect of Panchayati Raj, in several states, he has a very important relationship with the Panchayati Raj bodies. As head of the district administration, he plays a coordinating role between different departments like revenue, police and other departments. He is a common denominator ensuring the proper implementation of the government policies.

As head of district administration there are many other functions he is expected to perform. He supervises the working of municipalities. He has powers to suspend the resolutions of local bodies if they constitute a threat to public peace. He also heads a number of official and non-official bodies in the district, like the Road Transport Authority, District Employment Committee, Welfare Committees, Red Cross Society, etc. The amount of time he spends on these activities depends on his personal interest.

As an Agent of Government

A closely related function is that he is looked upon as an agent of the government at the district level. He hoists the national flag on Independence and Republic Days. He has several protocol functions like meeting the ministers and other VIPs and their

18.4 COLLECTOR AND PANCHAYATI RAJ

After Independence, the collector has become responsible for the implementation of the development programmes in the district. Implementation of five year plans and Community Development Programme has brought him into the centre of Development Administration. As a generalist administrator he is expected to coordinate all the development programmes being implemented in the district by several agencies. His role vis-a-vis development departments is no less important. Collector's role in Development Administration is more visible in case of Panchayati Raj bodies. He is closely associated with these institutions either from within or from outside. Such association is visible in the Panchayati Raj institutions of most of the states except Maharashtra and Gujarat.

The advent of Panchayati Raj institutions in India has brought about several changes in the set up of the district administration. This is particularly so in case of the role and functions of the district collector. Balwant Rai Mehta Committee recommended that the collector should be the chairman of zilla parishad. At the time of establishment of Panchayati Raj, critics argued that collectors should not head the democratic bodies. This they felt would not be in consonance with the spirit of decentralisation. It would curb the democratic spirit. In actual practice, in different states, different types of linkages were established between the collector and the Panchayati Raj institutions. In Rajasthan, for example, the collector was made an associate member of zilla parishad without the right to vote. In Andhra Pradesh, he was made a full-member of zilla parishad and chairman of all the standing committees. Later, however, in Andhra Pradesh, the collector was disassociated from zilla parishad. In Maharashtra, the collector was kept out of zilla parishad. But, generally it is felt that the collector should have a large share of responsibility in facilitating the success of Panchayati Raj institutions. Over the years, four patterns of the role of collector, vis-a-vis zilla parishad have emerged. Firstly, collector is the chairman of zilla parishad giving necessary fillip to the entire development effort. Secondly the collector has been kept out of zilla parishad completely because of a feeling that it would burden the collector who is already over-burdened. In some states, the collector is made chairman of the standing committees which are really vested with powers and decision-making. Finally, in some states, the collector is a member of zilla parishad without right to vote.

The relationship between collector and Panchayati Raj institutions can be studied under different heads, namely, control over staff, power to suspend resolutions, power to remove officers and powers to suspend and dissolve Panchayati Raj institutions. In these areas, the role of collector varies from state to state. Some aspects of this would be discussed later in the unit on Panchayati Raj. Collector has powers to write confidential reports and has authority to inflict various punishments. Such powers vary from state to state. Similarly collector can suspend the resolutions of panchayats in states like Madhya Pradesh and Maharashtra; of the panchayat samithis in Madhya Pradesh and Orissa and of zilla parishads in Andhra Pradesh and West Bengal. The trend is towards granting powers to suspend resolutions of samithis and panchayats and not in case of zilla parishads. Collectors in Karnataka and Rajasthan can remove the office-bearers of panchayats. In Orissa, collector has the power to dissolve panchayats. Thus, the collector is intimately associated with the working of Panchayati Raj institutions either from within or from outside. Such an association will bring the collector in intimate relationship with the people's representatives. This provides him an opportunity to understand the dynamics of Development Administration at the district level.

The Administrative Reforms Commission recommended that all the development functions should be entrusted to the zilla parishad. Collector should only be responsible for regulatory functions. Transfer of development functions, the committee felt, would enable the collector to devote more time and attention to his regulatory functions. This will help to improve the general administrative climate in the district. The committee on Panchayati Raj headed by Asoka Mehta also recommended the separation of development functions and entrusting them to the Chief Executive Officer.

18.5 ADMINISTRATIVE SUPPORT

The collector is assisted in his duties by a number of officers at various levels. Generally, there are two or three senior officers of joint or additional collectors rank. These officers look after the revenue, law and order, and developmental functions. The collector in the collectorate is assisted by a good number of deputy collectors. These officers look after different functions like revenue, law, relief, establishment and other duties. As you have noted in the previous unit that a number of district technical officers like district agricultural officer, district educational officer, district cooperative officers, etc. function directly under the supervision of the collector except in a few states where they work with the zilla parishad. We have noted in the unit on Field Administration that the district is divided into sub-divisions. Each sub-division is headed by the sub-divisional officers. In some states they are called the revenue divisional officers. The collector provides guidance and leadership to the joint collectors and sub-divisional officers. At the taluq and block level, there are tahsildars and Block Development Officers undertaking revenue and development functions respectively. They have regular contacts with the people and are the real executers of all government programmes. A large number of subject matter specialists function at the block level initiating and implementing specific programmes.

Collector exercises control over the field officers through visits, inspections and review meetings. Through these techniques, he monitors the programme implementation and provides guidance to the field officers. His inspections and reviews not only give a bird's eye view to the collector, but also enable the field officers to clarify their doubts about policies and priorities from the collector. During his visits to the villages, he hears people's complaints about the problem of drinking water, water for irrigation, bad roads, poor housing, shortage of essential commodities, and inputs for agricultural operations, corruption and insensitivity of officers, etc. Based on these inspections and visits, collector can assess the problems affecting the district and take the initiative to overcome them. This gives the collector a clear understanding about the local problems apart from providing a personal touch to the administrative system.

An important role of the collector is to bring about coordination between different departments in the district. He acts as a catalyst for development. In some states, all the district level officers are brought under the control of collector and in some they are outside. As highest functionary in the district, the government looks towards him for providing the needed guidance and direction to these officers.

18.6 THE LAKHINA EXPERIMENT

The collector's office is designated as the 'collectorate'. Historically, as we have seen, the collectorate is associated with revenue and regulatory administration. With the change in the nature of administration after Independence, the bureaucracy has assumed a new role as change agents. It is in this context the need for reform at the district level – both structural and attitudinal – is being perceived. It is this perception of the need for administrative efficiency and also responsiveness to the community that led Mr. Anil Kumar Lakhina, a district collector, to undertake an exercise to reform district administration. The exercise was done in the collectorate of Ahmednagar in Satara district of Maharashtra. The basic premises of reform were :

- 1) Regulation of clerk and public work contact ;
- 2) Demystification of office procedure and accessibility of documents both to the staff and public ; and
- 3) Better working conditions and creation of working environment.

Some of the changes brought about in the district administration included, regulation of visitors to the collectorate ; designing the office as per task sequence, making available documents to those who handle them : preparation of desk manuals, weeding out documents which had outlived their usefulness, provision of dust proof and fire fighting equipment, motivation and training etc. This experiment revolved around the

assumption that attitudinal changes in the administrator can result in effective administration. It sought to link attitudinal changes with physical work environment. The experiment was undertaken in only one district and possibility of its adoption elsewhere is yet to be proved. But the Lakhina experiment is a pointer that structural changes coupled with attitudinal changes and the 'will' to adopt reforms can bring efficiency in district administration. What is true of the collectorate is equally true of other administrative organs at the district level.

8.7 COLLECTOR'S WORK: SOME CONSTRAINTS

As you have noted, the collector has become an increasingly important functionary in district administration. Both in the regulatory and development functions, he has a very important role to play. In the performance of his functions, he faces a number of problems and constraints which inhibit his work. Problems like frequent transfers, increasing workload, political pressures, crisis situations, and individual orientation of collectors are a few which need to be examined in this context.

Civil servants need to have a tenure which is long enough to understand the environment, establish constructive relationships and to implement the development programmes. A well accepted policy is to retain an officer in a particular place for a period of three to five years. Unfortunately, this policy does not seem to be the practice in case of collectors. A few studies conducted on this indicate that there are too frequent transfers inhibiting the proper performance of functions by the collectors. For example, in Rajasthan, the average tenure of collectors was 14.2 months which is not conducive to attain development objectives. This indicates that they are dislocated before they acquaint themselves with the problems of the district. Some of the collectors have a tenure of less than four months and there are very few collectors who enjoy three years of tenure. In some districts, average tenure is over ten months and in some, it is less than two years. Such frequent transfers apart from having a negative influence on the collector would adversely affect district development administration.

Political interference and pressures is another area constricting the work of the collectors. Such pressures are generally brought to restrain the district administration in cases of land acquisition by the government or use of judicial support for their followers or issue of gun licences or permits for scarce commodities like sugar etc. If the district collectors concede the request, they are accused of partisanship and if they resist the pressure, they are accused of being insensitive to the requests of the people's representatives. Quite often, resistance to pressures leads to politicisation of issues. This may even lead to transfer of the collectors. This has an adverse effect on the performance of the collector as an agent of change. It also adversely affects their own performance.

Collector's work is frequently interrupted by the visiting dignitaries like ministers to the district. Protocol requires that collector must receive and be available to have discussions with the visiting dignitaries. In some districts in which important cities are situated, such visits become frequent which interrupts the collector's work. Thus, protocol duty is another area which affects the collector's work to some extent.

One complaint often made is that the collectors are over-worked. Though studies are few in this area, a few of these studies conducted reveal the varied nature of the workload of the district collectors. An analysis of the work of collectors in the former Bombay State indicates that collector spends 54% of his time on correspondence, 25% on tours, and the remaining 20% on meeting the visitors, attending to protocol duties, attending meetings and hearing cases. In another study conducted by Jack Lespie, it was shown that collectors spend 36% of time on correspondence, 18% on tours, 11% on receiving visitors and the remaining time to other functions like attending meetings, protocol duties, job related social activities, etc. It was also revealed that the collectors spend on an average 70 hours a week for official functions. This means, about 10 hours everyday including Sundays and holidays. This is indicative of the amount of pressure on his time and the increasing workload on the collectors. This leaves them with hardly any time for reflection or concentration on development activities.

In the district, the collector is responsible for the maintenance of law and order. But Superintendent of Police who is the head of the police force, in the district looks after this function under the overall supervision of the collector. Quite often, the people come to the collector with the complaints about the partisan attitude of the police and their failures. With the separation of judicial functions and the executive, the collector's association is indirect and minimal. The relations with the police have always been very delicate and sensitive to the collector. In recent years, police began to resent the control of the collector in the maintenance of law and order. There have been cases of strained relations between the two. With increasing unrest in the rural areas the role of collector is becoming increasingly important in the maintenance of peace and tranquility.

Crisis administration is another important and a necessary function of the collector. The crises may include communal disturbances, floods and famines, dacoity and terrorism and accidents and campus disturbances. Such crises erupt suddenly demanding Collector's immediate intervention. This affects their normal functions and the immediate casualty is neglect of development functions.

Finally, the collectors who are committed to change in development process, choose their own areas, preference for concentrated work. Some officers focus their attention on welfare of weaker sections, others on health activities and some spend on agriculture and some others on tribal development. Some collectors emphasise on special programmes and activities of their choice thereby, giving secondary importance to the remaining functions. This also constricts their role and performance in general.

District collectors try to overcome these pressures through improved relations with the politicians or through proper time management or through delegation of work to their subordinates. Some officers make use of the political executives at the district and state levels to iron out the problems in Development Administration and make positive use of their interactions with the politicians. There are others who view the intervention as an unwelcome interference in their work and feel disgusted. The performance of the collector, therefore, depends upon his own inclination and orientation towards the developmental goals and also his capacity to make use of the environment in the district positively and constructively to undertake his functions. No textbook propositions can be made to overcome some of these constraints.

18.8 LET US SUM UP

The institution of district collector, in India, has a long history. The institution, whatever be its nomenclature, evolved through ages to its present form. It came into existence in 1772 during the period of East India Company. Traditionally, collectors were incharge of land revenue, maintenance of law and order and other regulatory functions. In independent India, with the adoption of socialistic pattern of society and focus on development, collectors in most states became development functionaries and change agents. Their association with development institutions like Panchayati Raj is very close and intimate. There are a number of constraints which impinge on the performance of the collectors like heavy workload, frequent transfers, political interference, etc. Collectors try to overcome these problems by making positive use of their relations with various functionaries and understanding the environment of district properly.

Check Your Progress 2

- Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

1) Explain the role of the collector in Panchayati Raj.

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18.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points :
 - The collector is the highest functionary in the district administration in the country.
 - The collector is the head of revenue administration at the state level.
 - The maintenance of law and order in the district is the responsibility of the collector.
 - As head of the district administration the collector plays a co-ordinating role between different departments like revenue, police, health etc.
 - The collector is responsible for the implementation of the government policies at the district level.

- 2) Your answer must include the following points :
 - The origin of the office of the district collector in India is related to the concept of a territorial unit of administration.
 - During the Mauryan, Gupta and Moghul periods, there were some territorial divisions and officers of these divisions were responsible for the realisation of land revenue.
 - The creation of district as unit of administration and the appointment of district collector as head of district administration by the British.
 - The beginning of British revenue administration in India in 1765 through granting of 'diwani' in 1765.
 - Appointment of covenanted servants as supervisors in several districts of the diwani provinces during 1769-70.
 - In 1772, during the period of Warren Hastings, the supervisors were appointed as collectors and thus the institution of collector came into existence.

- 3) Your answer must include the following points :
 - Collection of revenue, and other dues like takkavi loans dues belonging to other departments.
 - Maintenance of land records, collection of statistics at the village level.
 - Recovery of arrears of land revenue.
 - Responsible for relief operations in the district during crises like floods, famines. It is on the basis of the report sent by the collector that government takes decisions regarding amount of relief and mode of distribution.

Check Your Progress 2

- 1) Your answer must include the following points :
 - The District collector is associated with the Panchayati Raj institutions in most of the states. Such association is said to establish a contact between the people's representatives and the collector. Also provides an opportunity to understand Development Administration at the district level.
 - In some States collector is the Chairman of Zilla Parishad which encourages the development efforts.
 - In States like Madhya Pradesh and Maharashtra, the collector can suspend the resolutions of the Panchayats.
 - In some States, the collector has power to suspend and dissolve the Panchayati Raj institutions.
 - The Collector in some States is the Chairman of standing committees and also a member of Zilla Parishad.

- 2) Your answer must include the following points :
 - Efforts made by the district collector of Satara district of Maharashtra, to

bring about both structural reforms at the district level and attitudinal changes in dealing with public.

- Need was felt for bringing about administrative efficiency as well as responsiveness to the public.
- Certain reforms were brought about in the district administration. Also improvements in physical work environment were made.
- This experiment established that structural reforms coupled with attitudinal changes and the necessary will to adopt reforms can bring efficiency in district administration.

3) Your answer must include the following points :

- Frequent transfers of the collectors which inhibit the proper performance of their functions.
- Political interference and pressures have an adverse effect on the performance of their duties.
- Protocol duties of the collector which interrupt their work.
- Increasing workload.
- Strained relations between the police and the collector.
- Crisis administration demands collector's immediate intervention which affects their normal functions especially development functions.

UNIT 19 POLICE ADMINISTRATION

Structure

- 19.0 Objectives
- 19.1 Introduction
- 19.2 The Background of Police Administration in India
- 19.3 Role and Functions of the Police
- 19.4 Organisation at Central and State levels
- 19.5 Organisation at Range level
- 19.6 Organisation at District and Sub-district level
- 19.7 Rural Police
 - 19.7.1 Rural Police Station
 - 19.7.2 Village Policing
- 19.8 Urban Police
- 19.9 Issues Confronting Police Administration
- 19.10 Let Us Sum Up
- 19.11 Key Words
- 19.12 Some Useful Books
- 19.13 Answers to Check Your Progress Exercises

19.0 OBJECTIVES

In the field administration, police have an important role to play. In this unit, therefore, we will discuss the organisation and the role of police in the country. After studying this unit on police administration you should be able to:

- discuss the functions and role of police
- describe its organisation at various levels, particularly at the district level and below, and
- enumerate the critical issues in police administration in the country.

19.1 INTRODUCTION

Nation building and socio-economic progress are the two development goals. Peace and tranquility are essential conditions to achieve these goals. Therefore law and order administration has acquired significance in all societies — both developing and developed and democratic or otherwise. Rapid growth of population, industrialisation, urbanisation, growing political consciousness lead to law and order problems. Agrarian and tribal revolts, political caste and communal violence, labour and student unrest and terrorism are indications of law and order problems in the country. In all societies, particularly in developing societies, these conflicts and tensions are inevitable and may manifest in different forms. Freedom and independence will not have meaning unless these basic issues are properly attended to.

Police administration is a part of general administration of the country. But its study is of recent origin, more so in India. In this unit we will study the organisation of police at various levels and some critical issues that confront the police administration in the country.

19.2 THE BACKGROUND OF POLICE ADMINISTRATION IN INDIA

Maintenance of peace and tranquility has been a time honoured function of all

governments. In all societies, organisations were established to protect the life and liberties of people since the dawn of civilisation. With the passage of time, complexities in the nature of societies has led to the creation of the modern police. In the European context the term 'police' refers to a 'force for the city'. In ancient India the police officer was known as Nagarpal which means protector of the city. In ancient India governance was based on Dharma and Danda. Dandaneeti was an important ingredient of statecraft. Manu talked about the prevention and detection of crime and also a system of collecting intelligence during the vedic period. Vedas refer to different kinds of crimes and punishments meted to the criminals. During the Mauryan and Gupta periods, policing was undertaken systematically. Kautilya's Arthashastra gives a vivid picture of the nature of police organisation and their functions. During Moghul period, law and order administration was under the charge of Fauzdars. They were assisted by Thanedars who were incharge of police stations. He was not an exclusive police functionary. He was also responsible for revenue functions. The office of the Kotwal was fairly important as he was the chief of city police. His functions included patrolling the city at night, collection of intelligence, prevention of crime and social abuses and regulation of jails. During the British period, the police system, that existed under the Moghuls was allowed to continue with certain reforms to meet the changing needs.

The present Indian police system is based on the Police Act of 1861. Under this Act the police was made subordinate to the executive government. Later several changes were brought about in the structure as well as functioning of the police system in the country. But the basic structure and characteristics as enshrined in the Police Act of 1861 continued to dominate over the police system in the country. Later efforts were made to reorganise the police by the then government of India keeping in view the changing needs. By the time India attained Independence in 1947, the police administration had developed into one of the best systems. After independence the Government of India felt that the system was capable of facing new challenges and was also well developed to help the new government to maintain stability.

19.3 ROLE AND FUNCTIONS OF THE POLICE

In a modern society the state has to ensure peace and order. The system can be successful only if it is able to maintain peace and tranquility. Prevention of crime and maintenance of public order are the major functions of the police. U.N. Congress on prevention of crime held in 1970 identified urbanisation, industrialisation, population growth, internal migration, social mobility, technological changes etc., as the criminogenetic factors. Communal tension and other social tensions are the other causes of crime, because of which public order gets disturbed and violence breaks out. As civilisation advances, and democracy takes roots, the laws of the land also change. Instead of individual fancies, law making is based on participation by the people or their chosen representatives. Personalised laws are replaced by public laws. According to 1861 Act, Police functions are to prevent commission of offences and public nuisances, to bring offenders to justice, to collect information affecting public peace, and to keep order in all public places keeping in view the changing political and social scenario.

The main task of police is to enforce law and order, to protect the citizens and to safeguard their property. The police have to play a positive role in the scheme of social defence. It can no longer take a restrictive view of their role. In the creative aspects of correctional services it has to play a significant role. In a democratic society the role of police is linked to social service.

An important area where police has been assigned a positive role is in relation of social legislation. These legislations touch upon the lives of the people at countless number of places. This provides the police with various opportunities to serve the people and proves to be a challenge as well. In the changing political context the police has to function as officers of law rather than as officers of the government or party in power.

According to the National Police Commission set up by the Government of India in

1977, the duties and responsibilities of the police are to :

- i) promote and preserve public order ;
- ii) investigate crimes ;
- iii) identify problems and situations that are likely to result in commission of crimes.
- iv) reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures ;
- v) aid and co-operate with other relevant agencies in implementing appropriate measures for prevention of crimes ;
- vi) aid individuals who are in danger of physical harm ;
- vii) create and maintain a feeling of security in the community ;
- viii) facilitate orderly movement of people and vehicles ;
- ix) counsel and resolve conflicts and promote amity ;
- x) provide other appropriate services and afford relief to people in distress situations ; and
- xi) collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and security.

19.4 ORGANISATION AT CENTRAL AND STATE LEVELS

Article 246 of the Seventh Schedule of the Indian Constitution enumerates police as a state subject. Police administration, therefore, is a state responsibility. This does not, however, minimise the role of Central Government in police administration. The Constitution itself enumerates a long list of subjects like All India Services, preventive detention, arms, ammunition, passports, etc., in the Union list. The Central government's role in Police administration is related to making laws on subjects included in Union and Concurrent lists and making amendments to the basic police laws like Indian Penal Code, the Code of Criminal Procedure, Evidence Act, etc. Administration of All India States, policing the Union Territories, management of Indian Police Service, matters relating to arms and ammunition are also the responsibility of Central Government. The administrative and coordinating role is played by the Ministry of Home Affairs and the Department of Personnel. In maintenance of law and order, whenever required, the Central Government provides aid and assistance to the states. To discharge this function the Central Government maintains a network of line, and staff units all over the country. The Central Reserve Police Force, Border Security Force, Railway Protection Force, Central Industrial Security Force are some of the reserve units. Similarly Central Forensic Institutes, Police Wireless and Sardar Vallabhbhai Patel Police Academy are the staff units at the Central level. These apart, there are Central Bureau of Investigation (CBI) and Central Intelligence Bureau (CIB) also to aid the Central Government. These agencies, under the control of the Central Government provide assistance to the State Police Organisations in the fields of law and order, security and administration of Justice in the country. Rules and regulations have been formulated for the operation of these agencies in the States. There are occasions when these rules are violated leading to tensions between Central and State Governments.

At the state level the police administration is more or less uniform throughout the country. The Chief Minister or Home Minister is largely responsible for policy and supervisory functions. The Home Department coordinates and supervises the police administration in the State. It acts as a link between Central and State Governments. But the real work is undertaken by the Inspector General of Police (IGP) or the Director General of Police (DGP) who is the head of the State Police. His office is called the Office of the DGP/IGP popularly called Chief Office. This office collects information and feeds it to the Government, advises political decision-makers like the cabinet and the ministers, supervises and controls line agencies. It organises training and acts as a clearing house of special police services. The IGP/DGP aids and advises the government and exercises general supervision and control over the police.

partment. He exercises administrative, personnel, financial powers. He provides leadership to the police administration in the State. He is assisted in his duties of IGP by the Deputy Inspector General of Police (DIGs) and Superintendents of Police (SPs) and other staff. They head the specialised branches like intelligence department, crime branch, transport department, training, armed forces, general administration, law and order etc. The real police work takes place in the districts and below. Before we discuss the field organisation, let us have a cursory view of police organisation at the 'range' level into which the state police organisation is divided.

9.5 ORGANISATION AT RANGE LEVEL

Many States are too big to be administered effectively and efficiently from a central point. It is not possible for the head of the police i.e., the police chief or the DGP/IGP to keep in touch with the functioning of the entire organisation. Therefore, the police organisation in a State is divided into ranges for operational convenience. This is above the district and below the state level. This broadly corresponds to the divisional set up about which we have studied in Unit-17. Each range is headed by Deputy Inspector General of Police. Each police range comprises a few districts. The number of districts in each range varies from 2 to 8 depending upon the size of the district, population, and importance of the district.

The DIG functions as a staff officer to the state police chief and as a line officer to the district police. His functions include periodic inspections, receiving and processing reports and returns from districts, and issuing instructions to the district police functionaries. A major function of the range DIG is to coordinate the activities of district police and also take measures for inter-district co-operation. He is personally responsible for the enforcement of discipline among the police personnel under his range. He exercises powers of transfer and discipline over certain categories of personnel. He keeps a watch on the crime situation in the district, particularly over grave offences like dacoity, murder etc. He also exercises control over police funds. The range DIG's functions, thus include personnel management, budgetary control and coordination. He is responsible for the maintenance of efficiency and discipline of his staff. He ensures uniformity of procedure and securing co-operation between the police functioning in the districts within his range. He has to ensure harmonious relations between the police and the executive magistracy.

There are some criticisms about a range becoming a mere post office. It is criticised to be functionally superfluous. Some feel that in spite of range offices the workload of the state level officers has not been reduced and in fact it has been on the increase. The National Police Commission recommended that DIG of the range should play a positive role in the functioning of the districts under his control. He should act as a coordinating authority between districts in his range and with those of the adjacent ranges. It also recommended that he/she should be a sensitive judge of public opinion and play an important role in planning and modernisation of the force. The Commission felt that to be effective the range DIG should not have more than five districts under his control. It also recommended that for adequate supervision, Territorial Inspector General of Police should be appointed in large states. They should not have more than 15 to 20 districts or 4-5 ranges under his charge. The Armed Battalions of the range should also be placed under the operational charge of the territorial IGP. They could be delegated administrative, financial, disciplinary and other powers. This will reduce the work load on the DGP and enable him to concentrate on higher matters of policy and administration. This will also obviate the general criticism about the presence of a large number of IGPs in the State capital.

9.6 ORGANISATION AT DISTRICT AND SUB-DISTRICT LEVEL

As we have seen earlier in Unit-17, district is an important unit of the public administrative structure in the country. Almost all the state government offices are

located in the district. In police administration also, district plays a pivotal role. All the laws and rules passed by the police are transformed into action at this level. District Police Organisation is responsible for the effective maintenance of law and order and control of crime. Police administration at the district level is carried out by the chief of the district police, called Superintendent of Police, who is responsible for the maintenance of law and order and other law enforcement activities. Technically, Superintendent of Police functions under the overall control of the Collector and District Magistrate. He and his subordinate officers in practice, enjoy operational autonomy in the discharge of their functions. The Collector, as a District Magistrate, is broadly responsible for preventive aspects and the police is responsible for the control of crime, maintenance of law and order, etc. Police administration below the district level is organised into divisions; divisions into circles and circles into police stations. The organisation and working of police stations, marginally, varies between urban and rural areas. We will now examine the structure of police administration at the district level and below.

District police as you have seen work under the superintendent of police. He is always a member of the Indian Police Service and wields a great amount of power and prestige in the district. He is accountable to the head of the range police i.e. Deputy Inspector General of Police for the maintenance of law and order in his district. He is also responsible to the Director General of Police at the state headquarters. The Superintendent of Police is responsible for the efficiency, morale and discipline of the police force in the district. He collects information about various aspects from the entire district and communicates the same to the State Government along with his own assessment.

The SP is primarily responsible for the maintenance of order and prevention of crime. He is empowered to take preventive measures to ensure peace in the district. He has to make adequate police arrangements during fairs and festivals as well as elections and agitations. If he apprehends untoward situations, he can advise the collector to promulgate prohibitory orders and even to clamp curfew. He controls crime by patrolling, investigating and by taking preventive measures. He also supervises the operations of crime and special branches working under him. He has many personnel and organisational responsibilities like adequate supply of arms, vehicles, uniform etc. He also has responsibilities regarding matters of training, promotion and disciplining of the staff, maintaining financial propriety, etc. He is the link between police organisation and people's representatives at the district level. He maintains cordial and friendly relations with people. In the districts where important urban centres are located he has responsibilities of regulating traffic and receiving VIPs. Thus the SP occupies a pivotal and a powerful position not only in the district police organisation but also in the district administration itself. He is assisted in his functions by the Additional Superintendent of Police. The latter helps him in his day-to-day general administration. Deputy Superintendents of police, Circle Inspectors of Police, Sub-Inspectors of Police, Head Constables and Police Constables assist him in the enforcement of law and order at various levels. To assist him in undertaking his functions, professionals and technical units are also placed at his disposal.

The organisation at the district level broadly consists of two wings, namely, the District Police Office (DPO) and the Field Organisation. The general administration of the entire police in the district is carried by the DPO. It works under the SP or ASP, who is in charge of the office administration and also exercises general control and supervision. The office administration is carried out by several sections, like crime and statistics, crime bureau, audit and accounts, equipment and stores, etc. The DPO can be considered as the secretariat of the police and the nerve centre of the police administration in the district. Generally, the accommodation and facilities at the DPO are not adequate. One finds ill-equipped and overstuffed office, insufficient accommodation, and inadequate lighting and ventilation in these offices. With the increase in the role and functions of the police, there appears to be urgent need to improve the facilities at the DPO, or else it may seriously affect the morale and efficiency of the organisation.

To provide special assistance to the police, a number of field units function at the district level. The district armed reserve, the homeguards, the women police, crime bureau, special branch, finger print unit, dog covered, transport unit are some of the field units supporting the district office administration.

Sub-Division

For operational convenience, the district police organisation is divided into a number of sub-divisions. Police sub-division is a unit where police work is coordinated and controlled. It is an intermediary link between police circles, police stations and the district police office. The police sub-division is under the charge of a Deputy Superintendent of Police or Additional Superintendent of Police. They are generally called Sub-Divisional Police Officers. The main work of the sub-division is to look into law and order matters, crime, discipline among the police force and other related matters at the sub-divisional level. A number of reports and registers relating to crime, security and other administrative aspects are maintained in the sub-divisional office. The Sub-Divisional Officers are responsible primarily for the maintenance of law and order and crime control; collection and communication of intelligence; submission of periodic reports to the Superintendent of Police, Inspection of Police Stations and Circle Offices. They also have a very important public relations role to perform. They act as a link between the SP and the Sub-Inspectors (SIs) and Inspectors.

Circles

Sub-divisions are further divided into police circles, which is a link between police station and sub-division. This is a third tier in the district police organisation. Sometimes, the police circles are coterminous with taluqs, sometimes with blocks, sometimes they may not be in conformity with either of them. As there are no rules governing the formation of police circles, they vary in size from state to state and even in the state from circle to circle. The number of police stations in each police circle is determined on the basis of crime, population, area, topography, etc. Each circle may have 3 to 10 police stations. Circle office facilitates smooth administration at the field level.

Inspector of Police is the head of police circle. He is responsible for the maintenance of law and order and control of crime. He has to promote discipline among the policemen. He guides, advises and supervises the work of police stations and the men working there. He also investigates grave crimes, with the assistance of supporting staff. As is the case with the divisional office, several registers and records are maintained at the circle level. They include communication register, case diary, circle information book, annual review of crime, crime charts, criminal intelligence file, etc. There are several doubts about the need and desirability of circle office as an intermediary between police station and the division. Arguments are put forward both for their retention and also abolition. What is important is whether divisional office would be able to control a large number of police stations directly if the circle offices are abolished. If the answer is positive the circle offices may be abolished, but if it is negative, the circle offices should be retained.

The police station is the lowest tier in the police organisation. It is here that the actual work of the police is undertaken. It is the basic and primary unit which is responsible for the maintenance of law and order, prevention and control of crime and protection of life and property of the community. We will discuss later in this unit the structure of both rural and urban police stations.

The organisation of police will become clearer by the chart given below :

Home Minister/Home Secretary



Director General of Police
or the Inspector General of Police (in a union territory)
(head of the State/Office or the Chief Office)



Deputy Inspector General of Police
(head of the range office)



Superintendent of Police
(head of the district police office)



Deputy Superintendent of Police
or the Additional Superintendent of Police
(generally called the Sub-Divisional Police Officer (SDO)
(head of the sub-divisional office)



Inspector of Police
(head of the circle office)



Sub-Inspector
(head of the police station) (generally called the Station House Officer (SHO))



Asst. Sub-Inspectors



Head Constable



Police Constables

Check Your Progress I

Note : i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

1) Discuss the functions of police.

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2) Describe the organisation and functions of a 'range'.

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3) Discuss the functions and role of Superintendent of Police at the district level.

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4) Describe the organisation and functions of 'Sub-division Offices'.

19.7 RURAL POLICE

India's rural population of over 50 crores live in about 6 lakh villages, spread over an area of about 32 lakh sq. kms. India's rural population constitutes almost three-fourths of India's total population. It is necessary, therefore, to discuss organisation of rural police-stations as well as the system of policing the villages.

19.7.1 Rural Police Station

Police stations are established for a group of villages. There are wide variations from state to state and station to station within the state regarding area and population required to setup a police station. In Tamil Nadu a police station is established for every 218.6 Sq. km in Assam it is 1069.7 Sq. km., in Maharashtra it is 867.7 Sq. kms and in U.P. it is 437.1 Sq. kms. and so on. Average population covered by each police station also varies significantly. Population per station in M.P. is 69000, in Assam it is over 2 lakhs and in U.P. it is about 1.25 lakhs. The sanctioned strength of police personnel per station varies from 47 in Gujarat to 20 in Orissa. Police population ratio varies from 1 : 1590 in Gujarat to 1 : 5403 in Assam. In Orissa it is 1 : 4938 and in U.P. 1 : 4968. Thus it is evident that the spread of the police in the rural areas is very thin.

A police station to be effective should be a compact unit. The area should not be too large as it would defeat the very purpose of policing. It should not be too small also as it would cause heavy expenditure. The second Indian Police Commission (1902-3) recommended that police station must be established for every 150 Sq. kms. This was endorsed by the National Police Commission also. It also recommended that once in every 10 years a review of the area and jurisdiction of the police stations must be undertaken. This would enable proper deployment of police personnel.

Normally, the police stations are located in taluq or block headquarters or in important villages in the area of its jurisdiction. The police station is headed by a Sub-Inspector who is also called Station House Officer (S.H.O.). To assist him, there are Assistant Sub-Inspectors, Head Constable and Police Constables. The number of these officers varies from station to station depending upon the population, size and the volume of crime. The S.H.O. seeks the assistance of the village officers in the discharge of his work. He works under the overall supervision of the Circle Inspector.

Maintenance of law and order, prevention, investigation and control of crime, collection of intelligence, police prosecution, traffic control, are some of the functions of the police station. Unlike in urban areas, traffic, crime and law and order functions are also entrusted to the rural police stations.

There are a number of problems in the working of the police stations, viz., lack of proper buildings, absence of essential minimum needs and facilities for the staff, absence of proper equipment, inadequate residential accommodation for the staff, absence of quicker modes of transportation and communication, etc. The National Police Commission as well as several State Police Commissions have made recommendations to strengthen the police stations to make them effective. Implementation of these recommendations will go a long way in streamlining the administration at the police station level.

19.7.2 Village Policing

India, it is said, lives in villages. Maintenance of peace and tranquility, therefore, is essential not only for the development of villages but also for national development. Village policing has been in existence for over centuries. In some form or other it consisted of Village Patel, Village Headman and the Village Chowkidar. In most states they are hereditary functionaries. The responsibility for drawing the attention of police to any matter of importance in the villages vests on these functionaries. They are also responsible for preventing crime in the village. The 1902 Police Commission emphasised that they should function as servants of the village community rather than as subordinates to the regular police. The British Government recognised the need and importance of these hereditary village police officials. The same system, therefore, was allowed to continue. Because of its historical roots, acceptability of the system to the community and its role in policing the village, the same system continued even in independent India. Thus the system of Village Headman and watchman prevailed in India both before, during and after the British rule. These hereditary functionaries were given lands as remuneration. They were also given some proportion of land revenue collected at the village level. The village headman was responsible for reporting crime to the police stations, keep a watch on crime and criminals and report to the police stations regularly. After independence, due to the emergence of democratic institutions at the grassroots level, the village functionaries moved increasingly towards development work. In some states they are either wholly or partially brought under the Panchayats. But the system in actual working was found to be deficient in several respects. The National Police Commission identified some of these deficiencies as lack of attention, absence of perception of their responsibilities for collecting information or for reporting, low pay, excessive control of police. The Commission also noted that these functionaries had tended to become menial servants.

To overcome some of these problems and deficiencies alternatives to the hereditary system were introduced in some states in recent years. In Orissa, for example, the hereditary offices were abolished in 1963-64. They were replaced by a system of beat-constables who had to frequently visit the villages and maintain a regular liaison. As this system failed, it was abolished soon after and a Gram Rakhi System was introduced. The Gram Rakhis numbering about 11,000 were appointed. They discharge more or less similar functions as that of the traditional village Chowkidar. This system appears to be working well but a major problem is that they work under the Revenue Department. In Karnataka under the Karnataka Village Defence Parties Act of 1964, a system of Village Dalpathis and Village Defence Parties was introduced. Dalpathi who heads the Village Defence Party is expected to be in regular touch with the nearest Magistrate or police station. But the performance of the system, does not seem to be to the desired level in all the villages. In some districts they are very active and in others they do not seem to have a proper perception of the scheme.

The National Police Commission recommended that the existing Chowkidari system in the country should be retained with some changes to make it more effective. The suggested reforms include prescription of age limits and educational qualifications, proper pay, etc. The Commission also recommended constitution of Village Defence Parties with one of the members being designated as Dalpathi. Thus the National Police Commission envisaged that the Dalpathi, Village Defence Party and the former Chowkidar should constitute the village police set-up. The Commission also suggested that there was a need for provision of a telephone and a cycle to enable them to have regular contact with the police.

19.8 URBAN POLICE

In recent years India's urban population is on the increase and also the number of towns. You would be discussing more about urban areas and their governance in the next unit. The number of towns in India in 1901 was less than 2,000. The same increased to about 4,000 by 1981. There are 218 cities with more than one lakh population of which 12 cities are with more than 10 lakh population. These cities present numerous and complicated problems to the police administration. Heterogeneous population, sensitive public, slums, frequent breakdown of law and order, high incidence of crime etc... compound the problems of police in these cities and towns. Linguistic groups, labour population, student community etc., also add up to the complicated urban situation. Therefore, the urban areas need a different type of policing than the rural areas. In India, two different patterns of urban policing have emerged over the years. Firstly, all metropolitan towns with more than a million population have Commissionerate system. In this system the responsibility and accountability for performance for all aspects of policing vests with the Commissioner. He is vested with powers of regulation, control, licensing, etc., in addition to usual police powers. The system is commended by all as it leads to a prompt and coordinated police action in dealing with matters of crime and disorders. The National Police Commission, therefore, recommended the introduction of this system in all cities with 5 lakhs population or in places which are experiencing urbanisation, industrialisation, etc. A major question that is often raised is, should the Commissioner of Police be under the state police chief or directly accountable to State Government? In Calcutta, the Commissioner of Police is independent of the state police chief while in other cities like Bombay and Madras they are under the state chief. Several commissions and committees including the National Police Commission suggested that the Commissioner of Police to be effective must be brought under the chief of state police with operational autonomy and independence. Creation of an autonomous police system within the state will not only impair unity of command but would also weaken the position of the state police chief. Therefore, the DGP must have control over the Commissioner of Police while the latter should enjoy a large measure of independence to take prompt and decisive action.

Secondly, major urban centres work under the Superintendent of Police of the district. But in some states like Andhra Pradesh major urban centres, which do not merit commissionerate system are carved as urban districts for purposes of policing and Superintendents of Police are appointed exclusively for the urban police districts. In the latter case they enjoy more powers in comparison to the Superintendent of Police of a district. Several police commissions at the state level which examined this problem, recommended commissionerate system for all major cities and towns conferring executive magisterial powers on the head of police of such towns and cities. The National Police Commission and the A.P. Police Commission suggested a separate city police organisation with senior police officers heading the city to deal with multifarious and difficult problems. The urban police require control rooms, separate law and order and investigative staff, special branches like traffic, dogguards to deal with traffic etc. They should be provided with more facilities to deal with different urban problems.

In urban areas, the police station is also the primary unit for police work. There are variations from state to state about the area and population of urban police stations. The average area of police stations in urban area in Assam is 7.9 Sq. km. in Gujarat is 38.1 Sq. kms. and in Tamil Nadu it is 22.2 Sq. kms. Average population per station in Orissa is about 20,000, in Gujarat 71,013, and in Maharashtra about 1,00,000. The police stations in the rural and urban areas have different organisational structure as the volume and character of work are different. In important urban areas like headquarters of the district, town is divided into a number of police stations like law and order police stations, traffic police stations, central crime stations and police control room. The law and order police station is responsible for the maintenance of peace and protection to life and property in the town. They investigate all cases relating to property offences, riots, faction fights, etc. The persons in the police station are allotted to different detachments called general detachment, beat detachment and standby detachment, each undertaking specific functions. The traffic police station is responsible for the regulation of the traffic in the town. Central crime

stations are established in big urban areas to review the law and order position. They are responsible for effective control of crime. They investigate property offences like robbery, thefts, house breaking, etc. They keep a constant check over criminals, and bad characters. Police control rooms have been established to assist the police station. They are equipped with high frequency wireless sets. Their function is to despatch striking forces to places where there is trouble as a primary measure as soon as they receive messages. Later, they pass on the information to police stations for further action.

19.9 ISSUES CONFRONTING POLICE ADMINISTRATION

The police administration in its present form was established almost 130 years back. Through the decades the system has not undergone any significant change. The Indian Police Act of 1861 continues to be the basis for police system in India. There are several suggestions for its replacement by new legislations. But they have remained only suggestions. There are several issues which affect the organisation and working of the police in the country. We shall discuss a few of these problems.

In recent years one finds a proliferation of the posts of Inspector General of Police, and Deputy Inspector General of Police. Though expansion of any organisation including police is inevitable, critics argue that the expansion cannot be to the extent as it has been taken to. The police administration is accused of being a top heavy administration. Similarly frequent changes of the DGPs or IGPs whenever there is a change of political leadership has created a serious credibility gap in the police leadership. This problem has been aggravated with the emergence of regional parties in some states. The police coming in for criticism and praise by different political parties has led to the politicisation of the police.

Constitutionally, law and order is a state subject. But over the years the central police organisations like Central Reserve Police Force and Border Security Force have increased. Deployment of the police force in the states on occasions without informing them has created tensions in centre-state relations. Similar is the case with the use of the Central Bureau of Investigation. A few states even barred investigations by the CBI in their States leading to acrimony between the Centre and the States.

Several studies on the image of police have revealed that the public have greater dissatisfaction and disenchantment with the working of the police. Apathy of the police, inefficiency and incapacity of the police has given a poor image to it. As long as police image does not improve it is difficult for the police to create confidence among the public. If this is the case it is not possible for the public to approach the police stations confidently and expect justice from them.

Another issue is the accountability of police. National Police Commission has suggested constitution of State Security Boards to make them more accountable and responsible. These institutions unfortunately have not been constituted and wherever they exist, their working is not up to the mark.

Facilities at the police station level are important to make them effective. Accommodation, facilities and modernisation are important areas which need critical evaluation as well as reform. In all these areas the facilities are inadequate. As a result some police stations are not in a position to establish regular contacts with the community. Similarly they are not in a position to take prompt action.

The relations between the Superintendent of Police and the Collector is an important area of concern. There appears to be a tendency on the part of Superintendents of Police to ignore or undermine the Collector and his authority. This has its implications not only on the police but also on the entire district administration.

In recent years terrorism and violence in different parts of the country are on the increase. The community expects the police to take steps to control the problem. Their failure to do this is not only leading to worsening law and order situation but is also giving a bad name to the police. This has also shattered the confidence of the people in the police.

recruitment and training are important in any organisation, police organisation is no exception to this. Unfortunately several criticisms are levelled against the practices and methods of recruitment of police personnel. People feel that the best and meritorious are not recruited in the police. There are allegations of partisanship in selections. The recruiting authorities are alleged to be corrupt. Training that is imparted is also considered to be inadequate. Training is not able to motivate the police. The Committee on Police Training which was set up by the Government of India in 1973 made several recommendations to improve the training of police officials. Though efforts are being made to rationalise the recruitment and training practices of the personnel, there is lot to be done.

Police Commissions at the national and state levels during the last four decades have made several suggestions to make the police efficient, responsive and responsible. But unfortunately on one consideration or the other they have not been seriously considered. This indicates that police reform is a low priority area in the country. Whatever reforms were effected, they were done half-heartedly without understanding the socio-political milieu within which the police has to operate. Because of the ad hoc and piecemeal nature of the reforms they did not have the intended effect. The reforms are required not only in organisation, personnel, procedures but also in the attitudes of the people and the police officials. Still colonial attitudes pervade the minds of police personnel. Reforms should be continuous because no ad hoc approach will give the intended results.

The above mentioned are but a few issues which need to be examined critically and solutions found. There is no dearth of suggestions but what is important is the political will. We should remember that the police is a part of the total society. Whatever ills that afflict the society can be seen in the police organisation as in many other organisations. One has to examine the police reforms in the total context of social change, and political dynamics. Reforms in the police cannot be viewed in isolation. Structural and institutional changes can only bring marginal improvements in the working of the police system. What is important is attitudinal change, both on the part of the police personnel and also the community. Neither police can take law into its hand and curtail the liberties of the people nor people can expect peace and order unless they themselves co-operate with the police in discharge of its functions.

Check Your Progress 2

Note: Write the space below for your answer.
1) Check your answers with the answers given at the end of the unit.

1) Discuss the problems that a police station faces.

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2) Comment upon the urban policing system.

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...the following three critical issues in police administration.

19.10 LET US SUM UP

In a developing society, police has a very important and a positive role to play. Its functions are many and varied ranging from maintenance of law and order to social defence. It is considered as an instrument of change in a modern society. In India police system has a long history, though in its present form it came into existence during the British rule. Policing in India is a state subject. However central government has some role to play in the areas of legislation and also in the provision of police force in the states to supplement their own in case of necessity. We have discussed the structure of police administration at the range, district and sub-district level and also the organisation of both rural and urban police. Finally, we have discussed a few important and critical issues confronting the police administration.

19.11 KEY WORDS

Central Forensic Institutes : These are specialised institutes which provide various kinds of scientific aids to the police force in detecting crime. These aids help the police to examine, compare, evaluate physical evidence with a view to link a suspect to the victim or scene of crime.

Danda Neeti : It is the law of regulating human conduct by punishment.

Morale : It is an attitude of satisfaction in a person, with a desire to continue and sense of willingness to strive for the goals of organisation.

Unity of Command : It is an important principle of organisation which implies that employees should receive orders only from one superior.

19.12 SOME USEFUL BOOKS

Bayley, D.H., 1969. *Police and Political Development in India*. Princeton University Press : New Jersey.

Government of India, 1979. *Reports of the National Police Commission I to VIII*.

Misra, S.C., 1972. *Police Administration in India* : National Police Academy : Mount Abu.

Reddy, Ram. G. and Seshadri K. 1972. *Police in a Developing Society* : Osmania University : Hyderabad.

Sharma, P.D. 1971. *Indian Police — A Developmental Approach*: Research: Delhi.
Indian Institute of Public Administration, 1978. Special issue on Police
 Administration; *Indian Journal of Public Administration*.

19.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress I

- 1) Your answer should include the following points :
 - Prevention of Crime and Maintenance of public order.
 - Protection of Citizens and safeguarding their property.
 - Social defence.
 - Social legislation.
 - Redressing people's problems.
- 2) Your answer should include the following points :
 - Division of the police organisation in a state into ranges for operational convenience. Range is above the district and below the state level.
 - Each range is headed by Deputy Inspector General of Police (DIG) and the range consists of few districts.
 - There is no uniformity in the number of districts under the range, as it depends on size of the district, population etc.
 - The functions of DIG of the range include :
 - Co-ordinating the activities of district police and ensure inter-district co-operation .
 - Function of personnel management.
 - Periodic inspection, budgetary control over police funds.
- 1) Your answer must include the following points :
 - The Superintendent of Police is responsible primarily for the maintenance of order and prevention of Crime.
 - Supervision of the operations of Crime and Special branches working at the district.
 - Discharging personnel and organisational responsibilities and public relations.
 - The Superintendent of Police acts as a link between police organisation and representatives of people at the district level.
 - He is responsible for the efficiency, morale and discipline of the police force in the district.
- 1) Your answer must include the following points :
 - The district police organisation is divided into sub-divisions.
 - Sub-division is an intermediary link between police circles and stations and the district police organisation.
 - The police sub-division is headed by a Deputy or Additional Superintendent of Police.
 - The functions of the sub-division relate to :
 - Law and order matters
 - Crime control
 - Collection and communication of intelligence.
 - Submission of periodic reports to the Superintendent of Police
 - Inspection of Police Stations and Circle Offices
 - Public relations.

Check Your Progress 2

1) Your answer should include the following points :

- Lack of proper buildings.
- Absence of essential minimum needs, equipment and facilities for the staff.
- Inadequate residential accommodation for the staff.
- Lack of quicker modes of transportation and communication.

2) Your answer should include the following points :

- Urban Police Stations are equipped to tackle the minor and major law and order problems in urban areas.
- The persons in the police station are given different detachments.
- Different types of police stations exist in urban areas like law and order police stations, traffic police stations etc.
- Many urban areas in the states have the commissionarate system of policing.
- Some urban centres work under Superintendent of Police in the district.

3) Your answer should cover the following points :

- Politicisation of the police.
- Accountability of police.
- Improving the infrastructural facilities of the police station.
- Building confidence amongst the people regarding the police. Attitudinal change on the part of both public and police.
- Rationalising the personnel policies of police administration especially recruitment and training.

UNIT 20 URBAN ADMINISTRATION

Structure

- 20.0 Objectives
- 20.1 Introduction
- 20.2 Urbanisation in India
- 20.3 Classification of Urban Area
- 20.4 Municipal Corporation
 - 20.4.1 Council
 - 20.4.2 Committee System
 - 20.4.3 Mayor
 - 20.4.4 Commissioner
- 20.5 Municipalities
 - 20.5.1 The Council
 - 20.5.2 Committee System
 - 20.5.3 Political Executives
 - 20.5.4 Municipal Commissioner
- 20.6 Urban Development Authorities
- 20.7 Municipal Personnel
- 20.8 Finances
- 20.9 State-Urban Local Body Relations
- 20.10 Recent Trends
- 20.11 Let Us Sum Up
- 20.12 Key Words
- 20.13 Some Useful Books
- 20.14 Answers to Check Your Progress Exercises

20.0 OBJECTIVES

After studying this unit you should be able to :

- ▶ describe the trends in urbanisation in India
- ▶ describe the classification of urban area
- ▶ discuss the composition of councils, committee system, role of political executives, and commissioners in Municipal Corporations and Municipalities in India
- ▶ explain the status of municipal personnel and finances ; and
- ▶ explain the State-Urban local body relations.

0.1 INTRODUCTION

In the developing countries several statutory institutions were established by the colonial governments during the period of their domination. Urban local self-government institutions are most prominent among them. Ever since the establishment of Madras Municipal Corporation four centuries ago, there has been a proliferation of municipal bodies to manage the town and the city. Lord Rippon's resolution in 1882 sought to place these urban local government institutions on a sound organisational footing. Ever since the urban local bodies have been working with different degrees of success in administering the city. Over the decades, particularly after independence, there have been hardly any institutional changes in the urban government. Broad term which was in existence at the time of independence continue to exist with marginal institutional or legal changes. In this unit we shall examine the nature of urbanisation in India, different types of urban local bodies, role of urban bureaucracy, municipal finances, control over local bodies and their problem areas. We shall also have a look at the major recommendations of the National Commission on Urbanisation.

20.2 URBANISATION IN INDIA

The urban population which was around 3 per cent at the beginning of the 19th century rose to about 10 per cent by the beginning of the 20th century. Between 1901 and 1921 urban population grew very slowly i.e., it rose from 25.6 million to 27.6 million and between 1921 and 1941 population rose to 43.5 million. But after 1941, the growth rate gained greater momentum adding to its urban population. From 1961 onwards there has been a dramatic increase in the urban population of the country. In 1961 the urban population stood at 77.5 millions and by 1981 it had more than doubled to make it 109.6 million constituting about 23.7% of India's total population. Between 1988 and 2001 the projections estimate India's urban population to become almost double and from 2001 to 2021 it is expected to double again taking the urban population to more than 600 millions. Between 1971 to 1981 the country's urban population increased at an average annual growth rate of 3.87 per cent compared to the growth rate of 1.78 per cent for the rural population. On an average it is estimated that 13,500 persons were added to India's urban population which works out roughly to be 9.5 persons every minute.

Urbanisation in India is marked by a high concentration of population in a few cities. Twelve metropolitan cities in the country with a population of more than one million account for 26 per cent of the country's total urban population. Forty two cities with a population of half a million and above constitute a little less than two-fifths of the total urban population in the country. The total urban population of the country is spread over 3,949 urban settlements of various sizes. Two hundred and twenty six of them have a population of one lakh and above : 1208 have population ranging between 20,000 to one lakh. The balance has a population between 1901 to 1981 increased by six folds, the number of urban settlements increased by less than 100 per cent. This indicates that population growth has occurred in the existing urban settlements and that these settlements have not increased because of the addition of new municipal areas.

The urban population between the states varies substantially. Maharashtra is the most urbanised state in the country with 35 per cent of urban population followed by Tamil Nadu with 32.95 per cent, Goa with 32 per cent, Gujarat 31.1 per cent, and Karnataka 28.89 per cent. Himachal Pradesh with 6.6 per cent, on the other hand, is the least urbanised state. Almost all the hill states have low level of urban population in the country. Studies on global urbanisation indicate that at the turn of century twenty largest cities in the world will attain the megacity status with a population of more than 10 million. Of the twenty, India will have three cities viz., Calcutta, Bombay and Delhi with 16.5, 16 and 13.24 million population respectively. The population of these three cities, it is interesting to note, is already in excess of the population of more than 100 countries of the world. The foregoing indicates that the urban population is increasing at such a fast rate that in due course urban dwellers will constitute a majority of the population. Most of them live in developing countries and in bigger cities.

There has been a notion that India is an over-urbanised state, because of the substantial increase in population over the years. This thesis is advanced on the ground that there is a mismatch between the levels of industrialisation and urbanisation. The process of urbanisation is costly, and impinges upon the economic growth. The state of infrastructure is poor and is not in a position to take the growing urban pressure. Viewed from the economic parameters it is not overurbanised, since the cities are unquestionably under severe strain in the context of available infrastructural facilities.

20.3 CLASSIFICATION OF URBAN AREA

The term urbanisation is used very frequently, but it eludes a precise definition. One of the standard characteristics for declaring an area as urban is the definition given in the census books. Prior to 1961 Census in India, the term 'urban area' was not followed uniformly in the country. State Census Superintendents had discretion to

define and use the term. A common feature of the definition of towns ever since the Census of 1891 was classifying all places which had municipalities as towns. However, 1961 Census has given a precise definition which is being used even today. According to 1961 Census : "To qualify for an urban area, a place should first be either under a municipal corporation or a municipal area or under a town committee or a notified area committee or cantonment board. In the second place, each census has adopted a number of census towns which do not enjoy any statutory label of administration. This has been considered desirable in order to obtain a truer measure of urbanisation as it is usual for an administrative label to fall somewhere behind actual achievement. The census towns were in 1961 determined on the basis of a number of empirical tests :

- a) a density of not less than 1,000 per square mile :
- b) a population of 5,000 :
- c) three-fourths of the occupations of the working population should be outside of agriculture ; and
- d) the place should have, according to the Superintendent of the State, a few pronounced urban characteristics and amenities, the definition of which, although leaving room for vagueness and discretion, yet meant to cover newly founded industrial areas, large housing settlements, or places of tourist importance which have been recently served with all civic amenities."

In India, the urban areas are administered by different types of local bodies, namely, corporations, municipalities, boards, town area committees, notified area committees, etc. As local government is a state subject, these bodies are created by state legislation which lays down the conditions for constituting them. The legislations also define their functions, finances and responsibilities. They vary significantly from state to state. In 1989 there were 2,789 urban local bodies, 73 corporations, 1,770 municipalities, 229 town area committees and 717 notified area committees. For other urban areas there are nagar panchayats, cantonment boards, industrial notified areas, etc.

For census purposes, the urban areas are classified in six categories from class I to class VI. The following table gives the number of towns under each class as per 1981 census.

Classification of Urban Areas

S. No.	Classification	Population Range	No. of towns
1	Class I	1 lakh and above	226
2	Class II	50,000 to 99,999	325
3	Class III	20,000 to 49,999	883
4	Class IV	10,000 to 19,999	1247
5	Class V	5,000 to 9,999	920
6	Class VI	less than 5,000	348

20.4 MUNICIPAL CORPORATION

The administration of civic affairs in a city is complex as well as challenging. The distinct characteristic of a city is the huge concentration of population within a limited area. The management of civil services therefore requires an effective organisational structure, adequate finances and efficient personnel. The municipal corporation as a form of city government occupies the top position among the local authorities in India. Normally, the corporation form of urban government is found in major cities like Bombay, Delhi, Calcutta, Madras, Hyderabad, Bangalore, etc.

Municipal Corporations are established through a special statute which is passed by the state legislature. In case of Union Territories, they are established through Acts passed by the Parliament. Such a legislation may be enacted specially for a particular corporation or for all corporations in a state. For example the Bombay and Calcutta Corporation were established through separate legislation whereas in Uttar Pradesh

and Madhya Pradesh there are state level legislations governing the constitution and working of the corporations. The municipal corporations generally enjoy a greater measure of autonomy than other forms of local government. In almost all the states, the municipal corporations have been assigned numerous functions such as supply of drinking water, electricity, road transport services, public health, education, registration of births and deaths, drainage, construction of public parks, gardens, libraries etc. These functions are normally divided as obligatory and discretionary. If water supply, public health are obligatory, maintenance of gardens and libraries are discretionary functions.

20.4.1 Council

The council is a representative body comprising the members elected by the voters. It articulates the popular wishes and formulates policies and programmes. As it is an elected body, it consists of various shades of opinions. The size of the corporation varies substantially. In some corporations there are more than 100 members whereas in some they have 25 to 30 members. The population, considerations of compactness and accountability are some of the factors in fixing the size of the corporation. In corporations like Hyderabad, the members of the Legislative Assembly and Parliament are ex-officio members. In some corporations there are only elected members whereas in others there are other categories like aldermen. The term of the council varies from three to five years.

20.4.2 Committee System

A large council, increasing volume of work, technical nature of the problems under consideration makes the constitution of committees inevitable. The committees are set up by the council and the nature of these committees varies from corporation to corporation. In most corporations, standing committees exercise greater powers in the administration of the city. They exercise executive, supervisory, financial as well as personnel powers. In view of the large size of the council, standing committees play a significant role in the management of the city. Because of this, chairmanship of the standing committee is an important office of political importance. Normally it approves the budgets, approves the contract involving expenditure of a fixed amount and, above all, acts as a link between the council and the commissioner and in general acts as a watchdog of the municipal governance. The number of members in the standing committee varies from corporation to corporation. There are other committees dealing with the subjects like public works, public health, transport, education, electric supply, water supply, health, etc. Mostly the work of the municipal corporations is carried out through these committees.

20.4.3 Mayor

In view of the importance of the city, the mayor who is called the first citizen of the city is a political head. He presides over the meetings of the corporations and generally exercises limited administrative control over the working of the municipal corporation. General pattern in India is that the mayor is elected by the council for a term of one year and he can be re-elected. But in the corporations of Visakhapatnam and Vijayawada in Andhra Pradesh, the mayor is elected directly by the voters and enjoys a term of five years coterminous with the council. Normally, the mayors are ceremonial heads without any executive authority. The Rural-Urban Relationship Committee which went into the problem of powers for the mayor did not favour any substantial increase. If the mayor is to be elected by the voters of the entire city enjoying five years term as in Andhra Pradesh, there is need to reconsider the age-old practice of keeping the mayor only as a figure head with ceremonial functions and a short term of one year.

20.4.4 Commissioner

The institution of commissioner was created for the first time in 1888 based on the philosophy that the policy-making and policy implementation functions in cities need to be separated. This was later recommended by the Decentralisation Commission in 1909. Municipal Commissioner is the chief executive officer of the corporation. He has responsibilities for the administration of the city and implementation of policies and programmes decided by the council. The commissioner is appointed by the State Government. Normally, he is a senior officer belonging to the Indian Administrative Service. There is no uniformity in the term of the commissioner. In some

is. Whatever law says it is left to the discretion of the State Government. The Commissioner exercises wide functions in administrative and financial areas. He participates in the meetings of the corporations and committees and answers the questions raised by the councillors. He acts as a link between government and the corporation. He has wide powers of appointment and discipline as also supervision and control over the personnel. He also exercises financial powers. He prepares the budget and is responsible for its implementation after its approval by the corporations. He has also discretionary and emergency powers. In all these areas, there are variations from corporation to corporation.

0.5 MUNICIPALITIES

There are at present over 1700 municipalities in the country. Their actual number in each state depends on a number of factors like the size of the state, stage of organisation, population density, etc. As we have noted earlier local self-government is a state subject. Every state in the country has enacted legislation for the institution of municipalities in the state specifying their functions, structure, resources and their role in civic administration. In the constitution of municipalities there is no uniform pattern in the country. In states like Orissa and Bihar, municipalities are formed in areas with 5,000 population and in others like Andhra Pradesh, municipalities are formed for urban areas with more than 25,000 population. In some states, both the population and financial resources are the basis for institution of municipalities. For example, in Andhra Pradesh, the following criteria are laid down for the conversion of panchayat into municipalities:

- A panchayat should have a population of 20,000 or more.
- Its annual income should be more than one lakh, and
- It must have urban characteristics.

The Governments, however, have the discretion to constitute the municipalities even when they do not fulfil the criteria. In every state, municipalities are generally classified into different grades. Such a gradation is based upon either population or annual income or both. For example, in Andhra Pradesh, there is a five-grade classification — selection grade, special grade, first grade, second grade and third grade. Similar classification exists in other states also. The Rural-Urban Relationship Committee observed that a categorisation of municipal bodies into suitable grades is desirable, if any homogeneity in administrative services, civic facilities, tax resources, and the like within each grade is to be introduced.

5.1 The Council

In the municipalities one finds four municipal authorities, namely, the council, the committees, the chairman and the commissioner. The municipal council is the most important of the four authorities. There are variations about the position of these authorities. The municipal council consists of three types of members, namely, the elected councillors, the ex-officio councillors and the aldermen. Some states have the provision for ex-officio councillors like legislators and members of parliament. The size of the council again varies from state to state. It depends upon the population of the town. The Municipal Acts prescribe the minimum and the maximum number of councillors in each municipality relating them to the population. In Karnataka, for example, for a municipality with a population of 20,000, there are fifteen councillors and for a municipality with a population of more than one lakh the number of councillors is 35. Similarly in Andhra Pradesh, there is a minimum of 15 councillors for a municipality with a population of 30,000 whereas for the municipalities whose population is more than three lakhs, there are 50 councillors. The criteria are liberal for towns with small population. This puts the towns with small population at a disadvantage.

Whenever there is a provision for aldermen they are elected by the elected councillors. The idea of having aldermen is based on the ground that they will be able to guide municipalities and the latter can draw upon their experiences. But the criticism is that this provision is being misused to enable the defeated politicians to enter councils through the back door. Similar controversy is also there regarding the

members of the legislative assembly. It is argued that since they are elected to higher body they need not be members of the local body. It is also based on the ground that no person should be a member of more than one elected body. On the other hand, it is felt that their association with the municipalities would be advantageous to the municipality itself. Municipalities, if they have any problems, can represent them to the State Government through the legislators.

The councils generally have a tenure of three to five years, though recent trend is to give a five-year term. Rural-Urban Relationship Committee considered three years to be too short and recommended a five-year term.

20.5.2 Committee System

The committee system in municipalities has a long history. In the 19th century, by the enactment of Town Improvements Act of 1871 and the District Municipalities Act of 1884, the local bodies were authorised to constitute the committees for the management of schools, dispensaries, etc. Normally, the municipalities have two types of committees, namely, standing committees and ad hoc committees. Standing or executive committees are accorded an important role in the administration of the municipality. It carries out the resolutions of the councillors and furnishes periodic reports to the council. The Committee has powers to appoint employees, and finalise contracts up to a fixed amount. There may also be subject matter committees dealing with the specific subjects like works, education, health, etc. The executive committees, wherever they exist, tend to concentrate most of the authority in themselves thereby making the other committees less important. The working of these committees varies from state to state depending upon the historical and political factors. The Rural-Urban Relationship Committee recommended the constitution of four functional committees relating to planning and development, housing and works, health and sanitation, and education. It also recommended the constitution of coordination and finance committees with the chairman and vice-chairman in the above functional committees. It also recommended that the term of these committees should be coterminous with that of the council and they should be empowered to make final decisions falling in their jurisdiction.

20.5.3 Political Executives

In the earlier stages of evolution of urban local bodies in the country, collector was the chairman or the President and also the chief executive officer of the municipalities. After the 30s the councils began to have an elected chairman. In the earlier period the chairman acted both as political and administrative head of the municipality and exercised extensive executive powers. As the chairman had little experience and could not spare sufficient time, it led to several problems including administrative inefficiency. Later the system was given up and bifurcation of executive and political roles was effected. The present practice is that the political executives are elected by the municipal council. In Andhra Pradesh, however, they are now being elected directly by the people. Similar practice existed in the past in Uttar Pradesh and Madhya Pradesh. As the system did not succeed they have reverted back to indirect election. In Andhra Pradesh, one could see now in municipalities the council and the chairman belonging to different political parties and not seeing eye to eye, leading to strained relationships and disharmony in the working of the municipalities. In most states, however, indirect method of election exists. The chairman of a municipality, unlike his counterpart in the corporation, enjoys a peculiar position. He presides over the meetings of the councils and corresponds with the State Government. He exercises certain administrative, financial and emergency powers. The actual nature and quantum of powers varies from state to state. He wields considerable power and prestige in the civic affairs.

20.5.4 Municipal Commissioner

The administrative authority of the municipality rests in the government appointed commissioner. He is the main pillar of the municipal administration. He attends the meetings of the councils or its committees and takes part in their deliberations. He is the executive head of the municipality and exercises administrative control over the municipal officials. He works under the administrative control of the municipal chairman. He exercises administrative and financial powers. He is responsible for collecting taxes, fees and licences and removal of encroachments. All municipal records are under his custody. He has power to inspect the entertainment houses for

verification. There have often been cases of strained relations between the chairman and the commissioner. It is often felt that the commissioner does not show loyalty to the municipality. However, much depends upon understanding between both the executives.

Check Your Progress I

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1) Explain the trends of urbanisation in India.

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2) Define an urban area.

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3) Explain the powers and functions of the Municipal Corporation .

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4) What are the criteria for the constitution of Municipalities ?

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20.6 URBAN DEVELOPMENT AUTHORITIES

Urban development is very complex and accordingly the strategies for developing urban areas are multi-faceted. One of the problems of urban areas today is to prevent haphazard and unplanned physical growth in and around them. When the municipal areas at many places cross their bounds, due to unplanned development of per-urban area, the improvement of living conditions in these areas and their vicinity becomes imperative. But the municipal agencies are unable to solve this problem due to jurisdictional, legal and financial limitations. There are only two ways of controlling

by states to extend the municipal boundaries and strengthen their administrative and financially, or to have a separate agency with more powers and finances. The Estimates Committee of the Fifth Lok Sabha recommended the setting up of development authorities for the rapidly growing cities and major towns to achieve a planned development. The planning commission also indicated the desirability of structural innovations in urban local governments during the Fifth Plan. This led to the constitution of urban development authorities for various metropolitan and other cities. The Delhi Development Authority was the first to be set up in 1964. Now there are about fifty such authorities in the country.

The urban development authorities are expected to plan, control, and coordinate development programmes in and around metropolitan and other big cities. The following are the major objectives of the authorities :

- 1) To prepare the master plan for the development of the area and implement it.
- 2) To prepare zonal development plans for the zones into which the development area may be divided.
- 3) To control the use of land for various purposes.
- 4) To carry out development work and provide infrastructural facilities.

Broadly the urban development authorities have regulatory, planning and promotional functions. They have to regulate and check the unplanned growth of cities and towns. They have to ensure orderly and planned utilisation of land in accordance with the master and zonal plans. They supplement the development activities of the municipalities and corporations in the fringe area.

These urban development authorities face several bottlenecks in the discharge of their functions. These include problems of coordination between the development authority and the corporation or municipality, inadequate resources and lack of sufficient and competent technical staff.

20.7 MUNICIPAL PERSONNEL

Competent personnel are essential for the efficient management of civic services. Failure to recruit suitable personnel was attributed as one of the reasons for the inefficient and the poor image of the municipalities in the country. Three broad types of personnel systems prevail in India. Some times they are adopted in combination. Firstly, the Integrated Service in which personnel are interchangeable between the state government and municipalities. In this, the officers of the state government and municipalities form part of the same service and are transferable between them. Secondly, there is a Unified Local Government Service in which all or some categories of personnel of municipalities constitute a career service for the entire state. The personnel of this service are transferable from one municipality to another. It is administered and controlled by state level agencies. Thirdly, Separate Personnel System in which municipality appoints and administers the personnel. They are not automatically transferable to other municipalities. This practice is prevalent in most of the western countries.

Personnel working in the municipalities may belong to any one or all the three categories. These three personnel systems have certain distinct advantages as well as disadvantages. The chief merit of the Integrated Service System is that there is no distinction between state and local services. Therefore, municipalities can draw upon the services of suitable officers from the State Government. As they belong to the state cadres, these officers feel that they are independent of the local body and do not develop any identity with the municipality. Under the Unified System there is scope for specialisation in municipal offices as recruitment is made specifically for the local bodies, they are transferable from municipality to municipality and therefore they gain experience. This system is criticised on the ground that it weakens the control over the officers working under it.

The separate Personnel System viewed from the point of view of autonomy of local bodies is ideal. In this the municipality can exercise total control over the officers. Under this system there is no scope for divided loyalties which strengthens the

identity between officers and the municipality. The Municipal Acts generally prescribe the sources of recruitment of various categories of personnel. The state governments are not only creating cadres of municipal services but are also laying down the service conditions. In the urban local bodies there are two different categories of officials. Firstly, the administrative component consists of the commissioner, the officer, and the general administrative staff. Second category is the technical officials like engineers, health officers, town planners, finance officers, etc. Depending upon the categorisation of municipality, its resource base and the requirements the number as well as the level of specialisation of officers is determined. To support the administrative and technical officers, there is a large body of operational staff like sanitary inspectors, tax inspectors, assistants, conservancy staff, etc. Because of the poor resource base local bodies are unable to attract competent people. Deputationists coming from other state level departments consider it a punishment rather than a pleasure. Another problem is that of relations between administrative officials and the chairman and the councillors. Unless cordial relationship exists between them, the civic administration will suffer badly.

20.8 FINANCES

Urban local bodies like any organisation require adequate resources to undertake their obligatory and discretionary functions stipulated in the Act. The Municipal Acts specify the nature and quantum of taxes to be levied by the local bodies. Normally property tax, profession tax, tax on carriages, advertisement tax, duty on transfer of property, etc. are the main sources of tax revenue to the municipal bodies. They also receive financial assistance from the State Government in terms of grants, allocations of proceeds of entertainment tax, specific purposes grants for services like education and health and also income from remunerative enterprises. A study of 157 class I municipal bodies in the country give the income and expenditure pattern of the urban local bodies in the country in 1986-87. The resources of local bodies come from both internal and external sources. The internal sources include both taxes and non-taxes; income from taxable sources constitute 54.29 per cent and from non-taxable sources 13.45 per cent. Internal sources are only 32.26 per cent. Out of this, grant-in-aid constitute 16.72 per cent, share taxes 5.81 per cent and others 9.73 per cent. This indicates that internal sources constitute more than two-thirds of the total resource base of the urban local bodies. The per capita income from all sources is Rs. 150.68. There are variations from state to state. For example, per capita income in Maharashtra is Rs. 333.63 whereas in Bihar it is only Rs. 19.56. This only indicates the poor resource base of the urban local bodies, particularly in some states.

Similarly the expenditure pattern also gives the variations between the states in the country. On an average 12.75 per cent is spent on general administration, 38.43 per cent on public health, 6.16 on public safety, 13.67 on public works, 10.51 on education, 2.12 on recreation and 16.36 on other activities. The average per capita expenditure is as high as 294.12 in Maharashtra and as low as 34.04 in Bihar. In some states expenditure on general administration is as high as 47.18 per cent in Jammu & Kashmir and 9.05 per cent in Karnataka. These statistics indicate substantial variations in revenue and expenditure pattern of the urban local bodies in the country. As you have noted, absence of sound resource base is considered as one of the major problems of urban local bodies. Several committees and commissions, both at the national and state level have recommended both short-term and long-term measures. Unfortunately, no serious efforts are being made to correct this imbalance between functions and finances in the urban local bodies.

20.9 STATE-URBAN LOCAL BODY RELATIONS

Urban local bodies are institutions of decentralisation created by the State Government through the Municipal Acts. The relations between the two are governed by the provisions of the Act. There are several criticisms about state control over local bodies which are theoretically autonomous. There are four reasons as to why

state should exercise control. Firstly, local bodies are created by the State Government. Secondly, as part of the state there is need for homogeneous development of all the areas which can be ensured by the state. Thirdly, technical skills and experience required in nation building activities are not available through the local bodies and they have to be provided by the state. And finally, state governments provide financial assistance to local bodies which implies control by them to ensure that the money is properly utilised. Whatever be the rationale, the major objective of control and supervision by the state government is to ensure efficiency in the performance of functions by the units of local government. But what is important is guidance and control should not be negative. It should not restrict the initiative, discretion and assumption of responsibility by the local bodies. On the other hand, they should strengthen their confidence and enable them to assume more responsibilities. Therefore, there is need for high degree of cooperation and coordination between them rather than acrimony.

There is a feeling in the country that the stranglehold of the state governments over the local bodies is too extensive which cuts at the roots of the local autonomy. Two arguments are advanced in this connection. Firstly, the resource base of the local bodies is shrinking and state governments have been doing precious little. Secondly, the powers of supersession and dissolution are being indiscriminately used against local bodies. For example, in 1989 out of 73 municipal corporations in the country 39 were superseded at different points of time. Some of them were superseded almost two decades ago. This is indicative of the extent of control exercised in the states over the local bodies. Most committees have recommended measures to strengthen the resource base and also the capacity of these institutions. Acceptance and implementation of these recommendations would go a long way in ensuring cooperative relations between the state government and urban local bodies.

20.10 RECENT TRENDS

Urban local bodies have a long history in India. They have gone through periods of successes as well as stagnation. In recent years, however, several criticisms are levelled about their effectiveness. No doubt there have been efforts to strengthen them, though these efforts are ad hoc and halting. Two important developments took place in recent years to strengthen the urban local bodies and to revitalise them. First, a National Commission on Urbanisation was constituted to examine various aspects of urbanisation and urban development and to recommend policy and institutional changes. Second, to make efforts to give urban local bodies constitutional status.

In 1985 Government of India took initiative and appointed the National Commission on Urbanisation to evolve a national programme and to create a climate for the healthy growth of urban settlements under the Chairmanship of Shri Charles Correa. The Commission submitted its report in August, 1988. This is the first of such National Commission to be appointed by the Government of India after independence to take a total perspective of urban policy. The Commission made several recommendations in regard to process of urbanisation in the country and the future trends. It also examined several aspects like spatial planning, urban poverty, urban management, urban transport, urban housing and related areas. It recommended that national priority cities and state priority cities must be identified and strategies articulated. It recommended restructuring of the Ministries of Urban Development at centre and state levels and constitution of national urbanisation councils at national and state level to articulate urban policy. It also recommended the creation of councils for citizens action both at national and state levels to encourage citizens interaction through organised voluntary efforts. It recommended creation of a two-tier structure at the municipal level. To alleviate urban poverty, it recommended universalisation of basic services programme emphasising on participatory approaches. For the overall urban development, it recommended an annual investment of Rs. 3,000 to Rs. 3,500 crores during 8th and 9th Five Year Plans. Though the overall recommendations are indicative of the deeper insight of the urban problems, several recommendations need to be examined critically before implementation. For example, constitution of national urbanisation council must be preceded by an analysis of the relations between it and the Ministry of Urban Development as well as

that of the Planning Commission. The relations between Chairman of the Council with the members of the Planning Commission dealing with urbanisation and the Ministry of Urban Development also need to be examined carefully. What is important is that for the first time efforts were made to examine the urban policy critically at the highest level.

During the last four decades, there have been suggestions to extend the scope of Article 40 of the Indian Constitution to include municipal governments also and to give them the constitutional status. Several committees and commissions like Administrative Reforms Commission, Committee on Centre-State Relations, and National Commission on Urbanisation have examined this issue and have made suggestions about the need and desirability of giving constitutional status to local self government institutions. It is in this context that the introduction of the 65th Constitutional Amendment Bill gains importance. The proposed amendment dealt with several aspects of urban governance like municipal council, ward councils, political executives, zonal committees, constitution of finance commission etc. It also attempts to determine the distribution of resources between state and local bodies, need for establishment of linkages between Panchayati Raj bodies and Municipalities, metropolitan planning etc. It gave a long list of 37 functions to be undertaken by the urban local bodies. There are several arguments both in favour and against different provisions of the constitutional amendment. This amendment though passed by the Lok Sabha, was defeated in the Rajya Sabha and could not come into the Statute Book. Recent trends indicate that the need for strengthening urban local bodies is attracting the attention of the policy makers and planners at the highest level.

Check Your Progress 2

- i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

Explain the role of urban development authorities.

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Explain different systems of municipal services.

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Discuss the major recommendations of the National Commission on Urbanisation.

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20.11 LET US SUM UP

Urbanisation is an important and complex process in the country which needs due attention. Various strategies and structures evolved to deal with the emerging problems of urban development so far have been ad hoc. There are wide variations in the structure, powers and functions, resource base, pattern of personnel and effectiveness of urban local bodies in the country. In recent years efforts are being made to grapple the problems of urbanisation and urban development to infuse dynamism into their working.

20.12 KEY WORDS

Cantonment Boards : Cantonment Boards are set up under the Cantonments Act 1924, which is a central government legislation. These Boards are set up for the administration of the civic affairs of cantonment areas, which are delimited areas where the military forces and troops are permanently stationed. The board looks after the health, medical affairs, education, electricity, water supply etc. of areas.

Notified Area Committees : These committees are set up to meet the civic needs of the developing towns, which do not fulfil the statutory conditions for the constitution of a municipality. This committee is an entirely nominated body and such provisions of the State Municipal Act apply to it as are specified by the state through a notification.

Spatial Planning : It takes into account the circumstances, the time and space so that the areas beyond periphery are not neglected.

Town Area Committees : These Committees are of smaller size. These exist in smaller towns and are entrusted with limited civic functions. These are governed under special statute.

20.13 SOME USEFUL BOOKS

Avasthi, A (Ed.), 1972. *Municipal Administration in India* : Lakshmi Narayan Aggarwal : Agra.

Bhattacharya, B., 1979. *Urban Development in India* : Shree Publishing House : Delhi.

Ministry of Urban Development, Government of India, 1989. *Urban Local bodies - A Profile* : New Delhi.

The Planning Commission, Government of India, 1983. *Task Force on Housing and Urban Development*, New Delhi, Vol. I & II.

Special Number on Urbanisation, *The Indian Journal of Public Administration*, July-September 1968.

20.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points :

- Changing trends in growth of urban population between 1901-1941
- Rise in the growth rate of the urban population from 1941 onwards.

- The urban population doubled in 1981 (compared to 1961) constituting about 23.7% of India's total population.
- High concentration of population in a few cities. These cities account for 26 per cent of the country's urban population.

1. See Sec. 20.3

Your answer should include the following points :

- Municipal commissioner who is a senior officer belonging to the Indian Administrative Service is the chief executive officer of the corporation.
- Exercise of wide functions in administrative and financial areas by the commissioner.
- The commissioner participates in the meetings of the corporations and committees. He acts as a link between the government and corporation.
- Powers of the commissioner in the management of personnel and financial matters.

Your answer should include the following points :

- Municipalities are constituted by the state governments through legislations for the governance of towns or cities.
- There is no uniformity in the number of municipalities in each state.
- The criteria on the basis of which the municipalities are formed are the size of the state, stage of urbanisation, population density, financial resources.
- State governments have the discretion to constitute municipalities in certain places even when the criteria are not fulfilled.

Check Your Progress 2

Your answer should include the following points .

- Need for improvement of living conditions in urban areas necessitates the setting up of a separate agency with more powers and finances.
- The urban development authorities have a very important role to play in bringing about planned development in urban areas.
- They prepare master plan for the development of the area and zonal development plans for the zones into which development area is divided. They have to ensure orderly and planned utilisation of land in accordance with plans.
- The regulatory functions of the authorities to control use of land for various purposes.
- The development activities of the authorities.

Your answer should include the following points :

- Prevalence of three broad types of municipal personnel systems in India.
- Integrated service in which personnel are interchangeable between the state government and municipalities.
- Unified Local Government Service in which a career service for the entire state is constituted consisting of all or some categories of personnel.
- An independent or separate personnel system in which the municipality appoints and administers the personnel.

Your answer should include the following points :

- Identification of national priority cities and state priority cities.
- Restructuring of the Ministries of Urban Development at the Centre and State levels.
- Constitution of national urbanisation councils at national and state level to articulate urban policy.
- Promoting citizens's interaction with the municipal bodies through formation of councils for citizens action.
- Creation of a two-tier structure at the municipal level.
- Increase in annual investment for the overall urban development.

UNIT 21 PANCHAYATI RAJ

Structure

- 21.0 Objectives
- 21.1 Introduction
- 21.2 The Background
- 21.3 Structure of Panchayati Raj
- 21.4 Functions
- 21.5 Committee System
- 21.6 Bureaucracy
- 21.7 Finances
- 21.8 State-Panchayati Raj Relations
- 21.9 Recent Trends
- 21.10 An Appraisal
- 21.11 Let Us Sum Up
- 21.12 Key Words
- 21.13 Some Useful Books
- 21.14 Answers to Check Your Progress Exercises

21.0 OBJECTIVES

After studying this unit, you should be able to :

- trace the background of Panchayati Raj
- explain the structure and functions
- discuss the pattern of bureaucracy and financial resources
- explain the methods of control; and
- describe the recent trends in Panchayati Raj system.

21.1 INTRODUCTION

Introduction of Panchayati Raj was hailed as one of the most important political innovations in independent India. It was also considered as a revolutionary step. Panchayati Raj is a system of local self-government where in the people take upon themselves the responsibility for development. It is also a system of institutional arrangement for achieving rural development through peoples' initiative and participation. Administration of development programmes aimed at social, economic and cultural development, provision of community and welfare services etc., are entrusted to these local self-governing institutions. Panchayati Raj involves a three-tier structure of democratic institutions at district, block and village levels, namely, zilla parishad, panchayat samithi, and village panchayat respectively. These institutions are considered as training ground, for democracy and political education. Rural development plans and programmes are implemented at this level so that fruits of development can accrue to the community directly. These institutions were established in 1959 based on the philosophy of decentralisation and gram swaraj. In this unit, we will examine the recommendations of Balwant Rai Mehta Committee and Asoka Mehta Committee, structure of Panchayati Raj institutions, role of bureaucracy, financial resources and recent developments in their working.

21.2 THE BACKGROUND

Some form of rural institutions have been in existence in the country since the ancient period. Village formed the centre of rural self-government in the early ages. They flourished during the ancient, medieval, and the moghul period as well. During the

nationalist movement, establishment of self-governing institutions at the grass-roots level formed a part of the nationalist ideology. Gandhi, who led non-violent struggle for independence observed, 'my idea of village swaraj is that it is a complete republic independent of its neighbours for its own vital wants and yet, interdependent for many others in which dependence is a necessity'. Gandhi's ideas had pervading effect which was reflected in the Constituent Assembly debates. The draft of the Constitution did not make any reference to village as units of self-government. But there were many in the Constituent Assembly who felt that villages should play an important role in economic and social development. After considerable debate and discussions, Article 40 was incorporated in the chapter on the Directive Principles of State Policy. This Article calls upon the state 'to take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government'. The adoption of planning as a strategy for development required securing cooperation of the people in rural areas to implement development programmes.

Community Development Programme was initiated in the country in October, 1952. Development blocks were established with limited staff and funds. The aim was coordinated development of the area with the help of an extension organisation consisting of technical specialists working under the leadership of Block Development Officer. At the grass-roots level there were multipurpose workers. The finances were made available on the basis of matching contribution from the community.

The intention was to use limited government funds to stimulate action for self-help. Advisory committees were constituted for every block for advice on the allocation of funds for development programmes. To review the working of Community Development Programme, the Committee on Plan Projects constituted a team to study the programme and to report on the content and priorities of the programme to ensure greater efficiency in their execution. The Panchayati Raj in India, is broadly based upon the recommendations of this committee popularly known as Balwant Rai Mehta Committee named after its Chairman. The Committee which went into detail, felt that the Community Development Programme could not make appreciable progress as the bodies neither had durable strength nor necessary leadership. They felt that these institutions should have representative character if they have to make any progress. The Committee believed that 'so long as we do not discover or create representative and democratic institutions and endow them with adequate powers and finance, it is difficult to evoke local interest and excite local initiative in the field of development'. With this basic premise, the team made a large number of recommendations which formed the basis for the establishment of three-tier structure of Panchayati Raj in the country.

The team felt that the district was too large and the village too small to be a unit of planning and development. For development work, therefore, a new local body with the territorial jurisdiction larger than the village and smaller than the district should be created. It opted in favour of a block, which came into existence in 1952, in preference to district. The experience of community development blocks, influenced the team to favour the block. The block offered an area 'large enough for functions which the village panchayat could not perform and yet small enough to attract the interest and service of the residents'. It recommended the establishment of statutory bodies called panchayat samithis for each block. Below the samithi, a village panchayat at the village and above the samithi, a zilla parishad for each district was recommended.

The team felt that the village panchayat should be constituted with directly elected representatives whereas, samithis and zilla parishads should be constituted with indirectly elected members. It is accepted in principle that the executive and deliberative functions should be separated. In its view, samithi should be responsible for developmental functions and zilla parishad for coordination and supervisory functions. It recommended a three-tier structure. It made several recommendations about the constitution, internal organisation, functions, finances, staffing pattern as well as the arrangements for control over these institutions.

Most of the state governments had accepted the recommendations of the Balwant Rai Mehta Committee and Panchayati Raj institutions were established. Andhra Pradesh and Rajasthan were the first to establish them in the country. The structure of

Panchayati Raj that emerged in the states is substantially in tune with Balwant Rai Mehta team recommendations, though there are, distinguishing differences from state to state. The Government of Maharashtra, however, appointed a separate committee with V.P. Naik as Chairman. Based on the recommendations of the Naik Committee, a three-tier structure of Panchayati Raj was established in Maharashtra and Gujarat. In these two states, district instead of block, was considered a suitable unit for development. Therefore, districts were established as units of planning and development and samithis were to function as the extended arms of zilla parishad to implement development programmes. However, village continued to be the basic unit of Panchayati Raj.

In the country, thus, two distinct patterns of Panchayati Raj have emerged. The first was the Andhra-Rajasthan pattern wherein block was the unit of planning and development. The development functions were entrusted to it. The second pattern is called Maharashtra pattern. In this, the district is the unit of planning and development. Between these two patterns, variation in the structure of Panchayati Raj institutions in different states exists regarding their constitution, powers and functions and the nature and size of different tiers.

Both the central and state governments have appointed several committees and commissions for reviewing and recommending reforms to strengthen Panchayati Raj during the last three decades. The Committee of Panchayati Raj appointed by the Central Government under the chairmanship of Shri Asoka Mehta in 1978, is very important as it reviewed the system of Panchayati Raj in different states in the country and recommended a different structure of Panchayati Raj. The committee after carefully examining the factors responsible for the weakening of Panchayati Raj in the country, recommended the constitution of mandal panchayats in between the village and district. This, in its view, should be made the hub of development activities. The committee felt that a mandal panchayat with a population of 15,000 to 20,000 would facilitate forging necessary links. It made several recommendations in terms of constitution, committee system, functions, finance, etc. It recognised the utility of the direct participation of political parties in the Panchayati Raj. Its recommendations include the measures for human resource development, training of officials and non-officials, role of voluntary agencies, strengthening rural-urban relations, etc. States like Andhra Pradesh, Karnataka and West Bengal, made some efforts in recent years to implement the reforms suggested by the Asoka Mehta Committee.

21.3 STRUCTURE OF PANCHAYATI RAJ

Balwant Rai Mehta Committee, as we have noted, recommended a three-tier system of Panchayati Raj in the country. In the implementation of this scheme the states had the freedom to structure the system based on socio-political milieu of the state. As a result, there is no uniformity in the implementation of the scheme in the country. For example, in Jammu & Kashmir only village panchayats were established and in Orissa village panchayats and samithis were established. There is, however, some uniformity in the district which is the highest tier of Panchayati Raj. In case of village and district there is uniformity, in constituting panchayats and zilla parishads respectively. But in case of the middle tier that is the block, there are considerable variations. For example, in Gujarat, the panchayat samithis are coterminous with Taluk, but in other states, they are mostly associated with the block. In Tamil Nadu development districts were constituted for this purpose, and 15 districts were organised into 22 development districts.

Balwant Rai Mehta Committee recommended that the block should be a unit of planning and development. Accordingly, many states have made samithis as units of planning and development. In all these states where samithi is important in terms of decentralisation of powers and functions, the district level unit that is zilla parishad has only supervisory and coordinating role without any executive functions. However, as we have noted, Maharashtra opted in favour of vesting the zilla parishad with the significant functions of planning and development than panchayat samithi. They felt that the district is a more stable and an easily manageable unit. It

was also considered that the district has historical tradition and is recognised as an administrative unit for the last two centuries. The technical manpower required already exists at the district level. Therefore in Maharashtra it was considered that district should be the basic unit of development. In this state, panchayat samithis were setup as committees of the zilla parishads.

Throughout the country village panchayat is the basic unit in the structure of Panchayati Raj. As village panchayats have been in existence in the country since ancient times, almost all states have recognised their importance. It is also felt that as panchayats are nearer to the community, they would ensure more direct participation of the people in the implementation of development programmes. In almost all states, panchayats were entrusted with both civic and development functions. An important feature of the structure of panchayats at the village level is gram sabha. In most of the states gram sabhas are constituted as instruments of popular participation at the cutting edge level. They are vested with the power to consider the accounts and administration of the panchayat and approve proposals for taxation and plans for development. They have to meet twice a year. But unfortunately, as the Diwaker Committee noted, they seldom meet. In most states the gram sabhas exist on paper and their role is insignificant. It has neither been able to exercise supervision over the panchayat nor able to provide guidance to it. The most important reason for this is the closeness of the local community in which most people meet regularly. Secondly, the functions entrusted to gram panchayats do not demand the periodic meetings of the gram sabha. Whatever may be the reasons, the fact remains that the gram sabha as a body consisting of all adults in the village exists only on paper. Their ineffectiveness is well-known and public apathy towards them is equally clear.

Size of the village panchayats vary from state to state. In state like the Punjab, the number varies between five to nine, five to fifteen in Tamil Nadu and in Andhra Pradesh it varies between five to thirtyseven. Under Panchayats Act, each state makes provision and fixes the number based upon population and other considerations. The members of the panchayat generally are elected on the basis of territorial wards by secret ballot. There are reservations for the scheduled castes, scheduled tribes and women. Some states provide direct election of the Sarpanch, but a majority provide for the indirect election by the members from amongst themselves. There are wide variations in the term of office also. In Rajasthan it is three years, in Gujarat it is four years and in Andhra Pradesh the panchayats have a five-year term.

Panchayat samithis is the next important body in the structure of Panchayati Raj. In almost all states samithis have been given important role. Their structure varies from state to state. In some states the Sarpanch of the gram panchayats are the ex-officio members of the samithis and in others they are elected directly by the gram sabha or the sarpanchs from among themselves. In Gujarat, for example, it consists of ex-officio members. In Maharashtra it consists of councillors elected from the block part from ex-officio and coopted members. There is reservation of seats for women, scheduled castes and tribes. In some states, like Uttar Pradesh and Andhra Pradesh, the members of the legislature and parliament are associated in the samithi whereas in Maharashtra they are completely kept out.

Zilla parishads as third tier were established at the district level in all the states except in two states. In one it functions at the subdivisional level and in another the sixteen districts have been constituted into twenty one development districts. In most states it consists of presidents of panchayat samithis, who are its ex-officio members.

Maharashtra, however, it consists of directly elected councillors, chairmen of panchayat samithis as well as coopted and associated members. Provision also exists for the cooption of members possessing particular qualifications or experience in rural development. In most states, the members of the legislative assembly and parliament are associated with the zilla parishads. The Collector is a member of the zilla parishad in some states, in Tamil Nadu, he is chairman of the parishad.

1.4 FUNCTIONS

Village panchayats have been entrusted with both obligatory and discretionary functions. These are both civic and developmental. The main emphasis is on development activities such as agriculture, primary education, health and sanitation and local

amenities. It is generally felt that they are charged with too many functions without adequate resources. Commenting on this, Santhanam Committee remarked that, the actual resources often vary inversely to the number and expenditure of obligatory functions. Ironically the concentration of functions, as Maddick noted, is perhaps the greatest in the lowest tier of Panchayati Raj where finances and personnel are in shortest supply. There is a need to have a realistic outlook in entrusting the functions to the panchayat. There is no point in overloading the lowest body because it is not properly prepared for this.

The samithis, throughout the country, are entrusted with functions relating to planning and development. Its functions include agriculture and related activities, social welfare, education, health and sanitation, etc. The samithi is also required to exercise supervision over the gram panchayats within its jurisdiction. In some, the samithis have to approve the budget of the panchayats. In Maharashtra, however, the samithis implement development schemes formulated by zilla parishads and act as the committees of the latter.

The functions of the zilla parishad vary considerably from state to state. In some states they are concerned with supervisory and coordinating functions. In others they have specific role in regard to establishment and expansion of secondary education and vocational schools. In Maharashtra, however, zilla parishad is the most important unit. Here it is entrusted with executive functions.

21.5 COMMITTEE SYSTEM

Borrowing the British practice Indian local self-government institutions have adopted the committee system to transact the business of these institutions. This is true of both urban local bodies as also of Panchayati Raj institutions. As the general body consists of too many members and the councils meet too infrequently, appointment of committees becomes inevitable. The committees, ensure detailed discussion before decisions. It also enables the effective participation of the members in the discussions and decision making. There are wide variations both in the number and size of the committees and also in their role. In Maharashtra there are both functional as well as standing committees which act as coordinating committees. But in many states there are functional committees. In some states, the political executives of these bodies are members and in some they are not. An interesting feature of the Panchayati Raj is that at village level also some states have made provision for constituting committees. But the experience shows that they meet infrequently. Either because of the small size of the panchayat or because of the proximity of members or because of no need for any specialisation, the committees do not meet regularly. In fact they add to the secretarial work. Commenting on this, the Santhanam Committee felt that there is no need for standing committees at panchayat level. If necessary, ad hoc committees may be constituted as and when required.

The committees at samithi and parishad levels are organised more systematically. Their contribution is also substantial. But there are substantial variations in the number and functions of these committees between states. For example, there are three committees at the samithi level in Rajasthan and eight in Bihar. As experience varies, the opinion about the number also differs. It is difficult to fix any specific number which is rational.

In some states all the committees are functional and in Maharashtra there are both functional and standing committees. Most states consider that it is an advantage to have an executive committee which may emerge as a cabinet and can undertake supervisory and coordinating functions. The chairman plays a very important role in the committees. In some states chairman is elected from among the members of the committee, in others the political executive becomes the chairman of the committees.

Check Your Progress 1

Note : i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

1) What are the major recommendations of the Balwant Rai Mehta Team ?

2) Describe the three-tier structure of Panchayati Raj.

3) Explain the role of the committees in Panchayati Raj.

1.6 BUREAUCRACY

The need for efficient and competent personnel in Panchayati Raj institutions has been recognised from the beginning. Self-government agencies have to implement several development programmes which require technical personnel. They provide continuity in the policies and programmes of these bodies because the political executives change periodically. Competent personnel are also essential to ensure non-partisan and objective decision-making.

There are two categories of personnel in Panchayati Raj, one is the state cadre officials placed under the control of Panchayati Raj viz. Block Development Officers (BDOs) and other technical officers from state departments. Their recruitment, transfers, promotions and discipline rest with the State Government. The second is

the constitution of separate Panchayati Raj cadre. It is found in Maharashtra, Gujarat, Andhra Pradesh and Rajasthan. Maharashtra, for example, has constituted three separate cadres at the district level. Rajasthan has constituted Panchayati Raj service with 15 cadres of posts like Village Level Workers (VLWs) teachers, etc. In Andhra Pradesh, there are district and block cadres, the former consists of clerical staff working in zilla parishads and panchayat samithis, Class IV staff constitute block cadres.

Broadly in Panchayati Raj, two types of officers can be identified viz., generalist officers and technical officers. Chief executive officers, BDOs, VLWs come under generalist category. District technical officers like district level officers, and extension officers constitute the technical category. Another classification is state cadre official and local cadre officials. Chief executive officers, BDOs, technical officers, extension officers, etc., belong to the state cadre. They belong to one of the state level departments. Their conditions of service are regulated by the State Government. VLWs, school teachers and ministerial staff broadly constitute local cadre officials. They are appointed at the district level and are considered as employees of Panchayati Raj institutions.

There is a large measure of uniformity in the staffing pattern in the Panchayati Raj institutions in the country. At the village level there is a secretary or an executive officer looking after the administrative work of the panchayat. In some states like Maharashtra and Gujarat, he performs revenue functions also. VLW is appointed for a group of villages. He is mainly a multi-purpose functionary concerned with development programmes in the villages under his jurisdiction. At the block level, BDO acts as a chief executive officer and coordinates the work of officers under him. Extension officers for each development activity are posted at the block level. They work under the administrative control of the BDO as well as the technical control of district level officers. This dual control has led to several problems at the block level. In zilla parishads, chief executive officer or district development officer is the head of the zilla parishad. He is assisted by district technical officers in the development work. In some states like Maharashtra these district technical officers work under the zilla parishads. In Andhra Pradesh they are independent of the zilla parishads, but work in close proximity with the zilla parishad. At the district level, district collector plays a pivotal role in the development administration, particularly panchayati Raj. In some states like Andhra Pradesh, collectors are fully involved in Panchayati Raj. They coordinate and supervise the work of different development departments. In states like Maharashtra, collectors have been kept out of Panchayati Raj.

There are a number of personnel problems as different categories of functionaries work in Panchayati Raj. They are selected by different agencies and their conditions of service and channels of promotion are different. Often their compatibility to the Panchayati Raj system is questioned. As several state level officers are deputationists, they function as birds of passage without any commitment with the Panchayati Raj. Frequent transfer of officers, increasing volume of paper work, inadequate opportunities for growth and advancement are some of the problems effecting the Panchayati Raj personnel. Thus Panchayati Raj staff exhibit a lack of unified pattern, unsatisfactory conditions of service and lack of effective training programmes.

21.7 FINANCES

The financial resources of Panchayati Raj can broadly be divided into four categories, viz., taxes, grants and public contributions, income through productive enterprises and loans. Taxes levied by panchayat are both compulsory and discretionary. For example, house tax is compulsory in Andhra Pradesh, Karnataka and Maharashtra. Panchayats in some states, collect vehicle tax, profession tax, etc. Unfortunately there has been a general reluctance on the part of panchayats to levy and collect the taxes. Government grant is another source of income to panchayat. In most states, panchayats survive only on government grants. There is, however no uniformity in the nature and quantum of grants. Panchayats derive income from productive enterprises like cinema halls, floor mills, etc. In Maharashtra and Gujarat, panchayats collect land revenue and they receive commission on all such collections.

except in Andhra Pradesh and Orissa, samithis, in states, also have powers of taxation. They can levy house tax, irrigation tax, education cess, etc. But rarely this power of taxation is exercised. Like panchayats, samithis also receive grants from the government and there are variations between state to state in the nature and quantum of grants. In some states where functions like education have been transferred to samithis, they are given grants to undertake these functions. The zilla parishads, as you are aware, are mostly advisory and undertake coordinating functions. Therefore, their finances mostly consist of grants received from the State Government and the assigned revenues. The funds of the parishads come mainly from the share of the land revenue and other taxes assigned to them by the government. In Maharashtra, however, the financial base of zilla parishads is better than other states. In this state, zilla parishads enjoy considerable autonomy in raising the resources. It was estimated that in Maharashtra, zilla parishads spent a third of the total state revenues. This is indicative of the strong position of the zilla parishads in the scheme of decentralisation.

A serious problem with Panchayati Raj institutions is that they have always been starved of finances. Inadequacy of finances is one of the basic reasons for their inability to undertake the development functions. Though they are considered as principle agencies of rural development, they are not given adequate resources. In almost all the states, there has been heavy dependence of the Panchayati Raj institutions on the state grants. The quantum of grants is mostly determined by the State Government based on its own resource base rather than on the functions and needs of Panchayati Raj institutions. Over the years the resource base of Panchayati Raj institutions has more or less remained the same. With the decline in the value of the rupee, the local bodies are not able to undertake any development works. Commenting on this, the Committee on Panchayati Raj in Andhra Pradesh has observed that the "cost of services has grown enormously because of the increase in salaries and allowances and wages and cost of materials; there has been a deep decline in the purchasing power of a rupee..... and the government has not given additional assistance to make up for the erosion in the rupee value". There is need, therefore, to streamline and strengthen the financial position of Panchayati Raj institutions. Only then these institutions of democratic decentralisation can become real institutions of rural development.

21.8 STATE-PANCHAYATI RAJ RELATIONS

Panchayati Raj institutions are the creatures of the State Government and as such the nature of relationship between them is determined by the State Acts. State legislatures pass the legislation relating to these institutions and are vigilant about their working. Legislature exercises control indirectly and also not continuously. Mostly, the administrative control operates over these bodies. Departments of Panchayati Raj and local government which deal with these institutions prescribe guidelines for their functioning. Another important method of control is through the staff. As you have seen earlier executive and technical staff in Panchayati Raj institutions come from different state departments and as such they are more loyal to the state government than to the institutions where they work. This is also being used as an instrument of control.

Budgets of different tiers of Panchayati Raj units need to be approved by higher authorities though in actual practice there are variations from state to state. For example, in Maharashtra, the panchayat samithis approve the budget of the gram panchayats. In Gujarat, no such provision exists. Government grant is another method of control. While giving grants, government specifies the purpose and method of utilising the grant. Periodic audit is also an instrument of control. The government has the power to suspend and annul the resolutions of these bodies. For example, in Gujarat, taluk development officer, district development officer and development commissioner can annul the resolutions of gram panchayats, village panchayats and district panchayats respectively. The government also exercises the power of removing members of these bodies. In Andhra Pradesh, for example, the Commissioner of Panchayati Raj is empowered to remove the office bearers of gram panchayats. In Rajasthan, State Government has powers to remove

sarpanches and upasarpanches. The collector, members of the gram panchayat and the state government can remove the members of panchayat samithis. Officers at various levels also inspect the institutions. The State Government exercises control through the power of supersession and dissolution. In recent years, there are criticisms that the State Government is using the powers of supersession and the dissolution more on political considerations.

Balwant Rai Mehta Committee felt that the Panchayati Raj bodies must not be cramped by too much control by the government or government agencies. It must have the powers to make their own decisions. They can learn by making mistakes, but it must also receive guidance which will help them to avoid making mistakes. Unfortunately, there appears to be too much of control than guidance over these institutions. This aspect has affected the efficiency as well as autonomy of these institutions.

21.9 RECENT TRENDS

Panchayati Raj institutions are now thirty years old. During the last three decades, several efforts have been made to review their working and to bring reforms to strengthen and revitalise them. The appointment of Asoka Mehta Committee on Panchayati Raj in 1977 marked a turning point in the concept and practice of Panchayati Raj. A few states have accepted these recommendations and reorganised the Panchayati Raj system in their states.

As you have seen earlier the Asoka Mehta Committee recommended, inter alia, the establishment of mandal panchayats to bring the institutions closer to the people and also to ensure greater participation. Based on these recommendations, West Bengal, Karnataka and Andhra Pradesh brought changes in the Panchayati Raj structure in their states. In West Bengal, there is a three-tier structure, the lowest level is gram panchayat consisting of 10 to 20 villages with an average population of 15,000 to 20,000. The gram panchayat is divided into several constituencies according to population. The next tier is panchayat samithi with an average population of about one lakh, and the third tier is zilla parishad. In Karnataka, mandal panchayats were formed for a group of villages whose size varies between 8,000 to 12,000. The village panchayat has been replaced by the gram sabha. Though panchayat samithi exists, it has no powers. In Andhra Pradesh the Panchayati Raj system established in 1959 was abolished and in its place mandal system was introduced. Gram panchayats for each village were left undisturbed. In place of blocks mandal panchayats were constituted. Its population varies between 35,000 to 50,000 population. In place of 300 odd blocks there are about 1100 mandal panchayats now, there has been greater decentralisation of powers as well.

Thus, we see in recent years there has been a trend to evaluate the suitability of the existing Panchayati Raj structure to meet the development demands. Based on this, state governments have brought about changes.

As you are aware the local government is a state subject. As such Central Government has no role either in their organisation or working. As there are several complaints about the working of these institutions, there have been suggestions that the local bodies must also have a constitutional base so that their working is not periodically impaired through prolonged supersession, lack of resources and inadequate devolution of powers. The Government of India in 1989 introduced in the Parliament 64th amendment to Constitution with the following objectives :

- 1) to make it obligatory for all states to establish three-tier system ;
- 2) to provide for direct election ;
- 3) to provide for reservations to ensure due representation to SCs, STs, and women ;
- 4) to ensure a tenure of five years ;
- 5) to provide for the devolution of powers and responsibilities ;
- 6) to plan and implement development schemes ;

- 7) to provide for sound finances :
- 3) to provide for the constitution of Finance Commission to divide resources between the units :
- 9) to review finances of Panchayati Raj bodies : and
- 10) to vest the Election Commission with the elections to the panchayats and to empower the Comptroller and Auditor-General of India to cause the audit of the accounts of the Panchayats.

The bill though passed by the Lok Sabha was rejected by the Rajya Sabha. Efforts to provide a constitutional base to these institutions is certainly a welcome step. But what is important is that they should have the sound financial base and autonomy to plan and programme the development schemes. Unless this is ensured and the state governments restrain themselves from unduly interfering with the working of these institutions, no amount of constitutional guarantee is going to ensure their smooth functioning.

21.10 AN APPRAISAL

Panchayati Raj institutions in India have completed three decades of their existence. Its introduction was considered a social revolution and an answer to several problems afflicting the rural society. A question that is often raised is whether Panchayati Raj is successful or not? There are two view points on this. Protagonists of Panchayati Raj argue that it is successful and has achieved its objectives. On the other hand, critics argue that it has failed to realise its objectives. Panchayati Raj during the last three decades, has/had its ups and downs. It has passed through the phases of ascend, stagnation and decline. At present there appears to be disappointment and disillusionment with the working of these institutions.

Protagonists argue that Panchayati Raj has become a democratic seed-drilling by making the people conscious of their rights. It has bridged the gap between the bureaucracy and the people. It has also generated a new leadership which is young, forward looking and modernistic. It has even cultivated a development psyche among the people. It has played a positive role in initiating and implementing the development programmes. At many places, political base has been used to provide the needed impetus to implement development programmes. It has thrown open a new type of leadership in the rural areas. These leaders trained in the art of democratic institutions have climbed the ladder and have become political executives at the higher echelons of democratic institutions.

A question often raised is whether, there has been sufficient transfer of power to the local bodies or not. The Acts creating Panchayati Raj institutions have no doubt, specified the powers and functions of each of the tiers of Panchayati Raj. They were expected to formulate plans based on local needs and implement them. But unfortunately, local bodies began formulating plans in a mechanical and routine way without taking into consideration the local requirements. One reason attributed to this is the narrow resource base of the Panchayati Raj institutions which does not enable them to take all the local needs and plan for their fulfilment. Asoka Mehta Committee went to the extent of commenting that the attitude of political elite at higher level was lukewarm towards strengthening Panchayati Raj. The initial enthusiasm and euphoria declined by the 70s. This led to half-hearted approaches on the part of the Government to transfer powers and responsibilities to the Panchayati Raj bodies.

But a major criticism is that the leadership is drawn from a narrow social base. It is alleged that the majority of them come from dominant land owning castes and classes. Asoka Mehta Committee has noted in this context that the Panchayati Raj institutions are dominated by economically and socially privileged sections of the society and as such has facilitated the emergence of oligarchic forces yielding no benefits to weaker sections.

Coordination is sine qua non for efficient administration of development programmes. Unfortunately, it appears to be one of the serious problems facing Panchayati Raj. The dual control over extension officers, absence of total integration of development

2) What are the different financial resources of a village panchayat. Are they sufficient for it to undertake its functions ?

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3) Explain the mandal panchayat system.

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4) Evaluate the performance of Panchayati Raj system.

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21.11 LET US SUM UP

Panchayati Raj has been heralded as a social revolution in the country. It was established in the country on the basis of the Balwant Rai Mehta Committee's recommendations. Though there is a broad agreement about the need for decentralisation and strengthening local self-institutions at the grass-roots level, there are variations in the structure of these institutions in different states. In some states there are three tiers and in some there are two tiers ; in some states, block is the unit of planning and development and in some, the district ; in some the collector is

actively associated and in others he is not ; in some states, they are provided with proper financial resources and in some, it is not the case. Therefore, we find wide variations in the organisation and working of Panchayati Raj institutions in the country. What is heartening is that there has been a realisation on the need and significance of Panchayati Raj to strengthen democracy.

21.12 KEY WORDS

Cooption : It is a method of taking a new member in a body or any committee by the votes of those, who are already members.

Diwakar Committee : Study Team on the position of Gram Sabha in Panchayati Raj movement, set up by the Ministry of Community Development and Co-operation in 1965.

Directive Principles of State Policy : Part IV of the Indian Constitution consists of these principles which are certain ideals particularly economic that the state should strive for. They are obligations of the state towards its citizens. Though these are not enforceable by the courts the state is expected to apply these principles while making laws.

Gram Sabha : It is the lowest administrative body at the village level, consisting of adult members residing in the area. It meets at least twice a year to review and scrutinise the work done by the Panchayats.

Periodic Audit : Examination of the accounts of the Panchayati Raj bodies at regular intervals to ensure that the money has been spent in a proper manner to fulfil the purpose for which it was asked.

21.13 SOME USEFUL BOOKS

Committee on Plan Projects, Government of India, 1957. *Report of the team for the Study of Community and National Extension Service*. Vol.I. New Delhi.

Government of India, 1978. *Report of the Committee on Panchayati Raj Institutions*. New Delhi.

Maddick Henry, 1970. *Panchayati Raj - A Study of the Rural Local Self Government in India* ; Longman ; London.

Reddy, Ram.G. (Ed.), 1978. *Patterns of Panchayati Raj* ; Macmillan ; New Delhi.

21.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress I

1) Your answer must include the following points :

- Recommendations of the Balwant Rai Mehta Team formed the basis of three tier structure of Panchayati Raj in India.
- Creation of a new local body with the territorial jurisdiction larger than the village and smaller than the district.
- The committee favoured the creation of block which would undertake functions which the village panchayat cannot perform and would attract the interest and service of residents. It recommended establishment of panchayat samithi's for each block.
- There should be village panchayat at the village and above the panchayat samithi, should be a zilla parishad for each district.

- Constitution of village panchayats with directly elected representatives and samithis and parishads with indirectly elected members.
- Separation of executive from deliberative functions. Accordingly samithi should be responsible for developmental functions and zilla parishad for co-ordinating and supervisory functions.

2) Your answer should include the following points :

- Village panchayat is the basic unit in the structure of Panchayati Raj. It is entrusted in most of the states, with both civic and developmental functions. There is no uniformity regarding the size of the panchayats, as it is based upon population and other considerations. The village panchayat is headed by a sarpanch, who is elected by the members from amongst themselves in most of the states.
- Panchayat samithi is at the block level, which is an important unit, vested with planning and developmental functions. The samithi is also required to supervise village panchayats under its jurisdiction. The members of the samithi are elected both directly and indirectly, this varies from state to state.

Zilla Parishad is established at the district level and is entrusted with supervisory and co-ordinating functions in most of the states. In Maharashtra and Gujarat, districts are units of planning and development and samithis help them in implementing the development programmes.

3) Your answer should cover the following points :

- Committee system is popular in Panchayati Raj institutions, which enables effective participation of members in discussions and decision-making process.
- There are variations in the number, size and role of the committees.
- Committee system at samithi and parishad levels is systematically organised.
- In some states while all the committees are functional. in Maharashtra there are both functional and standing committees.
- The Chairman of the Committee plays an important role.

Check Your Progress 2

1) Your answer should include the following points :

- Presence of two categories of personnel in the Panchayati Raj institutions.
- The first category comprising state cadre officials placed under the control of Panchayati Raj. These include generalist officers like BDOs and other technical officers from state level departments. Matters relating to their recruitment, transfers, promotions rests with the State Government.
- The second category of personnel system is the constitution of separate Panchayati Raj cadre. This has local cadre officials appointed at the district level, who are considered as employees of Panchayati Raj institutions. Village Level Workers, school teachers fall in this category.

2) Your answer should include the following points :

- Compulsory and discretionary taxes levied by panchayat.
- Government grants.
- Income from productive enterprises.
- Inadequacy of finances is the major reason due to which village panchayats are unable to undertake development functions. The grants given by the state government to the panchayats are not based on the functions and needs of the panchayats. Due to decline in the value of rupee, the panchayats are not able to undertake any development works.

3) Your answer should include the following points :

- The Committee on Panchayati Raj under the Chairmanship of Asoka Mehta in 1978, reviewed the system of Panchayati Raj in the country and recommended a new structure.

- Constitution of Mandal Panchayats in between the village and district to ensure greater participation of the people in the Panchayati Raj institutions.
- The Mandal Panchayats will be covering population of 15,000 to 20,000.
- The Mandal Panchayats would be entrusted development activities.

4) Your answer should include the following points :

- Panchayati Raj, to a certain extent has made people conscious of their rights. it has played a positive role by initiating and implementing development programmes and has developed a new type of leadership in rural areas.
- The functioning of the Panchayati Raj institutions at the same time has not been upto the mark due to certain reasons. These include :
 - Narrow resource base
 - Leadership drawn from a narrow social base
 - Problem of coordination
 - Cumbérsome administrative procédures
 - Panchayati Raj institutions, particularly at the grass-roots level are concentrating on civic amenities rather than extension work.



Block

5

CITIZEN AND ADMINISTRATION

UNIT 22

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BLOCK 5. CITIZEN AND ADMINISTRATION

This is the fifth block titled 'Citizen and Administration' of Course 2 on Indian Administration. It consists of four units. By now, you must be conversant with the functioning of administration at the Central, State and Local levels. This block deals with the important issue of interaction between citizen and administration. You know that there is constant interaction between citizen and administration and many a times it results in conflicts, stresses and strains. The image of administration is made or marred during such interactions. This block will also give you an idea of nature of citizens grievances and the machinery for their redressal. In addition to such machinery in the govt. departments/undertakings/corporations etc., the Constitution has also provided for judicial remedies to the citizens through the establishment of courts and tribunals. This block deals with this important aspect also.

Unit 22. Socio-Cultural Factors and Administration

The nature of administration is greatly influenced by the socio-cultural factors. In this unit, we shall discuss about the main features of Indian social structure like predominant rural habitation, multi religious, multi caste identities, family and their impact on administration. The culture of a society is reflected in its social, economic and political institutions and the administrative behaviour is influenced by the values held by the society. This unit gives an idea about the implications of cultural factors on administrative process.

Unit 23. Redressal of Public Grievances

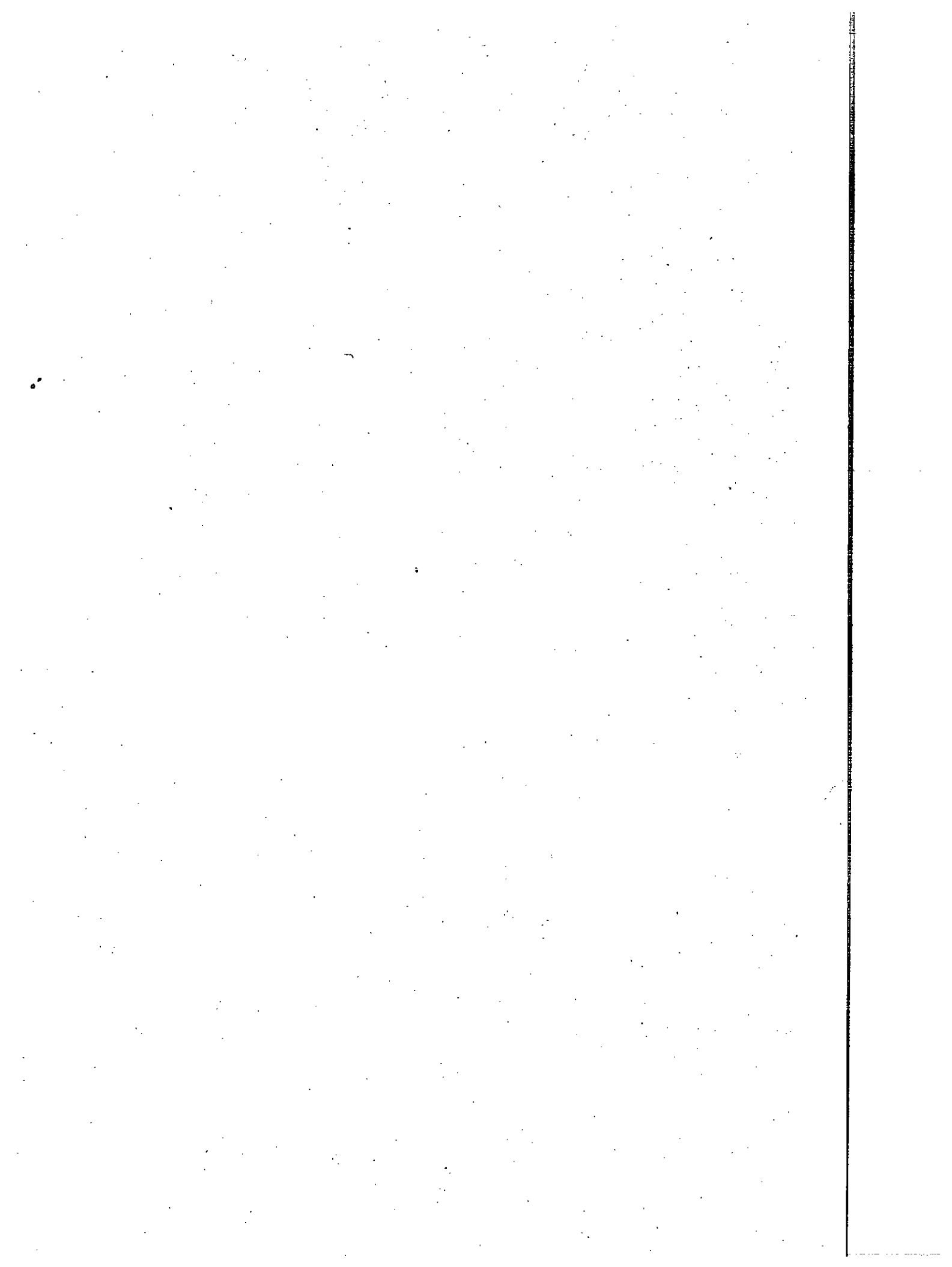
The exercise of immense discretionary powers by the administration has expanded the scope of corruption, malpractice and maladministration. This necessitates the presence of a proper system for redressal of citizens grievances. In this unit, we will study about the nature of public grievances, corruption in administration and its various modes. The unit also attempts to explain about the Scandinavian institution of Ombudsman which is the earliest democratic institution for the redressal of public grievances. It also gives an idea about the functioning of Central Vigilance Commission set up in 1964. The features of the institutions of Lokpal and Lokayukta are also discussed in the unit and critical appraisal of their working has been made.

Unit 24. Administrative Tribunals

Administrative Tribunals now-a-days have become an integral part of the machinery of justice in providing simpler and effective procedure in remedying the grievances of citizens. This unit explains the meaning of tribunals, reasons for their growth in India. It discusses about the various types of tribunals, their features, advantages and disadvantages. As an illustrative case, the unit describes the structure of Central Administrative Tribunal. A reference is also made about various safeguards to improve the efficacy of the tribunals.

Unit 25. Judicial Administration

In a democracy, the primary objective of judicial system is to ensure citizen's rights. The administration has to function according to law and Constitution. The judiciary has an important role to play in protecting the citizen against the arbitrary exercise of power by administration. In this unit, the features of judicial system in India are discussed. Further, the scope and methods of judicial control over administration and the limitation of judicial administration have been dealt with. The unit also attempts to highlight the recent trends in the judicial system.



UNIT 22 SOCIO-CULTURAL FACTORS AND ADMINISTRATION

Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Main features of Social Structure and Impact on Administration
 - 22.2.1 Rural Habitation
 - 22.2.2 Religion
 - 22.2.3 Caste
 - 22.2.4 Family
- 2.3 Culture and Administration
- 2.4 Let Us Sum Up
- 2.5 Key Words
- 2.6 Some Useful Books
- 2.7 Answers to Check Your Progress Exercises

22.0 OBJECTIVES

After studying this unit, you should be able to :

- understand the interrelations of society and administration
- explain the broad features of social structure and their impact on administration; and
- discuss the cultural context of Indian administration.

22.1 INTRODUCTION

The society consists of many interdependent and interacting parts. The administration is one such interdependent and interacting part of the society. The administration which is expected to administer the affairs of the society through government and semi-government agencies, has no meaning except in the context of social setting. The administrators also are drawn from the society. They bring with them the social values they acquire through the socialisation process in the social institutions like school, family, associations, religion etc. The socio-cultural factors greatly influence the nature of administration. The administrative behaviour in any society is influenced by the values cherished by that society. Fred W. Riggs and many others analysed the interactions and the interrelations between the society and administration through the ecological approach to the study of administration. The ecological approach emphasises the importance of the study of social environment to understand the administration. In this unit we shall be discussing the main features of the Indian social structure and culture and their impact on Indian administration.

22.2 MAIN FEATURES OF SOCIAL STRUCTURE AND IMPACT ON ADMINISTRATION

A society is a collection of people who are sufficiently organised to create conditions necessary to live together with a common identification. It is an organised network of social interactions and patterned behaviour. Every society has its own identity based on the nature of its social institutions. India has a rich cultural heritage and is a land of diversities. The diversity in social life is reflected in multi-social, multi-lingual, multi-religious and multi-caste nature of the society. The important features of the Indian social structure are: predominant rural habitation in small villages; multi-religious and multi-caste social identities; and important role of family in the

social life. We shall have a detailed discussion on these institutions and their impact on administration in the following sections.

22.2.1 Rural Habitation

India is a land of villages. There are more than six and half lakh villages where 76.16 per cent (1981 Census) population live. A great majority of villages are small with only around five hundred population each. Mahatma Gandhi's view that India lives in villages still holds good, at least from the demographic point of view. The demographers estimate that even by the end of this century, India will continue to be a predominantly rural society.

The village social life has its own peculiar characteristics. Stanley J. Heginbotham, in his book on "Cultures in Conflict" discusses in detail the nature of village life and its influence on the nature of bureaucracy. The village social life norms strengthen the authoritarian, hierarchical norms in administration. The village social life which is based on the hierarchical exchange relations greatly influence the behaviour of civil servants in public organisations. The differences in the social background of majority of citizens who are poor, illiterate, rural based, and tradition bound and that of majority of civil servants, who are urban, middle class and well educated results in conflicts and contradiction in the interests and values of citizens and civil servants.

The rural base of Indian society has many implications for the Development Administration. It emphasises the importance of rural development for the overall development of the country. Many studies also brought out the urban bias in the behaviour of administrators. This results in a cultural gap between the administration and rural people. The administration, to be an effective instrument must appreciate and respond to the socio-cultural ethos of village India.

22.2.2 Religion

Historically India has been hospitable to numerous groups of immigrants from different parts of Asia and Europe. People of all religions have been living in India for many centuries. The Hindus with 82 per cent of population constitute the dominant religious group in India. Muslims (12 per cent), Christians (9 per cent) and Sikhs (2 per cent) are the other important minority religious groups in the country. There are many Buddhists and Jains in the country.

The Constitution declares India to be a secular state. State is expected to treat all the religions equally. The Constitution also gives protection to minorities. The Constitution recognises the religion as a fundamental right and the citizen can pursue the religion of his choice. It is a matter of personal faith.

However, in reality, communalism is one of the major threats to the unity and the integrity of the country. In recent years the communal organisations have become very active in social life resulting in communal clashes in different parts of the country. Some vested interests are using religion for their selfish purposes and are fanning hatred among the communities. The communal disharmony tests the strength of the administration in maintaining law and order and social harmony among the religious groups. A great amount of administrative energy has to be spent to check communal disruptive activities and maintain social and political stability in the society. Unfortunately, in recent years we also hear the allegations of divisions in the civil services based on communal factors. The role played by some state police forces during the communal disturbances in many parts of the country particularly in Bhagalpur, Meerut, Ahmedabad in 1989 brings no credit for the state police administration. The police personnel are accused of acting on communal considerations. The political necessity of appeasing each religious section may result in sacrificing of rationality in administration. The public holiday policy of Government is one example of this situation. To satisfy the religious sensibilities of different groups, the Government has to declare many public holidays.

22.2.3 Cast

The Hindu society is known for its varna and caste system. The society is broadly divided into four orders or varnas on 'functional' basis. Brahmana (traditional priest and scholar), Kshatriya (ruler and soldier), Vaisya (Merchant) and Shudra (Peasant, labourer and servant). The scheduled castes are outside the varnas scheme. Each

arna may be divided into different horizontal strata, and each strata is known as caste. The main features of the caste system are: (a) segmental division of society, (b) hierarchy, (c) restrictions on feeding and social intercourse, (d) civil and religious disparities and privileges of different sections, (e) restriction on choice of occupation and (f) restriction on marriage. Though caste is essentially a Hindu institution, some elements of caste are found in every religious group in India. The caste system based on birth created divisions in the society and contributed for social and economic inequities. A section of people were treated as untouchables and they were exploited by upper castes in the society.

In recent years, we find some changes in the nature of the caste system. The role of the caste is changing. We find that the influence of caste in interpersonal social relationships is decreasing but paradoxically its role in political process is increasing. The caste is being increasingly used for political mobilisation. This has an adverse effect on the working of political and administrative institutions. Formation of formal groups on caste lines among public services is another undesirable phenomena. This affects the homogeneity of the public organisations.

Realising the existence of inegalitarian social system, the Constitution has provided for preferential treatment to scheduled castes, scheduled tribes and other backward classes in public services. In recent years, we find many agitations for and against the reservations in public services. Paradoxically the preferential treatment system designed to bring equality in the society is also a cause of the internal tensions in the public organisations. In a social situation of premordial loyalties, the administrative institutions based on universalistic principles are subjected to a lot of stress and strain. The administrator must understand the dynamics of caste loyalties and caste responsibilities to play the role of an effective change agent.

2.2.4 Family

The joint family was considered as one of the three pillars of Indian social structure, the other two pillars being the caste and village community. Even though in all modern societies, the family is an important social unit, in Asian societies like Japan, China and India, the family loyalties are very strong. Traditionally in India the joint family played an important role as a social and economic institution. The social norms expect the subordination of individual interests to that of family. For many socio-economic reasons, in recent years the joint family system is giving way to nuclear family system. Still the emotional ties of extended family continue to play an important role in the social life. The patriarchy dominates the family life. The head of the family is usually the father or the eldest male member. The women generally occupy subordinate position.

The structure and operation of family has many implications on administrative system. The paternalistic and authoritarian structure of the family life is partly responsible for the paternalistic and authoritarian behavioural orientations of administrators. The socialisation process in the family influences the attitude formation among the children who later play the role as administrators. The family loyalties may also result in sacrifice of values like impartiality, integrity and universality in administration. Many administrators may feel it natural to help their family members by using their administrative positions. Many studies pointed out nepotistic orientation in administration i.e., the practice of helping one's relatives.

Check Your Progress 1

- Use the space below for your answers.
- i) Use the space below for your answers.
 - ii) Check your answers with those given at the end of the unit.

Explain the importance of the study of social structure for understanding the administration.

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2) How does caste influence administration?

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3) What is meant by familial orientation in administration?

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22.3 CULTURE AND ADMINISTRATION

Culture refers to a way of life. It includes the entire gamut of modes of expression and communication as well as the system of values and beliefs governing the society. Values refer to preferences i.e., ideas of good or bad, desirable or undesirable. Culture determines what is desirable conduct and behaviour for the members of the society.

The culture of a society is a result of long process of evolution and is reflected in its social, economic and political institutions. The administrative behaviour in the society is influenced to a greater extent by the values cherished by the society.

V. Subramanyam writing on "Hindu Values and Administrative Behaviour" emphasised the importance of study of values developed by the administrative structure vis-a-vis the values of the surrounding society. He talks about Hindu values since majority of the IAS recruits are Hindus. Subramanyam identified three elements in the Hindu tradition which work against the rational decision making. To put it in his own words: "In the first place, a decision is basically choosing between a number of mutually exclusive alternatives and the basic Hindu approach is to deny the existence of such alternatives. Secondly, a decision means a choice of a course of action with a view to taking that course of action immediately. It is also implied in the Western meaning of decision that the difficulties in that particular course of action have all been taken into account in making a decision in favour of it. The average Hindu idea of a decision is, however, more akin to the English phrase "pious resolution". The continuous and undignified wailing we hear in India from planners, politicians and administrators alike about policies being good and their execution being bad is essentially a product of a particular Indian meaning attached to the term decision. Indeed, the average Hindu mind is so thoroughly reconciled to an impossible distance between precept and practice and between ideal and reality that it naturally imports this distance to separate decision and execution, a distance which does not exist in Western interpretations of the term. Thirdly, a decision or choice means listing the various alternatives in a particular order of preference and if possible covering this ordinal list of preferences into a cardinal list of quantified values for each. The Hindu mind always indulges in talking of very large numbers, such as yugas, arons and crores. By using such large numbers casually the small differences which are most important in day-to-day decisions are made to look meaningless."

Many studies were undertaken to identify the cultural moorings of Indians which result in a particular way of behaviour of administrators. Administrators perceive reality on the basis of their experience. Much of what they see depends upon how

... which in turn depends on their socio-economic origins. C.P. Bhambri and many others pointed out the elite character of civil service in India. Here lack of touch with the problems of common man and the sense of superiority towards them possibly emanate from the middle class and upper class background of the bureaucrats.

Richard Taub found in his study how the typically Indian components like "the tendency for any group of people to divide into smaller groups on the basis of particularistic ties, the lack of trust and reluctance to delegate authority, a tendency encouraged by the ideology of the caste system to think of human relations in hierarchical terms and traditions of reference towards authority" etc. caused a particular pattern of behaviour among the bureaucrats.

The cultural factors have various implications on the administrative processes like motivation, communication and authority.

Motivation : Many studies on human motivation, identified culture as one of the determining factors in motivation. McClelland has convincingly argued that in various countries due to culture, religious beliefs and class structure etc. the general population tends to have a fairly low achievement drive; wherein in other countries it may be the other way round. In India the 'karma' philosophy with its emphasis on other world may be considered as one of the inhibiting factors in achievement orientation of bureaucracy. In the words of G.P. Chatopadhyaya: "The Indian personality by and large is incapable of behaving in a mature, mutually dependent way. He fantasises omnipotence if he is in a position of perceived power, which seduces others to dependent positions; or he feels impotent when he faces people who have greater power and believes that he is utterly dependent on them. Fatalism hunts achievement orientation among Indian managers, makes them feel helpless in shaping their environment and is highly dependent on authority figures."

Communication : Communication may be described as the process of transferring concepts, ideas, thought and feelings among people. Communication process is culture. The one way process of communication, mostly from top to bottom in Indian organisation is also a reflection of social culture. In universalistic cultures people low in status may have no inhibition in speaking against or mentioning unpleasant things to their superiors whereas in particularistic cultures it may be treated impolite and silence may be preferred.

Authority : Attitude to authority is also a reflection of culturable variables. In a feudal society, authority attains the status of divinity. Authority figures are treated as sacred objects. Their conduct and behaviour are above scrutiny. This attitude not only legitimises the authority structure but also ensures personal loyalties of the lower levels of organisation in total disregard of abilities and actions of persons in authority. In public organisations it may lead to certain dysfunctions like-growth of personality cult or personal goals of authorities may gain ascendancy over the system goals. In this cultural situation benevolent paternalistic management style may pay cash dividends more than participative leadership style which may be appreciated only in egalitarian open society. Indian culture demands that people higher in status should be addressed with reverence and unpleasant things should not be mentioned before them. It becomes very difficult for the people at lower levels in organisation to give correct information or opinion if they feel that it may be unpalatable to those in authority. The public organisations are considered merely as an extension of the personalities of their chief executives. This results in widespread practice of sycophancy in public organisations.

Check Your Progress 2

- 1) Use the space below for your answers.
- 2) Check your answers with those given at the end of unit.

Explain the impact of Hindu values on rationality in decision making.

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UNIT 23 REDRESSAL OF PUBLIC GRIEVANCES

Structure

23.0	Objectives
23.1	Introduction
23.2	The Nature of Public Grievances
23.3	Corruption in Administration
23.4	The Scandinavian Institution : Ombudsman
23.5	Central Vigilance Commission
23.6	Lokpal
23.7	Lokayukta
23.8	Critical Appraisal
23.9	Let Us Sum Up
23.10	Key Words
23.11	Some Useful Books
23.12	Answers To Check Your Progress Exercises

23.0 OBJECTIVES

The study of this unit should enable you to :

- explain the nature of public grievances
- discuss the problem of corruption in Indian Administration
- Explain the machinery for the redressal of citizen's grievances; and
- Describe the limitations of the grievance machinery.

23.1 INTRODUCTION

In the contemporary society the State is playing a very important role in the socio-economic development. The success of democracy and development depends, to a large extent, on the efficiency of government machinery. The modern government has acquired immense discretionary powers. This increasing role of the government in nation building activities results in increasing dependence of citizens on administration. In the exercise of administrative powers there is always scope for malpractices, harassment and corruption. This results in public grievances against the administration. According to Chambers dictionary, grievance means "a ground of complaint; a condition felt to be oppressive or wrongful". In a democracy people should have opportunities to ventilate their grievances and have a system for their redressal. In this unit we shall be discussing the nature of public grievances and the institutional arrangements for the redressal of these grievances.

23.2 THE NATURE OF PUBLIC GRIEVANCES

The environmental context determines the nature of public grievances. The colonial history and the authoritarian orientations of administration resulted in the negative attitude of citizens towards the administration. The gap between the performance of the administration and the expectations of people also resulted in the negative image of administration. The democratic aspirations of the people and authoritarian attitude of administrators results in tensions between citizens and administration. The contradictions in the social situation have resulted in inequalities. There is discrimination in the treatment of citizens by administration. The social gap between the civil servant and the citizen whom he is expected to serve also is a cause for hostile relationships between citizen and administration. The well educated

urban/rural middle class civil servant is expected to serve poor illiterate rural citizen. This results in social and psychological gap between the citizens and the civil servant. The cumulative effect of all these factors is the piling up of public grievances against administration.

Some of the common grievances against the administration may be delineated in the following groups:

- (a) **Corruption** : Demand and acceptance of bribery for doing or not doing things.
- (b) **Favouritism** : Doing or not doing things for obliging people in power or people who matter.
- (c) **Nepotism** : Helping the people of one's own kith or kin.
- (d) **Discourtesy** : Use of abusive language or other types of misbehaviour.
- (e) **Neglect of Duty** : Not doing things which the law requires.
- (f) **Discrimination** : Ignoring poor and uninfluential citizens' genuine complaints.
- (g) **Delay** : Not doing things at the appropriate time.
- (h) **Maladministration** : Inefficiency in achieving the targets.
- (i) **Inadequate Redressal Machinery** : Failure to attend to public complaints against administration.

In addition to the above mentioned common grievances there may be specific grievances relating to particular administrative departments/agencies. For example people have many grievances against the police resorting to third degree methods like beating, torture, wrongful confinement or harassment of suspects and witnesses. Fabrication of evidence, nexus between the police and the underworld against common man are some other areas of public grievances against police administration. The grievances against agricultural administration may be mainly related to the quality and quantity of inputs and services provided to farmers. Though there may be many specific grievances against individual administrative agencies, corruption is a common complaint against all governmental agencies. We shall have more discussion about corruption in the following sections.

23.3 CORRUPTION IN ADMINISTRATION

The all pervading nature of corruption is felt by everyone who comes in contact with administration. Corruption has many negative effects on administration. It results in inefficiency in administration and it is one of the major contributing factors for the delay in administration. The Weberian norms of impartiality and universality of bureaucracy is adversely affected by corruption. It results in loss of credibility to administration. More importantly the poor become the worst victims of corruption. Corruption is a complex problem and is mainly a product of socio-economic environment.

23.3.1 Models of Corruption

The term corruption has been defined in many ways. In general terms corruption is "use of public office for private gain, not necessarily for monetary gain, in breach of laws and regulations in force." Santhanam, Chairman of the Committee on Prevention of Corruption said: "any action or failure to take action in the performance of duty by a Government servant for some advantage is corruption."

There are many modes of corruption. Gunnar Myrdal talks of folklore of corruption in India. We have many in our midst who take pride in their ingenuity in breaking laws and making fortunes. Kautilya, pride of our ancient political wisdom, mentions in his treatise Arthashastra forty ways of embezzlement of public money. The Central Vigilance Commission has identified the following twenty-seven modes of corruption:

- 1) Acceptance of substandard stores/works.
- 2) Misappropriation of public money and stores.
- 3) Incurring pecuniary obligation of persons to whom the public servants have official obligations.
- 4) Borrowing money from contractors/firms having official dealings with officers.
- 5) Showing favours to contractors and firms.
- 6) Claiming false travelling allowance, house rent, etc.
- 7) Possessing assets disproportionate to income.
- 8) Purchase of immovable property, etc., without prior permission or intimation.
- 9) Causing loss to the Government by negligence or otherwise.
- 10) Abuse of official position/powers.
- 11) Acceptance of illegal gratification in recruitment, postings, transfers and promotions.
- 12) Misuse of Government employees for personal work.
- 13) Production of forged certificates of age, of birth, of community.
- 14) Irregularities in reservation of seats by rail and by air.
- 15) Non-delivery of money orders, insured covers, value payable parcels, etc.
- 16) Replacement of new postage stamps by used ones.
- 17) Irregularity in grant of import and export licences.
- 18) Misuse of imported and allotted quotas by various firms with the connivance of public servants.
- 19) Irregularity in grant of telephone connections.
- 20) Moral-turpitude.
- 21) Acceptance of gifts.
- 22) Under-assessment of income-tax, estate duty, etc. for pecuniary use.
- 23) Misuse of advances sanctioned for purchase of scooters and cars.
- 24) Abnormal delay in settlement of compensation claims to displaced persons.
- 25) Wrong assessment of claims of displaced persons.
- 26) Cheating in connection with sale and purchase of plots for residential purposes.
- 27) Unauthorised occupation and sub-letting of Government quarters.

Check Your Progress 1

- Note : i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

1) Identify the causes for the negative image of Indian administration.

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2) Describe the nature of public grievances against administration.

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Identify the modes of corruption in public services.

23.4 THE SCANDINAVIAN INSTITUTION : OMBUDSMAN

The Scandinavian institution of Ombudsman is the earliest democratic institution for the redressal of public grievances, first established in Sweden in 1809. The Ombudsman institution is based on the principle of administrative accountability to Parliament. The institution of Ombudsman refers to "an officer appointed by the legislature to handle complaints against administrative and judicial action." In Swedish Public Law, Ombudsman means "an appointee of Parliament of Sweden for supervision of administration." The International Ombudsman Steering Committee defined Ombudsman as "an Officer created by law, whose incumbent is an independent, high level public official with responsibility to receive complaints from aggrieved persons against agencies, officials and employees of the Government or who acts on his own motion and who has the power to investigate and recommend corrective action and issue report." It could, therefore, be understood to be a person commissioned to protect the citizen, against any possible malfeasance on the part of the bureaucracy.

The important features of the Ombudsman institution are:

- 1) The Ombudsman is not only an instrument of Parliament for supervising the administration, but also a protector of the rights of the individual. The institution not only affords fulfilment of the justice and fair play inherent in every individual, but also provides supervision, on behalf of the people, of the day-to-day activities of their government even if the government were elected by the people at specified periods.
- 2) There is the principle of impartial investigation by an authority entirely independent of the administration.
- 3) An investigation could be started by the Ombudsman not only on a complaint by an individual but also on his own initiative as a result of information he might acquire from inspections, press reports or other sources. Courts, on the other hand, can be seized of a case only upon complaint of the interested parties.
- 4) The investigations of the Ombudsman are conducted informally. In investigating complaints, the Ombudsman has free access to all the files of the administration and he can demand explanations from the official authorities concerned. Administrative tribunals and courts, on the other hand, are bound by formal rules in hearing cases and have more limited powers of inspection.
- 5) The Ombudsman has considerable flexibility in the form of action which he can take in a given case. Various forms of action are open to him. If, after investigation, he finds that an official has handled a case wrongly or unjustly or made an incorrect or improper decision, the Ombudsman can demand that proceedings be instituted against such an official or he might administer a reprimand and include the case in his report to Parliament. His intervention might also take the form of persuasion instead of a critical report.

Over the years a number of countries all over the world have created Ombudsman-like institutions with different nomenclature and functions. The introduction of this institution in Sweden in 1809, led to its establishment in Finland in 1919, Denmark in 1953 and Norway in 1962. A modified form of Ombudsman titled 'Procurator General' exists in USSR. He is designated as 'Parliamentary Commissioner' in United Kingdom. Lokpal/Lokayukta are the Indian variants of Ombudsman. A study conducted by Donald Rowat shows that around forty countries in the world have Ombudsman-like institutions for the redressal of public grievances. In the following paragraphs we shall have more detailed discussion on the Indian Institutions for redressal of public grievances.

23.5 CENTRAL VIGILANCE COMMISSION

After Independence many measures were initiated for checking corruption in public services. In 1962, the Central Government appointed a Committee on prevention of corruption under the Chairmanship of K. Santhanam to review the existing arrangements for checking corruption and to suggest steps to make anti-corruption measures more effective. The Santhanam Committee in 1964 recommended the setting up of Central Vigilance Commission headed by Central Vigilance Commissioner. Based on these recommendations the Central Vigilance Commission was constituted in 1964. It is headed by a Central Vigilance Commissioner to be appointed by the President of India for a period of six years or till the age of 65 years whichever is earlier. In addition to the Commissioner, the commission has a number of functionaries like Secretary, officer on special duty, Chief Technical Commissioner, Commissioners for departmental enquiries, under secretaries, technical commissioners, etc. The commission has a total staff of around 150 employees. The jurisdiction of the commission covers all employees of the Central Government, employees in public undertakings, corporate bodies, other institutions working under the Central Government, the Delhi Metropolitan Council and New Delhi Municipal Committees. To begin with, the Commission has decided to take up the cases of gazetted officers only. The functions of the Central Vigilance Commission are:

- 1) It undertakes an inquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner.
- 2) It causes an inquiry or investigation to be made into any complaint that a public servant had exercised his powers for, or refrained from exercising his powers against improper or corrupt purposes, and any complaint of corruption, misconduct, lack of integrity or other kinds of malpractices or misdeeds on the part of a public servant.
- 3) It calls for reports from agencies so as to enable it to exercise general check and supervision over the vigilance and anti-corruption work entrusted to them.
- 4) It can take over under its direct control complaints for further action. Such action may be either (a) to ask the Central Bureau of Investigation to register a regular case and investigate it, or (b) to enlist it for inquiry by the Central Bureau of Investigation or the agency concerned.
- 5) It may initiate a review of procedures and practices of administration in so far as they relate to maintenance of integrity in administration.

The functions of the Central Vigilance Commission are advisory in nature. The Commission submits an Annual Report to the Home Ministry for placing it before the Parliament. The Commission is created by an executive resolution and it is a non-statutory body.

Vigilance Organisation in Ministries

The Santhanam Committee made detailed recommendations to strengthen the vigilance organisation in each ministry and department and make it more effective. The Secretary of the Department has the primary responsibility for the maintenance of integrity in his organisation. However, in each ministry/department an officer has been designated as Chief Vigilance Officer

and entrusted with the vigilance work. He provides a link between the Central Vigilance Commission and the Ministries/Departments. In the attached, subordinate offices and public sector undertakings also an officer has been designated as Vigilance Officer. The Chief Vigilance Officer is responsible for coordinating the work of Vigilance Officers of his ministry. The Chief Vigilance Officers are generally of the rank of Deputy Secretary and Vigilance Officers of the rank of Under Secretary. The Central Vigilance Commission plays an important role in coordinating and monitoring the vigilance work of various ministries. The work of Vigilance Officers is assessed and recorded in the character rolls by the Central Vigilance Commission.

States and Districts

The vigilance machinery at the state level differs from state to state. Most of the states have a State Vigilance Commission. There is also a special police establishment to deal with cases of corruption in both the state government offices and state public undertakings. The commission presents Annual Report to the state government and the same is placed before the State Legislature. At the district level, there is a District Vigilance Officer. The District Collector appoints one of his gazetted officers as District Vigilance Officer.

5.6 LOKPAL

The Administrative Reforms Commission (ARC) which was constituted in 1966 gave priority to the problem of redressal of public grievances and submitted its first interim report on the "Problems of Redressal of citizens' grievances. The Administrative Reforms Commission recommended the creation of Ombudsman-type institution. The Commission after a careful examination of difficulties in adopting Scandinavian institution to Indian situation felt that it was desirable and possible to establish independent authorities for the redressal of citizens grievances. The Commission recommended the establishment of two special authorities designated as Lokpal and Lokayuktā. The Lokpal was intended to deal with complaints against administrative acts of Ministers and Secretaries to the Government at the Central and State levels and Lokayuktas in every State and at the Centre for dealing with complaints against administrative acts of specified top officials. The ARC recommended that the following should be the main features of the institutions of Lokpal and Lokayuktā.

They should be demonstrably independent and impartial.

Their investigations and proceedings should be conducted in private and should be uniform in character.

Their appointment should as far as possible, be non-political.

Their status should compare with the highest judicial functionary in the country.

They should deal with matters in the discretionary field involving acts of injustice, corruption and favouritism.

Their proceedings should not be subjected to judicial interference and they should have the maximum latitude and powers in obtaining information relevant to their duties.

They should not look forward to any benefit or pecuniary advantage from the executive government.

In accordance with the recommendations of ARC, many attempts were made from 1968 onwards for the establishment of Lokpal at the Central level. The Government of India introduced bills for this purpose in the Parliament in 1968, 1971, 1977, 1985 the latest being in 1990. The Lokpal bill introduced in 1977 brought in the Prime Minister as well as members of Parliament under its purview. While the 1985 bill excluded the Prime Minister from the jurisdiction of Lokpal, the bill on Lokpal introduced in Parliament recently has brought in Prime Minister again under Lokpal's jurisdiction. Unfortunately, these bills could not be passed by the Parliament.

23.7 LOKAYUKTA

At the state level many states, as many as twelve, established the institutions of Lokayukta and Upalokayukta. As Donald Rowat puts it "India has the most populous Ombudsman jurisdiction in the world", Maharashtra, Orissa, Bihar, Rajasthan, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Himachal Pradesh, Kerala, Karnataka, Assam and Gujarat have established the Lokayukta institution. The appointment of Lokayukta or Upalokayukta is made by the Governors in most states in consultation with the Chief Justice of the High Court of the State and the Leader of Opposition in the Legislative Assembly. However, there is no requirement of consultation with the Leader of Opposition under the Andhra Pradesh Act. The Karnataka Act provides a somewhat different procedure for the appointment of Lokayukta and Upalokayukta, wherein, they are appointed by the Governor on the advice of the Chief Minister. The Chief Minister, however, shall tender his advice in consultation with the following: (1) Chief Justice, (2) Chairman and the Leader of Opposition of the Legislative Council and (3) Speaker and Leader of Opposition of the Legislative Assembly. In some states like Maharashtra, Bihar and Rajasthan, no specific qualifications are prescribed for these positions. The States like Orissa, Andhra Pradesh and Karnataka prescribe the judicial qualifications. The Lokayukta and Upalokayukta hold office for a period of 5 years except in Rajasthan wherein the term of office is 3 years. The Acts also incorporate many provisions to ensure independence and autonomy of these institutions.

The function of Lokayukta and Upalokayukta is to investigate any action taken by a public servant referred under the Acts or notified by the government. The jurisdiction of Lokayukta and Upalokayukta includes the "allegations" and "grievances" in respect of any action of the public servants. The word "allegation" in relation to a public servant means any affirmation that such public servant:

- 1) has abused his position as such to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;
- 2) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motive;
- 3) is guilty of corruption or lack of integrity in his capacity as such public servant;
- 4) is in possession of pecuniary resources of property, disproportionate to his known source of income and such pecuniary resource or property is held by the family or by some other person on his behalf;
- 5) has failed to act in accordance with the norms of integrity and conduct which ought to be followed by public servants of the class to which he belongs.

Similarly, the word 'grievance' means a claim by a person that he/she sustained injustice or undue hardship in consequence of maladministration. Maladministration implies action taken in the exercise of administrative functions in any case:

- 1) where such action or administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory; or
- 2) where there has been negligence or undue delay in taking such action, or the administrative procedures or practices governing such action involve undue delay.

23.8. CRITICAL APPRAISAL

The institutions of Lokayukta and Upalokayukta are subjected to many limitations in their working. Some of the defects of the Lokayukta institution identified by Donald Rowat are:

- 1) The main defect in the Indian institution has been the attempt to combine the Ombudsman institution with the machinery for fighting corruption and the consequent treatment of grievance complaints in almost exactly the same way as allegations of misconduct and corruption.
- 2) Lack of support from government for the activities of Lokayukta

- 3) Delay in the implementation of the action suggested by LOKAYUKTA
- 4) Limited accessibility of the institution to the public.

The first All India Conference of Lokayuktas held at Simla in 1986 made a number of suggestions for making the Lokayukta a more effective institution. Some of the recommendations are:

- 1) Lokayukta institution should be given constitutional status.
- 2) The Peoples' Representation Act should be amended to take into consideration the findings of Lokayukta.
- 3) The former ministers and former civil servants should also be brought under the jurisdiction of Lokayukta.
- 4) Time limit should be prescribed for placing the reports of the Lokayukta before the legislature.
- 5) Uniformity in the nomenclature and service conditions should be maintained.
- 6) No security deposit should be insisted for filing complaints.
- 7) Lokayukta should be given discretion to dispense with filing affidavits.
- 8) Lokayukta should be given power under Criminal Procedure Code for search and seizure.
- 9) Lokayukta should be given *suo moto* powers of investigation.
- 10) Lokayukta should be deemed to be the High Court in matters of contempt of court.

Check Your Progress 2

Note: i) Use the space below for your answers.
 ii) Check your answers with those given at the end of the unit.

- 1) Describe the important features of Ombudsman.

- 2) Explain the role of Central Vigilance Commission.

- 3) Examine the recommendations of Administrative Reforms Commission on Lokpal and Lokayukta.

- 4) Identify the limitations of working of Lokayukta institution.

23.9 LET US SUM UP

The interaction between citizen and administration in a democracy is a very complex process. The conflict in the society and the values of the society are reflected in this interaction. The effective machinery for the redressal of citizen's grievances makes the administration more human and civilised. Thus, in this unit, an attempt was made to study the nature of public grievances, the existing machinery for their redressal and limitations in the working of this machinery.

23.10 KEY WORDS

Parliamentary Commissioner: The Parliamentary Commissioner Act of 1967 in U.K. provided for the appointment of the Commissioner by the Queen. The main function of the Commissioner is to investigate the complaints of citizens who claim to have suffered injustice due to maladministration by government departments in the exercise of their administrative functions.

Pecuniary: Monetary.

Procurator General: The Procurator General in U.S.S.R. is elected by the Supreme Soviet for a period of five years. The task of the Procurator's office is to ensure protection of laws throughout the country against any infringement.

23.11 SOME USEFUL BOOKS

- Indian Institute of Public Administration, July-September, 1975. The Indian Journal of Public Administration, Special number on Citizen and Administration Vol. XXI.*
- Maheshwari, Shriram. 1990. *Indian Administration*; Orient Longman : New Delhi.
- Shukla K.S. and Singh S.S., 1988. *Lokayukta (Ombudsman in India)*, Indian Institute of Public Administration: New Delhi.
- Singh Mohinder and Singh Hoshiar. 1989. *Public Administration in India, Theory and Practice*: Sterling Publishers: New Delhi.

23.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:
 - Exercise of immense discretionary powers by the government.

- Colonial history and authoritarian orientation of administration towards citizens.
- The gap between the performance of the administration and the expectations of people.
- Social gap between the civil servants and the citizens.

2) Your answer must include the following points:

- Corruption
- Favouritism
- Nepotism
- Discourtesy
- Neglect of duty
- Maladministration
- Inadequate redressal machinery

3) See Sec. 23.3.1

Check Your Progress 2

1) Your answer must include the following points:

- The institution of Ombudsman refers to an officer appointed by the legislature to handle complaints against administrative and judicial actions.
- The Ombudsman functions not only as an instrument of Parliament for supervising the administration but also as a protector of the rights of the individual.
- It ensures impartial investigation into complaints against administration.
- Conduct of informal investigations by the Ombudsman.
- Flexibility in the type of actions the Ombudsman can take in a given case.

2) Your answer must include the following points:

- The jurisdiction of the Commission covers employees of the Central Government, public undertakings, corporate bodies, other institutions of the Central Government, the Delhi Metropolitan Council and New Delhi Municipal Committee.
- The Commission undertakes inquiry into transactions in which a public servant is suspected to have acted in a corrupt manner.
- It conducts investigations into matters of corruption, misconduct, other kinds of malpractices or misdeeds by the public servant.
- It exercises check and supervision over other vigilance and anti-corruption agencies.
- The Commission also plays an important role in initiating a review of procedures and practices of administration and in maintaining integrity of administration.

3) Your answer must include the following points:

- The institution of Lokpal was intended to deal with complaints against administrative acts of ministers and secretaries to the government at the central and state governments. Lokayukta is expected to deal with complaints against administrative acts of specified top officials.
- They should be independent and impartial.
- Conduct of investigations in a private and uniform manner.
- Their non political appointment.
- Free from judicial interference.

- Their jurisdiction relating to matters involving acts of injustice, corruption and favouritism.

4) Your answer must include the following points:

- An attempt is made to combine the Ombudsman institution with the machinery dealing with matters of corruption. This has led to treatment of grievance complaints in the same way as allegations of misconduct and corruption.
- Lack of support from government for the activities of Lokayukta.
- Delay in the implementation of the action suggested by Lokayukta.
- Limited accessibility of the institution to the public.

UNIT 24 ADMINISTRATIVE TRIBUNALS

Structure

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Meaning and Importance of Administrative Tribunals
- 4.3 Reasons for the Growth of Administrative Tribunals
- 4.4 Types of Administrative Tribunals
- 4.5 Features of Administrative Tribunals
- 4.6 Structure of Central Administrative Tribunal
- 4.7 Advantages of Administrative Tribunals
- 4.8 Disadvantages of Administrative Tribunals
- 4.9 Safeguards against the Working of Administrative Tribunals
- 4.10 Let Us Sum Up
- 4.11 Key Words
- 4.12 Some Useful Books
- 4.13 Answers to Check Your Progress Exercises

24.0 OBJECTIVES

- ▶ After studying this unit, you should be able to:
- ▶ explain the meaning, importance and reasons for the growth of tribunals
- ▶ discuss various types and features of tribunals
- ▶ describe the structure of Central Administrative Tribunal
- ▶ state the advantages and disadvantages of tribunals; and
- ▶ discuss the safeguards against their working.

24.1 INTRODUCTION

There has been a phenomenal increase in the functions of the government which has ent enormous powers to the executive and also led to increase in the legislative output. This has led to more litigations, restrictions on the freedom of the individuals and constant frictions between them and the authority. Administrative tribunals have emerged not only in India but in many other countries with the objective of providing a new type of justice—public good oriented justice. These tribunals manned by technical experts, with flexibility in operations, informality in procedures have gained importance in the adjudication process. In this unit we shall be discussing the meaning and importance of the tribunals, the reasons for their growth and the advantages and disadvantages of the tribunals.

24.2 MEANING OF ADMINISTRATIVE TRIBUNALS

In India, and in many other countries, there has been a steady proliferation of administrative tribunals of various kinds. They have, indeed, become a permanent part of the law adjudication machinery of the country. As a system of adjudication they have come to stay, and their number is constantly on the increase. Administrative tribunals are authorities outside the ordinary court system which interpret and apply the laws when acts of Public Administration are questioned in formal suits by the courts or by other established methods. In other words, they are agencies created by specific enactments to adjudicate upon disputes that may arise in

the course of implementation of the provisions of the relevant enactments. They are not bound by the elaborate rules of evidence or procedures governing the ordinary courts and they are only required to follow the procedure prescribed by the relevant law and observe the principles of 'Natural Justice'. The administrative tribunals may be more appropriately defined as specially constituted authorities established by law to settle the disputes between the citizen and administration. The administrative tribunals are the instruments for the application of administrative law. Administrative law, is the law regulating Public Administration. The administrative tribunals are quasi-judicial with responsibility of application of administrative laws. According to Servai, 'the development of administrative law in a Welfare State has made administrative tribunals a necessity. They have distinct advantage over the ordinary courts because they ensure cheapness, accessibility, freedom from technicality, expedition and expert knowledge of the particular subject.' The importance of administrative tribunals has also been felt on account of the rapid growth of administrative machinery since Independence. Moreover, it has become increasingly difficult to understand the intricacies of the administrative process. It is felt necessary to involve experts, with specialised knowledge of particular field, in the adjudication of administrative law. The persons who preside over the ordinary courts with their general background of only constitutional law may not be able to appreciate the intricacies of issues involved in the administrative process. The involvement of experts in administration in regulating administrative actions is necessary to provide justice to the citizens, without sacrificing the institutional needs. What is involved is basically the relative position of two values, i.e., the protection of the individual and his legitimate interests and the effective attainment of public purpose.

24.3 REASONS FOR THE GROWTH OF ADMINISTRATIVE TRIBUNALS

There are many reasons for the growth of administrative tribunals in India. Some of these are:

Firstly, the administrative tribunals, rendering administrative justice, is a by-product of the Welfare State. In the 18th and 19th centuries when 'laissez faire' theory held sway, the law courts emerged, as the custodians of the rights and liberties of the individual citizens. Sometimes they protected the rights of all citizens at the cost of state authority. With the emergence of Welfare State, social interest began to be given precedence over the individual rights. With the development of collective control over the conditions of employment, manner of living and the elementary necessities of the people, there has arisen the need for a technique of adjudication better fitted to respond to the social requirements of the time than the elaborate and costly system of decision making, provided by litigation in the courts of law. In brief, 'judicialisation of administration' proved a potential instrument for enforcing social policy and legislation.

Secondly, in view of the rapid growth and expansion of industry, trade and commerce, ordinary law courts are not in a position to cope up with the work-load. With the result, enormous delay in deciding cases either way, takes place. Therefore, a number of administrative tribunals have been established in the country which can do the work more rapidly, more cheaply and more efficiently than the ordinary courts.

Thirdly, law courts, on account of their elaborate procedures, legalistic forms and attitudes can hardly render justice to the parties concerned, in technical cases. Ordinary judges, brought up in the traditions of law and jurisprudence, are not capable enough to understand technical problems which crop up in the wake of modern complex economic and social processes. Only administrators having expert knowledge can tackle such problems judiciously. To meet this requirement, a number of administrative tribunals have come into existence.

Fourthly, a good number of situations are such that they require quick and firm action. Otherwise the interests of the people may be jeopardised. For instance, ensuring of safety measures in local mines, prevention of illegal transactions in

foreign exchange and unfair business practices necessitate prompt action. Such cases, if are to be dealt with in the ordinary courts of law, would cause immense loss to the state exchequer and undermine national interest. However, the administrative courts presided over by the experts would ensure prompt and fair action.

Check Your Progress 1

Note: i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

1) Explain the meaning of administrative tribunals.

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2) Describe the reasons for the growth of administrative tribunals.

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24.4 TYPES OF ADMINISTRATIVE TRIBUNALS

There are different kinds of administrative tribunals which are governed by the statutes, rules and regulations of the Central Government as well as State Governments. These may be put under the following six categories :

a) Administrative tribunals concerned with protection of the public interest at the field level.

State is the custodian of public interest. It maintains a plethora of administrative authorities to protect, preserve and promote public interest at the field level. In India the District Collector is the important field administrative authority entrusted with the responsibility of protecting the public interest. As the chief custodian of public interest at the district level, the District Collector possesses both original and appellate jurisdictions in adjudicatory functions under various acts and regulations both of the State Governments and the Central Government. For example, in the state of Andhara Pradesh he possesses adjudicatory powers under the Land Acquisition Act and Land Record Maintenance Act, etc. Therefore, the institution of District Collector can be considered as an administrative tribunal. Many other revenue functionaries at the district level act as administrative tribunals in their sphere of jurisdiction.

b) Administrative tribunals concerned with the regulation of private interest—occupations, professions and business.

Licensing is an important device for control and regulation of private business and occupations. The state maintains numerous licensing authorities for the grant of licenses and permits. Functions of the Regional Transport Authority may be cited as one of the examples. It gives licenses. In India a large number of licensing bodies may be rightly called administrative tribunals because law requires them to act judicially and courts have recognised the quasi-judicial character of their functions.

- c) Administrative tribunals concerned with the protection of fiscal interests of the State-

Land Revenue is an important source of income of the State Government and it maintains large staff to carry out the work of levy, assessment and collection of these taxes. Collectors and Commissioners constitute the revenue courts within their appointed jurisdiction. Board of Revenue is the highest court in this field. These authorities apart from their normal administrative work, are assigned significant quasi-judicial function in connection with the adjudication of disputes arising out of levy, assessment and collection of land revenue. These revenue courts are the finest examples of administrative tribunals in India.

- d) Administrative tribunals concerned with the protection of industrial labour.

In a Welfare State the State must adopt measures to protect the interests of industrial labour. In order to achieve this objective the state has to set up various kinds of administrative tribunals and authorities. Under Sec. 7 of the Industrial Disputes Act, 1947 (a Central Act) the State Government is empowered to constitute labour courts for the adjudication of industrial disputes concerning any matter embodied in the schedule of the Act and to perform any other function specified in the Act. Similar is the case with regard to the setting up of industrial tribunals.

- e) Administrative tribunals concerned with the protection of the interests of public servants or government employees.

The "Big Government" is a characteristic of modern democracies. Millions of persons are employed in public organisations to undertake governmental activities. The civil servants have a dual role. As employees engaged in administering public affairs, they are a part of the government. As individual employees they may have many disputes with the government on service matters. In that situation they are outside the government. The increasing awareness of rights of civil servants results in more areas of disputes between civil servants and the government. Even though the civil servant can involve the regular judiciary to settle service disputes with the government, many limitations are felt in the redressal of their grievances by normal judicial courts. This has resulted in the search for alternative ways of adjudication of service disputes.

The Administrative Reforms Commission (1966-70) had recommended the setting up of 'Civil Service Tribunals' to function as final appellate authorities in respect of orders inflicting the major punishments of dismissal, removal from service and reduction in rank. Almost at the same time, a committee under Justice J.C. Shaw also recommended the establishment of an administrative tribunal to adjudicate on service matters. The Supreme Court also in a judgement in 1980 suggested the establishment of administrative tribunals. Realising the importance of administrative tribunals, in 1985 the Parliament passed a statute to establish administrative tribunals in India, at the Centre and in the States.

- f) Miscellaneous tribunals having adjudicatory functions.

There are miscellaneous tribunals in India possessing quasi-judicial powers such as the Chancellor of the Universities, Election Tribunals, etc. Under Article 329 (b) of the Constitution, the government can constitute Election Tribunal to deal with disputes arising out of elections to either House of Parliament or either House of the Legislature of a State.

24.5 FEATURES OF ADMINISTRATIVE TRIBUNALS

It is very important to know the main features of administrative tribunals before examining the other aspects. This would enable us to understand the nature of administrative tribunals in broader terms. Some of the important features are:

- a) The administrative tribunals are established by the executive or legislature within the purview of the Indian Constitution.
- b) Though they perform quasi-judicial functions or judicial functions, they are not courts.

- 1) They are not bound by the technical rules of the Code of Civil Procedure. Nevertheless, they adopt rules of procedure which may be prescribed in the statute, or may be prescribed by rules made under the statute, or may be adopted by the tribunal itself.
 - 2) They possess the powers of civil courts in certain matters and their proceedings are considered to be judicial proceedings.
 - 3) They follow the principles of natural justice in deciding the cases.
- Administrative tribunals operate with a degree of informality which suits the nature of issues involved. As stated already, formal rules of evidence as found in the common law courts may not be observed.

As an illustrative case, in the next section, we shall discuss the structure of Central Administrative Tribunal.

Check Your Progress 2

- Note: i) Use the space below for your answers.
 ii) Check your answers with those given at the end of the unit.

1) Describe the different types of administrative tribunals.

2) Explain the features of administrative tribunals.

24.6 STRUCTURE OF CENTRAL ADMINISTRATIVE TRIBUNAL

The Central Administrative Tribunal was set up in November 1985, under the Administrative Tribunals Act 1985. The Act provides for adjudication of disputes and complaints with respect to recruitment and conditions of service of public servants. The Act visualises a Central Administrative Tribunal for the Centre, and a State Administrative Tribunal for a particular State. In addition to the setting up of a Central Administrative Tribunal to hear cases of Central Government employees and the State Administrative Tribunals to deal with cases lodged by State Government employees, the Act also provides for the establishment of Joint Administrative Tribunal to hear cases from more than one state.

The Central Administrative Tribunal enjoys the status and powers of a High Court. Appeals against its decisions may lie only with the Supreme Court of India. In disposing of its cases, the tribunal observes the canons, principles and norms of 'natural justice'. The Act says: "A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of

natural justice... the tribunal shall have power to regulate its own procedure including the fixing of places and time of its inquiry and deciding whether to sit in public or in private." The rules of business adopted by it are simple and easily comprehensible; and the atmosphere in the Tribunal is characterised by flexibility and a sort of informality. A civil servant may appear before it personally or through an advocate. The cases are generally disposed of quickly and no heavy expenses are incurred.

The Central Administrative Tribunal is a multi-member body, having members drawn from both judicial and administrative backgrounds. It has a chairman, a vice-chairman and others members. The judicial members must possess a legal background or knowledge of the law. They are appointed by the Central Government on the recommendation of the Appointments Committee of the Cabinet. Administrative members are drawn from the Indian Administrative Service as well as from other services. The term of office of Vice-Chairman and members is five years or until they attain the age of 65 in case of Chairman and Vice-chairman and 62 years in case of others members. The members of Tribunal, including the Chairman and Vice-Chairman, are ineligible for further employment after retirement. This provision has been made to ensure independence and impartiality in their functioning.

The jurisdiction of the Central Administrative Tribunal extends to the members of the All India Services, central services and central public sector undertakings. An aggrieved civil servant can apply to the tribunal for the redressal of his grievances. The tribunal deals with disputes relating to recruitment and all other service matters.

The Central Administrative Tribunal may have its benches in the states and already fifteen such benches exist in the country. Ultimately, the Central Administrative Tribunal will have its bench in each of the State Capitals. A bench is presided over by the Chairman or Vice-Chairman and consists of at least two members. After 1985, many states like Rajasthan and Uttar Pradesh have established their own State Administrative Tribunals under the Administrative Tribunals Act of 1985. State Administrative Tribunals have also been established in Orissa, Himachal Pradesh and Karnataka. Setting of these tribunals in other states is also under consideration.

24.7 ADVANTAGES OF ADMINISTRATIVE TRIBUNALS

Administrative adjudication is a dynamic system of administration which serves, more adequately than any other method, the varied and complex needs of the modern society. The main advantages of the administrative tribunals are:

1) Flexibility

Administrative adjudication has brought about flexibility and adaptability in the judicial as well as administrative tribunals. For instance, the courts of law exhibit a good deal of conservatism and inelasticity of outlook and approach, consequently, the justice they administer may become out of harmony with the rapidly changing social conditions. Administrative adjudication, not restrained by rigid rules of procedure and canons of evidence, can remain in tune with the varying phases of social and economic life.

2) Adequate Justice

In the fast changing world of today, administrative tribunals are not only the most appropriate means of administrative action, but also the most effective means of giving fair justice to the individuals. Lawyers who are more concerned about aspects of law, find it difficult to adequately assess the needs of the modern welfare society and to locate the individuals place in it appropriately.

3) Less Expensive

Administrative justice ensures cheap and quick justice. As against this, procedure in the law courts is long and cumbersome and litigation is costly. It involves payment of huge court fees, engagement of lawyers and meeting of other incidental charges.

Administrative adjudication, in most cases, requires no stamp fees. Its procedures are simple and can be easily understood by a layman.

4) Relief to Courts

The system also gives the much needed relief to ordinary courts of law which are already overburdened with ordinary types of suits.

5) Experimentation

Experimentation is possible in this field and not in the realm of judicial trials. The practical experience gained in the working of any particular authority can be more easily utilised by amendments of laws, rules and regulations. Amendment of law relating to courts is quite arduous.

In sum, flexibility, accessibility and low cost are the important merits of administrative tribunals. In the words of W.A. Robson the advantages of administrative tribunals are "cheapness and speed with which they usually work, the technical knowledge and experience which they make available for the discharge of judicial functions in special fields; the assistance which they lend to the efficient conduct of public administration; and the ability they possess to lay down new standards and to promote a policy of social improvement."

24.8 DISADVANTAGES OF ADMINISTRATIVE TRIBUNALS

Even though administrative adjudication is essential and useful in modern government, we should not be blind to the defects from which it suffers or the dangers it poses to a democratic polity. Some of the chief drawbacks are mentioned below.

In the first place whatever may be its advantages, from Dicey's concept of Rule of Law, administrative adjudication is a negation of Rule of Law. Rule of Law ensures equality before law for everybody and the supremacy of ordinary law and due procedure of law over governmental arbitrariness. But administrative tribunals, with their separate law and procedure often made by themselves, puts a serious limitation upon the celebrated principles of Rule of Law.

Secondly, administrative tribunals have in most cases, no set procedures and sometimes they violate even the principles of natural justice. In countries, where government has full control over trade and industry, the individual's very fundamental rights of freedom of occupation and movement lie at the mercy of administrators.

Thirdly, administrative tribunals often hold summary trials and they do not follow any precedents. As such it is not possible to predict the course of future decisions.

Fourthly, the Civil and Criminal Courts have a uniform pattern of administering justice and centuries of experience in the administration of civil and criminal laws have borne testimony to the advantages of uniform procedure. A uniform code of procedure in administrative adjudication is a cry in wilderness.

Lastly, administrative tribunals are manned by administrators and technical heads who may not have the background of law or training of judicial work. Some of them may not possess the independent outlook of a judge.

24.9 SAFEGUARDS AGAINST THE WORKING OF ADMINISTRATIVE TRIBUNALS

Administrative adjudication is, thus under heavy fire from many directions. That it suffers from many shortcomings and abuses cannot perhaps be denied. But, like delegated legislation, it is an inescapable necessity in a modern complex society. Therefore to overcome the shortcomings few safeguards are suggested to make administrative adjudication impartial and certain. The suggestions offered include:

- 1) Administrative tribunals should be manned by persons possessing legal training and experience. To inspire public confidence, the appointment of members should be made in consultation with the Supreme Court.
- 2) A code of judicial procedure for administrative tribunals should be devised and enforced. This is important in view of the prevalence of varying procedures of administrative adjudication in India.
- 3) Reasons should invariably accompany decisions by the tribunals. "Good Laws", observed Jeremy Bentham, "are such laws for which good reasons can be given." A reasoned decision goes towards convincing those, who are affected by it, about its innate fairness and is a check against misuse of power.
- 4) The jurisdiction of the Supreme Court (as well as the High Courts) should not be curtailed. In other words, the right to judicial review on points of law must remain unimpaired. Some of the administrative tribunals permit appeal straight way to the court of law, some, however, seek to ban judicial review altogether by making decisions final. According to M.C. Setalvad, former Attorney General of India, the need for judicial review is greater in a nascent democracy like India.

Check Your Progress 3

- Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

- 1) Describe the role of Central Administrative Tribunal.
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- 2) Explain the advantages of administrative tribunals.
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- 3) Examine the safeguards against the working of administrative tribunals.
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24.10 LET US SUM UP

In view of the increasing role of administration in citizens' life, the administrative tribunals are expected to play an important role in the redressal of citizens

advantages. In this unit we have examined the nature of administrative tribunals and the various reasons for their increasing importance. As an illustrative case, the structure of Central Administrative Tribunal has also been described. The advantages and the disadvantages of the administrative tribunals have also been dealt with.

4.11 KEY WORDS

arduous: involving a lot of effort.

Delegated Legislation: It refers to the law making power conferred by the Parliament on the Executive. It may mean either exercise by a subordinate authority, such as a Minister, of the legislative power delegated to him by Parliament or the subsidiary laws themselves passed by ministers in the shape of departmental regulations and other statutory rules and orders.

Equality's Rule of Law: It means that no man is above the law of the land and that every person, whatever be his rank or status, is subject to the ordinary law and amenable to the jurisdiction of the ordinary tribunals. Every citizen is under the same responsibility for every act done by him without lawful justification and in this respect there is no distinction between officials and private citizens.

Overabundance: A plethora of something is an amount of it that is much greater than you want, need or can cope with.

Principles of Natural Justice: The objective of these principles is to provide fair, impartial and reasonable justice. These principles include:

No person should be a judge in his own cause.

No decision should be given against a party without affording them a reasonable hearing.

Quasi judicial enquiries should be held in good faith and without bias and not arbitrarily or unreasonably. To give every citizen a fair hearing is as much a canon of good administration as it is of a good legal procedure.

Public Good Oriented Justice: In a modern social service state, Public Good Oriented Justice provides a new type of justice where the individuals are able to assert themselves freely, welfare of the community is kept in view and the system functions like a social institution existing for achieving social end.

4.12 SOME USEFUL BOOKS

Chatterjee, P.C., 1981. *Administrative Adjudication—A Comparative Study of France, U.K., U.S.A. and India*; Sterling Publishers Pvt. Ltd., New Delhi.

Chandrasekhari, Shriram, 1990. *Indian Administration*; Orient Longman: New Delhi.

Chandrasekhari, Radhakant, 1989. *Administrative Justice in India*; Sage Publications: New Delhi.

Chandrasekhari, Vishnu, 1974. *Administrative Tribunals in India*; Oxford and IBH Publishing Co.: New Delhi.

4.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

Your answer must include the following points:

- Administrative tribunals are specially constituted authorities, which are outside the purview of ordinary courts, and are meant to settle disputes between the citizen and administration.

- Administrative tribunals are quasi-judicial authorities created by specific enactments. Their function is application of administrative law i.e. law relating to Public Administration.
- 2) Your answer must include the following points:
- Emergence of welfare state, which emphasised the need for enforcing social policy and legislation.
 - Rapid growth and expansion of industry, trade and commerce has led to enormous workload on ordinary courts. This necessitated the setting up of tribunals which can do the work rapidly, efficiently and cheaply than the ordinary courts.
 - Due to modern complex economic and social processes a need has been felt to have administrators having expert knowledge to tackle technical problems.
 - Need for prompt and fair action in settling disputes between citizen and administration which can be dealt with by the tribunals.

Check Your Progress 2

- 1) Your answer must include the following points:
- Categorisation of administrative tribunals under the following heads i.e. tribunals concerned with.
 - Protection of the public interest at the field level. e.g. The District Collector.
 - Regulation of private interest: occupation, professions and business like the Regional Transport Authority.
 - Protection of fiscal interest of the state like the Board of Revenue.
 - Protection of interest of industrial labour like the industrial tribunals.
 - Protection of the interests of public servants or government employees.
 - Miscellaneous tribunals like election tribunals having adjudicatory functions.
- 2) Your answer must include the following points:
- Establishment of the tribunals by the executive or legislature.
 - Performance of quasi-judicial or judicial functions.
 - Not bound by the technical rules of the Civil Procedure Code and the rules of evidence of the Evidence Act.
 - Possession of the powers of civil courts in certain matters.
 - Informality in the operations of tribunals.

Check Your Progress 3

- 1) Your answer must include the following points:
- Central Administrative Tribunal is set up for adjudication of disputes and complaints relating to recruitment and conditions of service of Central Government employees.
 - Observance of principles and norms of 'natural justice' in disposing of the cases.
 - The tribunal enjoys the status and powers of a High Court.
 - Flexibility, informality in the functioning of tribunal.
 - Judicial and administrative expertise of the members of tribunals.
- 2) Your answer must include the following points:
- Flexibility and adaptability.
 - Most effective means of giving fair justice to people.

- ⊗ Ensures cheap and quick justice.
- ⊗ Provides much needed relief to the ordinary courts.
- ⊗ Experimentation.

Your answer must include the following points:

- ⊗ Administrative tribunals to be manned by persons with legal training and experience.
- ⊗ Devising and enforcing of a code of judicial procedure for tribunals.
- ⊗ Reasons to accompany decisions of the tribunals.
- ⊗ Right to judicial review on points of law to be retained.

UNIT 25 JUDICIAL ADMINISTRATION

Structure

- 25.0 Objectives
- 25.1 Introduction
- 25.2 Judicial System in India
- 25.3 The Scope of Judicial Control over Administration
- 25.4 Forms of Judicial Control over Administration
 - 25.4.1 Judicial Review
 - 25.4.2 Suits Against Government
 - 25.4.3 Criminal and Civil Suits Against Public Officials
 - 25.4.4 Extraordinary Remedies
- 25.5 Limitations of Judicial Control over Administration
- 25.6 Public Interest Litigation
- 25.7 Legal Aid
- 25.8 Nyaya Panchayats
- 25.9 Let Us Sum Up
- 25.10 Key Words
- 25.11 Some Useful Books
- 25.12 Answers to Check Your Progress Exercises

25.0 OBJECTIVES

After studying this unit, you should be able to:

- discuss the judicial system in India;
- explain the scope and the methods of judicial control over administration; and
- analyse the limitations of judicial control over administration.

25.1 INTRODUCTION

In India, the judiciary occupies an important place. The Constitution visualises an independent judiciary to safeguard the rights of citizens. In a democratic polity the independent judiciary is a *sine que non* to the effective functioning of the system. In a democracy, citizens enjoy rights, and there are limits placed on Government's power. The administration has to function according to law and Constitution. The judiciary has an important role to play in protecting the citizen against the arbitrary exercise of power by administration. In this unit, we shall be discussing the features of judicial system in India; the scope and methods of judicial control over administration and the limitations of judicial administration.

25.2 JUDICIAL SYSTEM IN INDIA

As mentioned in the introduction of this unit, Indian Constitution envisages an Independent judiciary. There is a separation of powers between the executive and judiciary. The judiciary is kept free from the control of the executive of the day. The separation is based on the principle that as far as possible, the same official should not have both the judicial and executive functions. To put it differently, the executor and the adjudicator should not be one and the same. The judiciary which interprets the Constitutional meaning of law and legality of executive actions must have a separate existence. This principle was evolved in all democracies in the world after a long period of struggle. Lord Bryce has said that there is no better test of the excellence of a government than the efficiency and independence of its judicial system. Indian Constitution incorporated many provisions to ensure the

independence of judiciary. Though the judges of the highest courts i.e. Supreme Court and High Courts are appointed by the executive, their tenure is kept beyond the purview of the executive. Even in appointing the judges, the executive has to follow certain guidelines. Once they are appointed they are not subject to any executive control in the discharge of their functions. This is done to ensure that the judgments of courts are impartial and fair. In Indian federation, the courts also have an important role to play in adjudicating the disputes between the Centre and States. Thus the independence of the judiciary is one of the important features of the judicial system in India.

Another important feature of judicial system in India is the single unified judicial system prevailing in the country. The whole system of courts taken together is called the judiciary. Unlike some other federations like the USA, Indian federation has a unified judicial system. If we compare legislative and executive system in our federation with the structure of judicial system, we find a difference. We have a separate legislative and executive authorities for the Centre and the States and their functions are divided by the Constitution. But our judicial system is different. It runs like a pyramid from the subordinate courts and district courts at local level to High Courts for every state to the Supreme Court of India.

The Supreme Court occupies the highest position in the judicial hierarchy in India. It is made up of Chief Justice of India and some other judges appointed by the President of India. The Supreme Court has three areas of jurisdiction; original, appellate and advisory. The original jurisdiction extends to (a) disputes between Government of India and one or more states, and (b) claims of infringement of constitutionally guaranteed fundamental rights. The Court's appellate jurisdiction extends to four types of cases i.e. Constitutional, Civil, Criminal and 'Special Leave'. In these types of cases under certain conditions appeals may be made from any State High Court to the Supreme Court. The President of India may refer a question of public importance for the advice of Supreme Court.

The High Courts are the next level of judiciary. Ordinarily every state has a High Court, but two or more states may also have one High Court. The High Court consists of a Chief Justice and some other judges appointed by the President of India. The High Courts of the states have three types of jurisdictions i.e. original, appellate and administrative. It has among its original jurisdiction the power to issue warrants regarding the fundamental rights of citizens. It also has original jurisdiction to try civil and criminal cases. Its appellate jurisdiction includes the authority to try appeals about civil and criminal cases from the lower courts. The administrative jurisdiction of High Courts relate to superintendence over the subordinate courts.

The subordinate judiciary i.e. courts at the district level and below come into intimate contact with the people in the judicial field. The judges of the district courts are appointed by the Governor in consultation with the High Court. The judges of the lower courts in districts are appointed by the Government according to rules made in consultation with High Court. The Public Service Commission conducts competitive examinations for the selection of candidates for appointment in the State Judicial Service.

The above discussion on judicial system in India clearly shows that the whole judicial system is based on two important features namely independent judiciary and single unified judicial system.

25.3 THE SCOPE OF JUDICIAL CONTROL OVER ADMINISTRATION

In the context of ever-expanding activities of government and discretionary powers vested in the various administrative agencies and public officials, the need to protect and safeguard the citizen's rights assumes significance and priority. In developing societies where the state is playing an important role in development, judiciary has a special responsibility to ensure social justice to the underprivileged sections of the community. However, it must be admitted that the courts cannot interfere in the administrative activities on their own accord even if such activities are arbitrary. They act only when their intervention is sought. Judicial intervention is restrictive in

nature and is limited in its scope. Generally judicial intervention in administrative activities is confined to the following cases.

- A) **Lack of Jurisdiction:** If any public official or administrative agency acts without or beyond his/her or its authority or jurisdiction the courts can declare such acts as ultra-vires. For instance, according to administrative rules and procedures, in all organisations, the competent authority is identified for taking decisions and actions. If any authority or person other than the competent authority takes action, the Court's intervention can be sought under the provisions of lack of jurisdiction.
- B) **Error of Law:** This category of cases arises when the official misconstrues the law and thus imposes upon the citizen obligations which are absent in law. This is called misfeasance in legal terminology. The courts are empowered to set right such cases.
- C) **Error of Fact:** This category of cases is a result of error in discovering cases and actions taken on the basis of wrong assumptions. Any citizen adversely affected by error of judgement of public official can approach courts for redressal.
- D) **Error of Procedure:** "Due Procedure" is the basis of governmental action in a democracy. Responsible government means a government by procedure. Procedure in administration ensures accountability, openness and justice. Public officials must act in accordance with the procedure laid down by law in the performance of the administrative activities. If the prescribed procedure is not followed the intervention of the courts can be sought and legality of administrative actions can be questioned.
- E) **Abuse of Authority:** Lastly, if a public official exercises his/her authority vindictively to harm a person or uses authority for personal gain, court's intervention can be sought. In legal terms, it is called malfeasance. The courts can intervene to correct the malfeasance of administrative acts.

Check Your Progress 1

Note: i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

1) Explain the main features of judicial system in India.

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2) How does the single unified system of judiciary function in India?

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3) Generally, with what type of cases is the judicial intervention in administrative cases concerned ?

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25.4 FORMS OF JUDICIAL CONTROL OVER ADMINISTRATION

The forms and methods of judicial control over administration vary from country to country, depending upon the type of the constitution and the system of law. Broadly speaking, there are two systems of legal remedies against administrative encroachments on the rights of citizens. One is called the Rule of Law system and the other is called the Administrative Law system. The Rule of Law system briefly stated means that everybody, irrespective of social, cultural differences, whether an official or a private citizen is subject to the same law, the ordinary law of the land. The official cannot take shelter behind state sovereignty in committing mistakes in his official capacity. A.V. Dicey, the main exponent of Rule of Law system stated that the rule of law assumes equality of all before law and application of the same law to all. The rule of law system prevails in England and other commonwealth countries including India. It is also prevalent in the USA and many other democratic countries. The Administrative Law system is based on the assumption of separate law and courts for dealing with administrative actions. This system prevails mainly in France. We have discussed in detail about this system in Unit 24 of this course. In the following paragraphs, we shall discuss some of the forms of judicial control over administration in India, under the Rule of Law system.

25.4.1 Judicial Review

The judicial review implies the power of the courts to examine the legality and constitutionality of administrative acts of officials and also the executive orders and the legislative enactments. This is a very important method of judicial control. This doctrine prevails in countries where Constitution holds supremacy, e.g. USA, India, Australia etc.

In India, judicial review is restricted by certain provisions of the Constitution as well as of Act declaring finality of administrative decisions in particular matters. However, it can be stated that the Legislature in India, being non-sovereign body cannot exclude judicial review in certain cases unless there is a provision to that effect in the Constitution. Generally the courts do not interfere with purely administrative action unless it is ultra-vires as regards its scope or form.

Even in Britain, where judicial review is not applicable, the courts can use this system of controlling administrative actions within the scope of parliamentary statutes. In view of the parliament's sovereignty in Britain, many administrative acts and decisions are excluded from judicial review by the parliamentary statutes. Many other administrative acts are excluded from judicial review by the courts themselves under what is called 'Judicial Self-limitation'. However, it must be noted that administrative actions can be challenged for want of jurisdiction or abuse of authority.

In the USA, judicial review, atleast in theory extends to the entire field of administrative action. However, in practice, the courts in the USA have, by self-denial, restricted their power in several ways. For instance, courts usually do not review certain types of decisions particularly those concerning administrative discretion. The power of the courts as regards judicial review, although not crystallised, is potentially great.

25.4.2 Statutory Appeal

The statutes made by Parliament and State assemblies itself provide that in a particular type of administrative action, the aggrieved party will have a right of appeal to the courts or to a higher administrative tribunal. Sometimes, legislative

enactment itself may provide for judicial intervention in certain matters. According to Section 11 of the Andhra Pradesh Panchayat Samities and Zilla Parishad Act, 1959, the District Munsif is empowered to decide questions related to disqualification of members of the Panchayat Samiti.

25.4.3 Suits Against the Government

There are several limitations, varying from country to country, as regards filing suits against the Government for its contractual liability. The contractual liability of the Union and the State Governments is the same as that of an individual citizen under the ordinary law of contracts, subject however, to any statutory conditions of limits which the Parliament can regulate under the Constitution. The State is liable for the tortuous acts of its officials in respect of the non-sovereign functions only. In Britain, under the Crown Proceedings Act of 1947, the State is liable for torts committed by its servants i.e., public officials, subject to some exceptions. In U.S.A., subject to a few exceptions, there is no statutory provision to sue the State in tort. On the other hand, the liability of the State for the wrongful acts of its officials is fully established.

25.4.4 Criminal and Civil Suits Against Public Officials

The position regarding the public official's personal liability in respect of acts done by them in their official capacity varies from country to country. In India, civil proceedings can be instituted against a public official for anything done in his official capacity after giving two months notice. When criminal proceedings are to be instituted against an official for the acts done in his official capacity, previous sanction of the Head of the State i.e., the President or the Governor is required. Some functionaries like the President and the Governor are immune from legal proceedings even in respect of their personal acts. Ministers, however, do not enjoy such immunity. The monarch in Britain and the President in the U.S.A., are also immune from legal liability.

25.4.5 Extraordinary Remedies

Apart from the methods of judicial control already discussed, there are the extraordinary remedies in the nature of writs of Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo Warranto. These are called extraordinary remedies because the courts grant these writs except the writ of Habeas Corpus, in their discretion and as a matter of right and that too when no other adequate remedy is available. A writ is an order of the court enforcing compliance on the part of those against whom the writ is issued. In India, these writs are available under the provisions of the Constitution. While the Supreme Court is empowered to issue these writs or orders or directives only for the enforcement of Fundamental Rights, the High Courts are empowered to issue these writs not only for the enforcement of Fundamental Rights but also for other rights. In Britain, these are called Prerogative Writs issued in the name of the King as the fountain head of justice. In the U.S.A. these are provided for partly by common law and partly by statute. The writ of injunction is not specifically provided in the Constitution. However, it is issued by the Indian courts.

- A) **Habeas Corpus** : Habeas Corpus literally means to have the body of. This writ is an order issued by the court against a person who has detained another to produce the latter before the court and submit to its orders. If it is found that the person is unlawfully or illegally detained, he will be set free then and there. A friend or a relation of the detained person may also apply for this writ on his/her behalf. This writ is a great bulwark of individual freedom and can be described as the cornerstone of personal liberty. This writ is granted as a matter of a right of prima facie, if it is established that the person is unlawfully detained. Its utility is, however, restricted in India in view of the provision of Preventive Detention Act.
- B) **Mandamus** : Mandamus literally means command. If a public official fails to perform an act which is a part of his public duty and thereby violates the right of an individual, he/she will be commanded to perform the act through this writ. From the standpoint of judicial control over administrative lapses, it is

an effective writ. In India, this can also be issued to compel a court or judicial tribunal to exercise its jurisdiction.

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- C) **Prohibition** : It is a judicial writ issued by a superior court to an inferior court preventing it from usurping jurisdiction which is not vested with it. While Mandamus commands activity, prohibition commands inactivity. This writ can be issued only against judicial or quasi-judicial authorities to prevent exercise of excess of jurisdiction by a subordinate court. As such its significance as a method of judicial control over administration is limited.
- D) **Certiorari** : While Prohibition is preventive, Certiorari is both preventive and curative. It is a writ issued by a superior court for transferring the records of proceedings of a case from an inferior court or quasi-judicial authority to the superior court of determining the legality of its proceedings.
- E) **Quo Warranto** : Literally, Quo Warranto means 'on what authority.' When any person acts in a 'public office' in which he/she is not entitled to act, the court, by the issue of this writ, will enquire into the legality of the claim of the person to that office. If the said claim is not well founded, he/she will be ousted from that office. It is, thus, a powerful instrument against the usurpation of 'public offices.'
- F) **Injunction** : It is of two kinds: mandatory and preventive. Mandatory Injunction resembles the writ of Mandamus while Preventive Injunction resembles the writ of Prohibition. Through this writ, a public official can be restrained from doing a thing which, if done would cause irreparable damage to the rights of individuals. While Prohibition is a writ available against judicial authorities. Injunction is a writ which is issued against executive officials.

25.5 LIMITATIONS OF JUDICIAL CONTROL OVER ADMINISTRATION

The effectiveness of judicial control over administration is limited by many factors. Some of these limitations are:

- A) **Unmanageable Volume of Work** : The judiciary is not able to cope up with the volume of work. In a year the courts are able to deal with only a fraction of cases brought before it. Thousands of cases have been pending in Supreme Court, High Courts and Lower Courts for years together for want of time. There is an increase in the cases of litigation without a commensurate expansion of judicial mechanism. The old adage of 'justice delayed is justice denied' still holds good. This excessive delay in the delivery of justice discourages many to approach the court. The feeling of helplessness results in denial of justice to many.
- B) **Postmortem Nature of Judicial Control** : In most of the cases the judicial intervention comes only after enough damage is done by the administrative actions. Even if the courts set right the wrong done, there is no mechanism to redress the trouble the citizen has undergone in the process.
- C) **Prohibitive Costs** : The judicial process is costly and only rich can afford it. There is some truth in the criticism of pro-rich bias of judicial system in India. As a result only rich are able to seek the protection of courts from the administrative abuses. The poor are, in most cases, the helpless victims of the administrative arbitrariness and judicial inaction. As V.R. Krishna Iyer pointed 'the portals of justice are not accessible to the poor.'
- D) **Cumbersome Procedures** : Many legal procedures are beyond the comprehension of common man. The procedural tyranny frightens many from approaching the courts. Even though the procedures have a positive dimension of ensuring fair play, too much of it negatives the whole process.
- E) **Statutory Limitations** : The courts may be statutorily prevented from exercising jurisdiction in certain spheres. There are several administrative acts which cannot be reviewed by courts. Under the Administration of Evacuee Property Act, 1950, final judicial powers are vested with the custodian-general of Evacuee Property and the courts have no jurisdiction.

- F) **Specialized Nature of Administrative Actions :** The highly technical nature of some administrative actions act as a further limitation on judicial control. The judges, who are only legal experts, may not be able to sufficiently appreciate the technical implications of administrative actions. As a result, their judgments may not be authentic.
- G) **Lack of awareness :** In developing societies, most of the people who are poor and illiterate are not aware of judicial remedies and the role of the courts. As a result they may not even approach the court to redress their grievances. The courts which can intervene only when it is sought may be helpless in this situation. The general deprivation of people also results in deprivation of justice to them.
- H) **Erosion of autonomy of judiciary :** In recent times we hear widespread criticism of executive interference in judiciary. The quality of judiciary mostly depends on the quality of the judges. The Law Commission made many recommendations to ensure the Judicial standards of the bench. The suggestion to create Judicial Commission with responsibility for judicial appointments deserves serious consideration. In recent years there are many allegations of corruption against judges. This undermines the prestige and the effectiveness of the judiciary.

Many steps have been initiated to overcome some of the limitations mentioned above. In the succeeding paragraphs we shall discuss some of these measures, in particular, Public Interest Litigation, Legal Aid and Nyaya Panchayats will be dealt with.

Check Your Progress 2

- Note : i) Use the space below for your answers.
 ii) Check your answers with those given at the end of the unit.

- 1) Explain the meaning and importance of Judicial Review .

- 2) Discuss the different writs available under the provision of Constitution of India.

- 3) Discuss the limitations of judicial control over administration .

5.6 PUBLIC INTEREST LITIGATION

Public Interest Litigation refers to a system of intervention of social action groups making courts accessible to the deprived, submerged and invisible millions of poor and victims of social oppression. Earlier the "rule of standing" which means only the wronged person can seek the help of courts, came in the way of judiciary reaching the poor. The poor who are unaware and incapable do not exist for the court purposes. The imaginative interpretation of judicial process by creative and socially conscious judges led to the system of Public Interest Litigation which facilitated the social action groups and conscious individuals to enable the courts take cognisance of various forms of injustices done to the poor. In the *Asiad Workers Case* Justice Bhagwati of Supreme Court who championed the Public Interest Litigation system observed; "Now for the first time the portals of the court are being thrown open to the poor and the downtrodden. The courts must shed their character as upholders of the established order and the *status quo*. The time has now come when the courts must become the courts for the poor and struggling masses of this country." Justice R. Krishna Iyer observed that the Public Interest Litigation "is an imaginative creation of judicial technicians in response to social pressure, glaring injustices and constitutional commands". In recent times, the courts are allowing representation and petitions from members of public through postcards, newspaper editorials, letters to the editors and as writ petitions. Some of the Public Interest Litigation cases relate to rehabilitation of bonded labour, undertrials languishing in jails, atrocities on scheduled castes, scheduled tribes, women and other weaker sections, violation of civil liberties, police atrocities etc. The courts have intervened in such cases on the initiative of social activists and civil liberties groups. This judicial activism has certainly enabled more access of justice to the poor.

5.7 LEGAL AID

The Constitution of India clearly envisages that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The fundamental entitlement of legal aid is concomitant right that arises out of Article 14 of the Constitution which enjoins the state not to deny to any person equality before law or equal protection of law. Many commissions made suggestions to provide legal aid to poor to eliminate the implicit bias towards the rich in our legal system. In response, the Government of India, constituted a high power committee in 1980 under the chairmanship of Justice P.M. Bhagwati, the then Judge of Supreme Court to evolve a comprehensive scheme for legal aid. The Committee was reconstituted in May 1987 with Justice R.S. Pathak, Chief Justice of India, as Patron-in-Chief and Justice R.N. Misra, Judge of the Supreme Court of India, as its executive chairman. The Committee has formulated a model scheme for adoption by the state and union territories. According to the model scheme, every citizen whose annual income from all sources does not exceed Rs.6,000 is eligible for free legal aid. The limitation as to income is not applicable in case of disputes where one of the parties belongs to scheduled castes, scheduled tribes, *vimuktajatis*, nomadic tribes or is a woman or a child.

The Legal Aid and Advice Boards have been set up in accordance with the model scheme in most of the States. The Boards have set up Legal Aid Committees at the High Court and district levels and in most of the places at taluka levels also. The Supreme Court Legal Aid Committee has been set up for dispensing legal aid in cases coming before the Supreme Court of India.

Lok Adalat is another form of resolution of disputes through the conciliatory methods. Lok Adalats which are voluntary agencies at present and are monitored and overseen by the State Legal Aid and Advice Boards have caught the imagination of the people and are proving a successful alternative forum for resolution of disputes through conciliatory methods outside the regular courts. Most of the compensation claims of motor accident cases are settled in Lok Adalats.

In olden days village elders used to act as dispensers of justice at village level. The speedy and summary disposal of cases is an important feature of this system. In a historical context this judicial system at the village level was a part of the exploitative system. But structurally the system has the advantages of easy accessibility, speedy settlement of disputes, openness, etc. The establishment of modern judicial system resulted in the disuse of traditional judicial system in village India. After the establishment of Panchayati Raj Institutions, attempts were made by many state governments to establish Nyaya Panchayats to decide civil and criminal disputes of petty nature. The different state laws provide for different kinds of jurisdiction of the courts. The Nyaya Panchayat system aims to take justice to the doorstep of rural people. The effective functioning of Nyaya Panchayats can facilitate the speedy settlement of many disputes at the village level itself. But enough steps should be designed to protect these institutions from the influence of rural rich and vested interests.

Check Your Progress 3

Note: i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

1) What is meant by Public Interest Litigation?

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2) Discuss the advantages of having Nyaya Panchayats in villages.

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25.9 LET US SUM UP

In a democracy, the primary objective of judicial system is to ensure citizen's rights. The judicial system in India is based on the principles of independence of judiciary from executive and the single unified system of judiciary. The main purpose of judicial control over administration is to ensure the legality of administrative actions. The judiciary has an important role to play in the application of rule of law. We have discussed in this unit the main features of the judicial system, the methods of judicial control over administration and their effectiveness. Some recent trends in judicial system like Public Interest Litigation, Nyaya Panchayats and Legal Aid systems have also been discussed.

25.10 KEY WORDS

Evacuee : An evacuee is someone who has been sent away from a place because it is too dangerous, especially in war.

official for personal gains.

Misfeasance : When the public official misinterprets the law and impose upon the citizen obligation which are absent in law, this is known as misfeasance in legal terms.

Prima-facie : It is used to describe something which seems to be true when you consider it for the first time a formal expression.

Special leave : The power of the Supreme Court to grant special leave to appeal to the Supreme Court against any judgement, decree etc. by any Court or tribunal in India.

Tort : A tort is something that one does or fail to do which harms someone else and for which one can be sued for damages.

Ultra-vires : Violative of constitutional provisions

25.11 SOME USEFUL BOOKS

- 1) Basu, Durga Das, 1987, *Introduction to the Constitution of India*, Twelfth Edition; Prentice Hall of India: New Delhi.
- 2) India 1987, *A Reference Manual*, Publications Division; Government of India: New Delhi.
- 3) Tyagi, A.R., 1989. *Public Administration*, sixth Revised Edition; Atma Ram & Sons: New Delhi.

25.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:
 - Separation of powers between executive and judiciary
 - India has a single unified judicial system
 - The Supreme Court occupies the highest position in the judicial hierarchy in India.
- 2) Your answer must include the following points:
 - Judicial system in India runs like a pyramid from the subordinate courts to High Courts for every state to Supreme Court of India.
 - Supreme Court is at the highest level of judicial hierarchy; High Courts are the next level of judiciary and their are subordinate courts at the district level and below.
 - Supreme Court has three areas of jurisdiction; original, appellate and advisory and the High Courts have original appellate and administrative jurisdiction.
- 3) Your answer must include the following points:
 - Lack of jurisdiction
 - Error of law
 - Error of fact
 - Error of procedure
 - Abuse of authority

Check Your Progress 2

- 1) Your answer must include the following points:
 - Meaning of judicial review
 - Importance of judicial review
 - Judicial review is restricted by certain provision of the constitution as well as of Act declaring finality of administrative decisions in particular matters.
- 2) Your answer must include the following points :
 - Writ of Habeas Corpus
 - Mandamus
 - Prohibition
 - Certiorari
 - Quo Warranto
 - Injunction
- 3) Your answer must include the following points:
 - Unmanageable volume of work
 - Post-mortem nature of judicial control
 - Prohibitive costs
 - Cumbersome procedures
 - Specialised nature of administrative actions
 - Lack of awareness
 - Erosion of autonomy of judiciary

Check Your Progress 3

- 1) Your answer must include the following points:
 - It refers to a system of intervention of social action groups in making courts accessible to the deprived, submerged and invisible millions of poor and victims of social oppression
 - It facilitates the social action groups and conscious people to enable courts to provide justice to the poor
 - The courts allow representations and petitions from members of public through post-cards, newspapers, letters to the editors and writ petitions
 - It has enabled more access of justice to the poor.
- 2) Your answer must include the following points:
 - They decide civil and criminal disputes of petty nature
 - It takes justice to the doorstep of rural people
 - Speedy settlement of cases
 - Easy accessibility



Block

6

EMERGING ISSUES

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BLOCK 6 EMERGING ISSUES

This is Block 6 of Course 2 on Indian Administration. This block is divided into five units. This block will give you an idea regarding the problems that our administration is facing these days.

Unit 26: Central-State Administrative Relationship

In this unit the nature of division of administrative powers between the Centre and the States will be explained. In this unit we will discuss the techniques of executive control over the States, emergency provisions guiding Centre-State relations and the devices for securing operational co-operation between the two. Sarkaria Commission's recommendations to improve the relations between the Centre and the States will also be discussed.

Unit 27 : Decentralisation Debate

In this unit, we will discuss the meaning and importance of decentralisation. The different approaches to decentralisation and various types of decentralisation will also be explained. This unit will deal with the system of decentralisation in India, its functioning and different aspects affecting the functioning of decentralisation in the country.

Unit 28 : Relationship between Political and Permanent Executives

This unit will deal with the relationship between the political executive and permanent executive in the light of dichotomy between policy and administration. Principles governing their relationship will also be analysed. In this unit we will highlight upon the impact of rising popular consciousness on their relationship and outline the areas of cooperation and conflict between these two.

Unit 29 : Pressure Groups

This unit will try to explain the meaning of pressure groups and their various characteristics. This unit will also discuss the different types of pressure groups in India, their methods of operation and their limitations.

Unit 30 : Generalists and Specialists

The meaning of the terms generalists and specialists and their relationship with each other will be explained in this unit. The unit will also discuss the recommendations of the Administrative Reforms Commission and some other ways that can be adopted for strengthening the relationship between the two.

UNIT 26 CENTRAL-STATE ADMINISTRATIVE RELATIONSHIP

Structure

- 26.0 Objectives
- 26.1 Introduction
- 26.2 Division of Administrative Powers between the Centre and the States
- 26.3 Devices for Securing Centre-State Cooperation
 - 26.3.1 Constitutional Devices
 - 26.3.2 Extra-Constitutional Devices
- 26.4 Techniques of Executive Control over the States
- 26.5 Emergency Provisions
- 26.6 Sarkaria Commission Recommendations
- 26.7 Conclusion
- 26.8 Let Us Sum Up
- 26.9 Key Points
- 26.10 Some Useful Books
- 26.11 Assignments to Check Your Progress Exercises

26.0 OBJECTIVES

After studying this unit, you should be able to:

- discuss the division of administrative powers between the Centre and the States
- explain the types of devices for securing Centre - State cooperation
- describe techniques of executive control over the States and
- discuss the important recommendations of the Sarkaria Commission.

26.1 INTRODUCTION

Indian Constitution is neither purely 'federal' nor 'unitary'. The federal form is clearly manifested in the constitutional distribution of powers between the union and the states not only in the legislative field but also in executive and administrative fields. In normal times, the constitutional scheme has to ensure autonomy of the states in regard to the spheres of activities earmarked for the states in the Constitution. Specific subjects have been allocated to the exclusive fields of the centre and the states respectively and certain subjects have been allocated to the 'concurrent field' with the stipulation that in the 'state' and 'concurrent' fields, the states should have the freedom to follow their own policies except to the extent that Parliament itself decides to legislate under the powers given to it under the Constitution.

Historically, a highly centralised colonial government had slowly been transformed into a semi-feudal set-up. In post-Independence India, the needs of planned development, national integration and maintenance of law and order led to considerable degree of centralisation of powers in the hands of the Centre. Single party rule for a long period of time has also contributed to the increasing preponderance of the centre. Centre-State relationship in reality is a matter of interaction between the two levels of government in course of discharge of their duties to people. In administering subjects like education, health, agriculture etc., the two levels of governments have to interact in the interest of efficient management of these functions. Administrative problems assume political colour when the interactions are conditioned by considerations of power and hegemony. As the Administrative Reforms Commission commented "The problem of Centre-State relations has acquired new dimensions and new importance in recent times due to several political parties being in power at the Centre and in the States."

In this unit, you will study about the division of administrative powers between the Centre and the States and constitutional and extra-constitutional devices for securing cooperation between the two sets of governments. This unit will also discuss about the different ways in which the union exercises its control over the States.

26.2 DIVISION OF EXECUTIVE POWERS BETWEEN THE CENTRE AND THE STATES

As earlier pointed out the Constitution has clearly delimited the scope of legislative and executive authority of the union and the states. It is at the same time expressly provided under Article 256 of the Constitution that the executive power of the states shall be so exercised as to ensure compliance with the laws of Parliament. Also the union executive power extends to the giving of such directions to the states as may appear to the Government of India to be necessary for the purpose. It is further stipulated under Article 246 of the Constitution that if the state government fails to endorse the laws passed by the union within its jurisdiction, the union government can issue directions to the states to ensure compliance.

Adequate provisions have been made in the Constitution for the division of executive power between the centre and the states. The executive power of the centre extends primarily to those matters with respect to which Parliament has exclusive authority to make laws. Similarly the executive powers of the states extend to all those matters which are within their legislative jurisdiction. With regard to the matters which are in the concurrent list there are three cases of conflict with the Parliament in reference to the enforcement of legislation. It can leave it to the states or may take over the task of enforcing it or it may take up the enforcement of a part of the law, leaving the rest of it to the states for enforcement.

The executive power of the union also extends to giving of directions to the states as to the construction and maintenance of means of communication declared to be of national or military importance. The union government can give directions to the states for the protection of railways within the states.

There is a constitutional provision under which the President may, with the consent of a state government, entrust either conditionally or unconditionally to a state or to its officers functions in relation to any matter falling within the ambit of union executive power. He can also, with the consent of union government confer administrative functions on the union.

Federal government involves dual government. It is therefore necessary to provide for the acceptance of public acts of both governments to avoid inter-governmental conflict. In the functioning of the federation, a state refusing to recognise acts and records of another state may give rise to confusion and inconvenience. To eliminate such possibility, the Constitution of India provides the 'full faith and credit clause'. Article 261 (i) of the Constitution stipulates that full faith and credit shall be given throughout India to public acts, records, and judicial proceedings of the union and all the states. The term 'public acts' relates to not only statutes but to all other legislative and executive acts of the union and the states. This clause serves a very important purpose of eliminating any possible hinderance to the normal transaction of administrative activities in the Indian federation.

26.3 DEVICES FOR SECURING CENTRE - STATE COOPERATION

26.3.1 Constitutional Devices

The Constitution provides for certain services common to both the union and the states known as 'All India Services'. Indian Administrative Service and the Indian Police Service fall under the All India Services. The idea of having an integrated well knit All India Services to manage important and crucial sectors of administration in the country which was the legacy of the past was incorporated in our Constitution. Their recruitment, training, promotion, disciplinary matters are determined by the central government. A member of the Indian Administrative Service, on entry into the service is allotted to a state wherein he/she serves under a state government. After getting acquainted with the district and state administration, the All India Service officer migrates to the centre to occupy positions of

responsibility in the Central Secretariat or other important central government organisations. This arrangement wherein a person belonging to the All India Services being responsible for administration of affairs both at the Centre and the States brings cooperation in administration.

In the national interest, Parliament may by law provide for the creation of one or more All India Services and regulate the recruitment and the conditions of service of persons appointed to any such service. The purpose of creating these services has been to impart a greater cohesion to the federal system and greater efficiency to the administration in both the union and the states.

The Administrative Reforms Commission's study team on Centre-State relationship and study team on Personnel were also of the view that the continuance of the service (IAS) for exchange of experience between the state and the centre, and for obtaining assistance of state administration at the decision-making levels at the centre is imperative.

Constitution of Joint Public Service Commission for two or more States

Under the Constitution, the Public Service Commission (UPSC) in Block 2 that apart from Union Public Service Commission, the Constitution also provides for Joint Public Service Commission for two or more states through a resolution, to that effect, in the respective legislatures agree to have such Commission, the Parliament may by law provide for a joint commission. The constitution of the Commission facilitates inter-governmental cooperation.

There is also a provision in the Constitution wherein, on request by two or more states the UPSC can assist those states in framing and operating schemes of joint recruitment to any service for which candidates with special qualifications are required.

Judicial System

A distinctive feature of our federal system is the presence of integrated judicial system. Though we have federal form of government with two sets of government and dual powers, there is no dual system of administration of justice. This is due to the presence of single integrated system of courts. The laws with the Supreme Court at the apex of hierarchy of courts. The practice of having a single system of courts which was present in the Government of India continued thereafter under our

The state governments are empowered to undertake the administration of justice and to constitute courts for this purpose. Hence there is a High Court in each state as the highest court within the territory of state which is required to administer both the union and state law. Hence the Constitution stipulates that the chief justice of the High Court be appointed by the President in consultation with the Chief Justice of India and the Governor of the State.

The Constitution also provides for creation by the Parliament through law, a common High Court for two or more states. For example the states of Assam and Nagaland have a common High Court. The administration of justice falls entirely within the sphere of state irrespective of whether a matter pertains to civil or criminal law or whether such law is enacted by Parliament or state legislature.

Provisions relating to financial matters

To correct inter-state disparities in financial resources and to exercise control and coordination over the welfare schemes of the states on national basis, Parliament is authorised to make grants to any state which is in need of such assistance. The Constitution also provides for specific grants for the development of the tribal areas in Assam and for the development schemes for the scheduled tribes. Grants are also provided for raising the level of administration of scheduled areas.

The Constitution authorises the President of India to constitute a Finance Commission once in every five years. It is expected to make recommendations relating to allocation of revenues to the central and state governments, grants-in-aid by the union to the states and other related financial matters.

With regard to maintenance and audit of accounts of state governments, the central government exercises its control through the Comptroller and Auditor General of India. The Comptroller and Auditor General (C&AG) appointed by the President of India, whose powers and duties are determined by the Parliament, prescribes the manner for the maintenance of both union and state accounts. The C&AG is responsible for the audit of all transactions of central and state governments relating to Contingency Fund and Public Accounts, audits all trading, manufacturing, profit and loss accounts and balance sheets of any department of the centre or of the state.

Inter-State Council

India is a union of states wherein the centre plays a prominent role but at the same time dependent on the states for the execution of its policies. The Constitution has provided devices to bring about inter-governmental cooperation, effective consultations between the centre and states so that all important national policies are arrived at through dialogue, discussion and consensus. One such device is the setting up of Inter-State Council. The President is given the powers under Article 263 of the Constitution to define the nature of the Council: The Council is to inquire into and advise upon disputes which may arise between the states. In addition, it may investigate and discuss subjects of common interest between the union and the states or between two or more states in order to facilitate coordination of policy and action.

For the purpose of ensuring policy coordination, the President has already established few Councils like the Central Council of Health and the Central Council of Local Self Government, four Regional Councils for Sales Tax for the Northern, Eastern, Western and Southern Zones for considering matters of common interest in related fields.

The Inter-State Council has just been set up by the National Front Government for the first time under the promulgation of the Constitution. The establishment of this would help to minimise frictions between union and the states or among the states and would promote harmonious and cooperative relationship between different units of union and states in promoting political, social, economic and financial development of the country.

Inter-State Water Disputes

These relate to the control and distribution of waters of inter-state rivers for irrigation and power generation. Keeping in view this problem of unending river water disputes, the Constitution has given the power to deal with it, exclusively in Parliament. The Parliament hence, by law provide for the adjudication of any dispute or complaint, with regard to use, distribution or control of the waters. The Inter-State Water Disputes Act was enacted by the Parliament in 1956 according to which tribunals are set up for adjudication of water disputes referred to them.

Parliament may constitute an authority like the Inter-State Commerce Commission in the USA to enforce the provisions of the Constitution relating to freedom of trade, commerce and intercourse throughout the territory of India. Such an authority has however not been set up.

Check Your Progress 1

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

1) Explain the importance of 'full faith and credit clause' incorporated in the Constitution.

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2) Comment on the significance of All India Services in Centre-State relations.

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31 Discuss the role of Inter-State Council.

Part: Constitutional Devices

There are other extra-constitutional and informal devices for securing consultations between the states regarding their mutual relations. These are held as a matter of practice like annual conferences of the Chief Ministers, Governors, Chief Secretaries etc. The Governor's Conference serves as a platform for the Chief Ministers of the states. The Chairman of the conference is apprised by the Chief Ministers of the political, economic situation of the states. Similarly the Chief Minister's conference serves as a potential forum for discussion of whole range of issues concerning the states and harmonisation of relationship between the centre and the states.

Likewise, a conference of Inspectors General of Police which is held generally twice a year provides a common platform for discussion of issues like crime situation in the country, prevention, and investigation of crime, training, morale of police force, suppression of immoral traffic in women and children etc. Such conferences help in development of a coordinated approach to operational problems of police. Since establishments like Central Reserve Police Force, Border Security Force are maintained by the centre, the conference gains importance in bringing about cooperation of these units with the law and order machinery of the state.

The Planning Commission and the National Development Council deserve special mention. The Planning Commission is an extra-constitutional and non-statutory body which was set up in 1950 to prepare an integrated national five-year plan for economic and social development and to advise the union government on planning and development. The Planning Commission has since 1962-63 years extended its activities over the entire sphere of administration. It has been justifiable criticism that the Planning Commission which is an extra-constitutional and non-statutory body, has encroached upon the autonomy of the states in a significant way.

The other extra-constitutional body, the Commission has evolved to get the cooperation of the states is the National Development Council (NDC) which consists of all the ministers of the Union Cabinet, the chief ministers of states and the administrators of the Union Territories. The main objective of the NDC is to review the working of the five year plan periodically and to recommend measures for the achievement of the aims and targets set out in the national plan. But generally the decisions of the Council are binding on the state governments of India. Also, the Planning Commission holds regular consultations with the representatives of the state governments in matters affecting various programmes of planned development.

26.4 TECHNIQUES OF EXECUTIVE CONTROL OVER THE STATES

For the smooth functioning of the federal system, the Constitution has devised techniques of control over the states by the union. The power to appoint and dismiss the Governors, power to appoint High Court Judges, power of removal of members of the State Public Service Commission vests with the President.

As discussed earlier, the union government exercises effective control over the state through giving of necessary directions to them. This power of giving directions is backed up by a coercive sanction for the enforcement of such directions, as laid down in Article 365 of the

the Constitution. It stipulates that where any state has failed to comply with, or to give effect to any directions given in the exercise of the executive power of the union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.

Also the union has very important power to exercise supervisory control over the states in the maintenance of public order. Strictly speaking maintenance of public order in a state through the agency of police is the responsibility of a state government under Article 162 read with entry 1 of the state list.

But it becomes the constitutional duty of the union to intervene and protect every state not only against external aggression but also from internal disturbance. This duty is discharged by the union by using regular defence forces or other armed forces of the union in aid of civil power. The Central Reserve Police Force, Border Security Force etc. are armed forces under the union and the centre can make use of it in dealing with grave law and order situation in any state, without the prior consent of the state. Hence it is entirely in the discretion of the union government to decide whether any of its armed forces should be used in aid of the civil power and if so, when, in what manner and in which parts of the country

EMERGENCY PROVISIONS

The union and the states are expected to function separately within their respective spheres of activities. But our Constitution makes provisions for proclamation of emergencies to enable the union government to acquire the strength of a unitary system in times of 'emergencies'. The Constitution envisages three different 'emergencies' or abnormal situations calling for a radical departure from the normal governmental machinery as set up by the Constitution.

The first kind of emergency, under Article 356, as we have discussed earlier relates to the failure of constitutional machinery in a state. The President is empowered to make a proclamation when he is satisfied that the government of a state cannot be carried on in accordance with the provisions of the Constitution either on the report of the state governor or otherwise. Under this provision President's rule has been imposed in several states at different points of time. It has proved to be a drastic coercive power which takes nearly the substance away from the normal federal polity prescribed by the Constitution.

The second kind of emergency is the 'national emergency'. Under Article 352, a proclamation of emergency may be made by the President at any time when he is satisfied that the security of India or any part thereof has been threatened by war, external aggression or armed rebellion. Such a proclamation has far-reaching consequences for the fundamental rights and for the exercise of executive, legislative and financial powers of the union government. The nation virtually slips into a unitary system in times of national emergencies.

A third type of emergency—the financial emergency—may be proclaimed by the President under Article 360. This is done when the President is satisfied that a situation has arisen whereby the financial stability or credit of India or any part of the territory thereof is threatened. During the financial emergency, the union executive has powers to direct a state to observe some specific canons of financial propriety as well as taking measures like reduction of salaries and allowances of persons serving the state or the union.

The emergency provisions are so drastic that when the proclamation of either of the emergencies is in operation, the government is carried on practically on a unitary basis and during the crisis the state governments are, in effect merely subordinate governments and function as a part of a union structure.

Check Your Progress 2

Note : i) Use the space given below for the answers.

ii) Check your answers with those given at the end of the unit.

- 1) What are the extra-constitutional devices which help in bringing about cooperation between the centre and the states.

2) Discuss the techniques of executive control over States.

1) Explain the three types of emergencies which can be proclaimed by the union as stipulated in the Constitution.

16.6 SARKARIA COMMISSION RECOMMENDATIONS

The Sarkaria Commission on Centre-State Relations constituted by the Government of India in 1983 after reviewing the existing relationship between the centre and the states, in its report submitted in 1988 recommended certain future courses of action to improve their relations.

The committee was of the view that the diffused pattern of distribution of governmental functions between the union and the states and the manner in which the administration and the enforcement of most union laws is secured through the machinery of the states, postulate that the inter-governmental relations under the constitution have to be worked on the principles of cooperative federalism. Hence it recommended that the forum of Inter-State Council as envisaged by the Constitution under Article 263 has to be set up. This recommendation has been implemented by the National Front government and an Inter-state Council has been set up.

The committee recommended that Articles 256, 257 & 365 of the Constitution are provisions designed to secure coordination between the union and the states for effective implementation of union laws. Nonetheless, a direction under Article 256 & 257 and application of the sanction under Article 365 in the event of its non-compliance, is to be used as a last resort. Before issue of directions to a state or application of section under Article 365, utmost caution should be exercised and all possibilities explored for settling points of conflict by all other available means.

The committee suggested that federation is more a functional arrangement for cooperative action. Article 258, provides a tool by the liberal use of which, cooperative federation can be realised in the working of the system. A more extensive and generous use of this tool should be made, than has hitherto been done, for progressive decentralisation of powers to the governments of the states and for their officers and authorities.

6.7 CONCLUSION

In sum up, the administrative relationship between the centre and the states in India have

evolved during the course of colonial rule. After Independence the Constitution of India provided for a system of inter-governmental relationship both for normal times and emergencies. In normal times, the federal polity was expected to function on the principle of dual government. The history of highly centralised government in the past, the influence of the Government of India Act 1935 and the concern of our founding fathers about national stability, peace and harmony led to the acceptance of a constitutional arrangement of distribution of powers that deliberately tilted the scale in-favour of the union.

Later, in course of actual governance, the political forces started reshaping the Indian polity and central dominance through President's rule and other provisions harmed the effective working of the federal system. As different political parties came to power at the union and the state level, the phenomenon of central dominance had steadily come under attack by the constituent states. The politics of centre-state relations revolved round such issues as 'more powers to the states', 'more financial resources to the states' and even a clamour for redrafting of the Indian Constitution. In response to the states' demands, the Sarkaria Commission which was set up to review the working of the federal system suggested appropriate constitutional changes but nothing substantial came out of it. Meanwhile, the weakening of the Congress party and the subsequent take over of the central government by the National Front have opened up new possibilities of improving the inter-governmental relationship in India, the actual shape of which is difficult to decipher at this point of time. But it seems clearly that 'consensus' rather than 'control' is going to be the dominant paradigm of centre-state administrative relationship in the years to come.

As the Administrative Reforms Commission cautioned earlier, "In our anxiety... to system and strengthen the unity of India, we should not think of indiscriminately concentrating all administrative power with the union... concentration of administrative powers at a distant centre tends to breed inefficiency and resentment, which in turn sets the minds of the people against the centre... farsighted administration must be committed to decentralisation of administrative powers."

Conceptually, India is a decentralised polity. It needs a political will to design and sustain a decentralised political and administrative system. India waits for the emergence of this system.

26.8 LET US SUM UP

The distribution of powers between the centre and states in the legislative and executive fields, as stipulated in the Constitution is clearly delimited in their scope. At the same time the Constitution provides for devices through which cooperation between the centre and states is facilitated. These include constitution of All India Services, Joint Public Service Commission for two or more states and presence of integrated judicial system. Adequate provisions have been made in the Constitution in ensuring smooth financial relations between the centre and states, through provision of grants-in-aid, constitution of Finance Commission etc. The setting of Inter-State Council by the National Front government for the first time is considered a positive step towards promoting harmonious relationship between the union and states in bringing about overall development of the country.

The centre has emerged strong over the years, due to centralisation of certain powers in its hands. Through giving of directions to the states backed by a coercive sanction for their enforcement, exercising supervisory control over the states in the maintenance of order, and proclamation of emergencies, the union exerts its control over the states. The Sarkaria Commission on centre-state relations suggested certain constitutional changes, which would smoothen the relationship between the centre and states. Efforts need to be made to make our federal system more decentralised on both political and administrative fronts.

26.9 KEY WORDS

Hegemony : Domination or control by one country or state over a group of others especially if it is a member of that group.

Sarkaria Commission : This Commission on Centre-State Relations was formally

- 2) Your answer must include the following points :
 - Importance of All India Services with personnel manning administrative positions both at union and state levels which brings cooperation in administration.
 - The All India Services officers get acquainted with state and district administration and carry with them this experience while migrating to the centre to occupy positions of responsibility.
 - This interchange of experience improves decision-making.
- 3) Your answer must include the following points:
 - It helps to bring about inter-governmental cooperation and effective consultations between the centre and states on important national policies.
 - It may inquire into and advise upon disputes which may have arisen between the states.
 - It may investigate and discuss subjects of common interest between the union and states or between two or more states to facilitate coordination of policy and action.

Check Your Progress 2

- 1) Your answer must include the following points:
 - Governors' Conference
 - Chief Ministers' Conference
 - Conference of Inspectors General of Police
 - Planning Commission
 - National Development Council
- 2) Your answer must include the following points:
 - Powers of appointment and dismissal vested with the union relating to Governor, High Court Judges, etc.
 - Issue of states backed by a coercive sanction for their enforcement as stipulated in the Constitution.
 - Superintendence of states in the maintenance of public order, through armed forces like Reserve Police Force, Border Security Force.
- 3) Your answer must include the following points:
 - Provisions of Article 356 of the Constitution relating to imposition of President's rule in a state due to breakdown of its constitutional machinery.
 - Proclamation of 'national emergency' by the President under Article 352 of the Constitution in times of threat to the security of the country due to war, external aggression or armed rebellion.
 - Declaration of financial emergency under Article 360 by the President when there is a threat to the financial stability of the country or territory.

UNIT 27 DECENTRALISATION DEBATE

Structure

- 27.0 Objectives
- 27.1 Introduction
- 27.2 Meaning of Decentralisation
- 27.3 Importance of Decentralisation
- 27.4 Approaches to the Concept of Decentralisation
- 27.5 Types of Decentralisation
- 27.6 Decentralisation in India
 - 27.6.1 Pre-Independence
 - 27.6.2 Post-Independence
- 27.7 Factors Impeding Decentralisation
- 27.8 Let Us Sum Up
- 27.9 Key Words
- 27.11 Some Useful Books
- 27.12 Answers to Check Your Progress Exercises

27.0 OBJECTIVES

After studying this unit you should be able to:

- discuss the concept of decentralisation
- analyse the evolution of decentralisation in the pre and post-Independence periods
- explain the functioning of local bodies; and
- state the factors that hamper the smooth functioning of decentralisation in the country.

27.1 INTRODUCTION

One of the important problems of organisations including that of public organisations is the issue of centralisation versus decentralisation. In fact, this is one of the dilemmas facing the government and the administration today. While on the one hand the compulsions of socio-economic planning, the requirements of national integration and the consideration of defence strategy, pull the administration towards centralisation, on the other, the political commitment to democracy, greater participation by the people and the need to take democracy to grassroots pull administration towards decentralisation. We are thus confronted with contradictory pulls and pressures. To further illustrate, in the words of Avasthi and Maheshwari, "the Planning Commission symbolises the trend towards centralisation, while 'Panchayati Raj' epitomises the trend towards decentralisation. In this unit, we shall discuss the meaning of decentralisation, deconcentration, delegation and devolution, and the system of decentralisation in India in the pre and post-Independence periods. Future trends in decentralisation and functioning of rural and urban local bodies will also be explained.

27.2 MEANING OF DECENTRALISATION

The term decentralisation is understood differently by different individuals or groups. Louis A. Allen refers to it as one of the most confused and confusing of the administrative techniques that characterises the art and science of professional management. To quote Pfiffner and Sherwood, "In some respects decentralisation has come to be a 'gospel' of management. Firstly, it is regarded as a way of life to be adopted at least partially on faith,

secondly, it is an idealistic concept, with ethical roots in democracy, thirdly, it is in the beginning a more difficult way of life because it involves a change in behaviour running counter to historically-rooted culture patterns of mankind. That is why the new literature of decentralisation dwells on how to bring about change in organisation behaviour. Men find it difficult to delegate, to think in terms of the abstractions required by long-term planning, to listen rather than to give orders, to evaluate other men and their work in terms of overall results instead of irritations and tensions of the moment. Yet this is the very key to the behaviour required of leaders in a decentralised organisation." It is clear that decentralisation is not only a device for the delegation or dispersal of administrative authority, but it is also a democratic method of devolution of political authority. Further, in a decentralised organisation it is also essential to adopt the democratic norms. Such norms help the various levels of the administrative organisation to develop a reasonable capability for the exercise of authority to reach the most desired decisions. Moreover, they help to assimilate in them the virtues of greater interactions not only among the various functional levels but also between the organisation and the clientele among the general

It is generally opined that decentralisation refers to the physical location of facilities and the external dispersal of authority throughout an organisation. Hence, it is an arrangement in which the ultimate authority to command and the ultimate responsibility for results is localised in units located in different parts of the country. It is argued that assigning of functions and responsibility, for their efficient and effective performance, to the subordinates or sub-divisions is the essence of decentralisation. We may say that in a decentralised organisation lower levels are allowed to decide many matters and a few cases involving major policies or interpretations are referred to the higher levels of the organisation. However, in common phraseology the term decentralisation is interchangeably used with terms like deconcentration, devolution and delegation, though they have different meanings. Decentralisation denotes dispersal of authority among the lower level offices.

Decentralisation, Deconcentration and Devolution.

The word 'decentralisation' is often confused with delegation, deconcentration and devolution, which is not correct. The point is that all these words have their own meanings. For instance, delegation is not a transfer of authority but it is simply an assignment of authority to a lower body by a higher level of government. Delegation is merely a technique of administration or management while decentralisation deals with deep urgencies of democracy. Like delegation, deconcentration is also a technique of administration. Deconcentration denotes assignment of certain functions to the agent of the central or state government in the field. There have always been difficulties in governing the country from the centre and so the government is compelled to deconcentrate certain functions to its agents or officers in the field. Another synonymous term is devolution which is not very much different from deconcentration. The method of devolution is applied to the formally constituted local authorities while deconcentration is applied generally to the field agencies or staff. It is thus clear that delegation, deconcentration and devolution are simply the technical methods of efficient administration. The meaning and scope of decentralisation is much wider and deeper. It is a process of democratisation of political power and hereby aims at achieving democratic values in practice. Decentralisation aims at widening the scope of people's participation in decision-making, micro level political authority and its exercise through transfer of specific powers to people's representative institutions at the local level.

To make the distinction more clear Panchayati Raj is an example of decentralisation. State governments in India demanding for more powers, amounts to devolution. The District Collector, being vested with authority over development departments in the district is an example of deconcentration. The Commissioner of Police delegating powers to permit holding of public meeting to the Assistant Commissioner of the concerned area is an example of delegation.

27.3 IMPORTANCE OF DECENTRALISATION

Development Administration is basically oriented towards speedy socio-economic transformation. Hence, all throughout the developing world there is universal concern now

to design new forms of administration to match the needs of development. Decentralisation has been looked at as a singularly useful mode of administration to deliver the public services from convenient local centres close to the clients' locality. Bringing administration to the doorstep of the citizen and establishing a direct relationship between the client and the administration have been the driving force behind decentralisation in most of the developing

The urge for decentralisation has come from many sources. Firstly, it has been prompted by the need to deliver the basic public goods like food, housing, water from local units of administration as soon as possible. Secondly, most people in the developing countries live in rural areas which are away from the National Capital located in distant urban area. Administration has to "penetrate" the rural areas and link these up with the nation as a whole. Thirdly, in many countries sociological diversities manifest themselves in ethnic, linguistic and religious. Administration needs to be decentralised in response to regional diversities so that local and local resources can be utilised for area development purposes. Only if administration would move out to the regions and localities. Decentralisation, in fact, is a process of local planning and development with the help of local resources. Fourthly, decentralisation has its own value in political and administrative terms. Particularly, local participation in development activities, with intensive responses paves the way for meaningful articulation of local demands. Planning, thus becomes much more realistic and receives ready political support. From the administrative point of view, local capability to govern local areas increases through sustained participation in local decision-making. Decentralisation is expected to release local energies and enlist local support for development activities. In the process, the local community can steadily attain political and administrative maturity.

27.4 APPROACHES TO THE CONCEPT OF DECENTRALISATION

The literature on approaches to the concept of decentralisation is richly and profoundly presented by Fessler. Following his classification, the approaches to decentralisation are grouped into four categories: the doctrinal, the political, the administrative and the economic.

The doctrinal approach seeks to transform decentralisation as an end in itself through a process of 'romantic idealisation'. The Gandhian concept of 'concentric circle' of power distribution and the idealisation of village community in Panchayati Raj have reduced decentralisation almost to a dogma and as an article of faith. Instead of treating decentralisation as a means to the achievement of some end-values, such idealisation tends to elevate it to the status of a hardened doctrine.

The political approach underscores the essentially political character of decentralisation. It involves decentralisation, and willingness to pass on powers and functions to decentralised units, and the willingness of these units to actually operate within a framework of autonomy, are politically determined. Creation of field units of government, away from central headquarters, exemplify decentralisation. Decentralisation in the shape of devolution to local self-governing bodies marks an attempt to set up autonomous governments at the level of the locality. Field units of government like district administration are the long arms of the central (state) government. To create and maintain local government is thus a major political commitment. In the absence of such commitment, devolution to sub-national governments, including self-governing bodies, will remain more in law than in practice. This leads to what Fessler has called 'illusory decentralisation'. Both Panchayati Raj and municipal government in India represent to a considerable extent this sort of façade devolution.

The administrative approach to decentralisation is motivated by efficiency criterion. Enhancement of administrative rationality becomes necessary. When field administrative units are set up through a process of deconcentration, the measure is considered appropriate for field level decision-making and prompt problem-solving. In this process, administrative units might come up at many levels between the locality and the central (state) headquarters. With more and more demand for specialised functions, multiplicity of functional departments would appear at the field level. The administrative situation gradually presents a picture of polarisation between general area-based administrative demands and specific

function-centred claims of particular functional departments. Currently, district administration in India is faced with this problem of area-function duality. Decentralisation in administrative terms may not therefore always guarantee 'clarity of authority and orderliness of operations'. To promote such operational principles, conscious attempts are needed to readjust from time to time the conflicting claims of area and functions in deconcentrated field administration.

Finally, the dual-role approach, as Fesler puts it, is a kind of rehearsal of the area-function dichotomy in a new setting. Decentralisation is placed within a larger context of development and change, as distinguished from maintenance of status quo. Conceived in administrative terms, the dual-role approach seeks to highlight the conflict in field administration between tradition and change. Most field administrative systems were evolved in an earlier era mainly to maintain the established order, to collect revenue and to keep things from going wrong. Almost all the developing countries that have inherited the colonial field system are seeking to bring about speedy social and economic change. The functions of field administration have changed radically as a consequence. To quote Fesler, "The intent is to change established ways of doing things so as to carry economic and social development forward rapidly. This contrasts with the status quo orientation of a field system geared to maintenance of the established order and may conflict with the personal conviction of field generalists so chosen and trained as to identify themselves with the classes, families, and other groups who constitute the 'establishment.'" Resolution of the conflict between two different orientations in field administration calls for adaptation of decentralisation to changing circumstances. The theme is not unfamiliar to Indian administration in general and to district administration in particular.

27.5 TYPES OF DECENTRALISATION

Four different types of decentralisation can be identified viz., administrative, functional, political and geographical. Administrative decentralisation refers to decentralisation of authority to the lower officials in the administrative hierarchy of organisations. It may mean decentralising powers or functions to the subordinate units. Functional decentralisation means that the functions are decentralised to the specialised units or departments like education or health. Political decentralisation involves that the political powers and functions concentrated in the hands of higher level political organs are decentralised to lower level political organs. You are all aware that Panchayati Raj agencies are units of local self-government wherein political powers of decision-making are decentralised from state level to village panchayats, samitis and zilla parishads. Finally, in geographical decentralisation the powers and functions of headquarters are decentralised to the field offices for effective performance, for example, most of the powers of the heads of departments of the state government are decentralised to their field officers at the regional and district levels. This facilitates quick decision-making keeping in view the local requirements.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the unit.

- 1) Distinguish between decentralisation, delegation, devolution and deconcentration.

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- 2) Analyse the importance of decentralisation.

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3) Discuss the types of decentralisation.

7.6 DECENTRALISATION IN INDIA

India's centrally planned economy was gradually decentralised at the level of the provinces with the Government of India Act 1919 and the Government of India Act 1935. Under the Montague-Chelmsford Reforms, 'Dyarchy' was introduced in the provinces. This meant that certain departments were for the first time put in charge of elected ministers responsible to the legislature, and the remaining departments were kept in the charge of Government Officials, the Members of the Governor's Executive Council. The Government of India Act of 1935 for the first time introduced a federal form of Government and conferred 'Provincial Autonomy' on the provinces subject to certain safeguards.

This process of decentralisation of powers from the central government to the provincial governments was deliberately pursued during British Indian Rule for a variety of reasons such as administrative convenience, political pressure generated by the national freedom struggle, and the need for political accommodation of the elite and the intelligentsia.

There was another kind of decentralisation effort noticeable during the colonial rule: the policy of setting up local self governing bodies in urban and rural areas. It is this form of decentralisation at the grassroots level that continues to raise doubts and debates even today. The issue has assumed considerable significance in recent times for two important reasons. First, the issues of local self government and social justice have become a major political agenda; issues of decentralisation, in this context, is being debated. Secondly, the institutional guarantees of institutions have been weakening in most states; absence of a constitutional guarantee has led to the decay of Panchayati Raj. The mode of constitutional protection of Panchayati Raj is a debatable proposition since the proposal was first mooted by the previous Government.

7.6.1 Pre-Independence Period

The decentralisation debate during colonial rule can be traced to the famous Ripon resolution of 1882. To train the Indians in the art of governance, to enable them to learn from experience and to open up avenues for political participation of the educated class, the British administrators advocated the cause of decentralisation of administration through the setting up of local self-governing institutions. The British administrators were not prepared to accept the Ripon thesis as they questioned the competence of Indians to manage a general weakening of field administration under a local self-government regime. The debate was essentially over the choice of values: democracy or efficiency. With the rising tempo of freedom struggle, the imperial policy had to however reluctantly concede Indian demands for self-government and participation in administration.

7.6.2 Post-Independence Period

The second phase of the debate in post-Independence India was staged on the floor of the Constituent Assembly. Panchayati Raj was an important component of Mahatma Gandhi's vision of future India in which economic and political power would be decentralised and each village would be self-reliant economically. It was in deference to the wishes of the Mahatma Gandhi that Article 40 of the Constitution of India was adopted stipulating that the state shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government."

Dr. B.R. Ambedkar, however, had a different view of the Indian rural society. He argued in the Constituent Assembly that the Indian social structure at the village level was hierarchical, oppressive and insensitive to change. In his view, it would be dangerous to give powers to the panchayats as he thought that would mean giving powers to the prevailing rural power structure which would work to the detriment of the harijans and the rural poor. Two contrasting views about decentralisation had thus surfaced in the Constituent Assembly: a visionary stand point of decentralisation and a realistic view of decentralisation.

Any scheme of decentralisation presupposes a harmonious society. As Dantwala has observed: "In an unequal society, democratic or decentralised political or planning mechanisms do not succeed in ensuring genuine people's participation." The Gandhian vision of village society is a normative model that serves the purpose of a guidepost. But reality of rural life and the experiences of Panchayati Raj in India seem to have largely confirmed the belief of Dr. Ambedkar. It is interesting, in this context, to note the observations of the Asoka Mehta Committee Report on Panchayati Raj Institutions: "Panchayati Raj institutions are dominated by economically and socially privileged sections of the community and have as such facilitated the emergence of oligarchic forces yielding no benefits to the weaker sections."

The decentralisation debate has its roots at the conceptual level. The concept of Panchayati Raj has been unclear and as the Asoka Mehta Committee commented: "It has been treated just as an administrative agency; other as an extension of democracy at the grass roots level; others as a charter of rural local government."

The bureaucratic-bureaucracy debate over decentralisation which is as old as the Ripon reforms of the late nineteenth century has been rehearsed in recent times as well. When it came to entrusting local developmental responsibilities, most state governments opted for their official field machinery and virtually by-passed the Panchayati Raj institutions. As the Asoka Mehta Committee reported, some of the state governments would postpone the holding of elections or supersede the Panchayati Raj institutions for one reason or the other. "The lukewarm attitude of the political elite at higher levels towards strengthening of the democratic process at the grassroots was generally the crux of the matter."

27.6.3 Recent Trends in Decentralisation

Even with our development planning experience of more than four decades, the process of abatement of poverty and social injustice in the form of oppression of the harijans and the rural poor. One important reason for this state of affairs that has been widely acknowledged is the centralised administration and planning and languishing popular institutions at the grass roots level. At the end of 1985, this point was clearly brought out by the G.V.K. Rao Committee on Administrative Arrangements for Rural Development. The Committee stressed the importance of local initiative in local development and recommended revitalisation of the Panchayati Raj institutions. Research findings revealed that the developmental process had gradually been bureaucratized and divorced from the Panchayati Raj institutions leading to what has been aptly termed as "Grass without Roots". To quote from one study:

"The basic reason for the failure of rural development and poverty alleviation programmes is the exclusion of the people from participation in the development process and the abandonment of the institutions of democratic decentralisation and the related electoral process."

The G.V.K. Rao Committee came out with a blue print of a decentralised system of field administration with Panchayati Raj playing the leading role in local planning and development. Another novel decentralisation plan below the state level has recently been advocated by Nirmal Mukherji where Mukherji has pleaded for devolution of political powers to directly elected "district governments" in India. Such a decentralisation plan will of course virtually affect the Panchayati Raj structure from the district to the village.

The latest committee to bemoan the languishing of grassroots democracy is the L.M. Singhvi Committee on Revitalisation of PRIs for Democracy and Development (1986) The

Panchayati Raj institutions, as the Committee has observed "have become moribund and... they have been denuded of their promise and vitality". To revive Panchayati Raj, the Committee recommended that "local self-government should be constitutionally recognised, protected and preserved by the inclusion of a new chapter in the Constitution".

Previous Government introduced in Lok Sabha on May 15, 1989 the controversial Constitution (64th Amendment) Bill with the avowed purpose of ensuring maximum democracy and maximum devolution. The then Prime Minister Shri Rajiv Gandhi said on the floor of the House:

"Our democracy has reached the stage where the full participation of the people brooks no further delay. We are accused of rushing through this Bill. There has been no rush. For several years now, we have been holding well-publicised consultations at several different levels on Panchayati Raj. To the people of India, let us ensure maximum democracy and maximum devolution. Let there be an end to the power-brokers. Let us give power to the people."

The Bill was passed in Lok Sabha but failed to become an Act as it could not get the required support of Rajya Sabha. In the event of the Bill in Rajya Sabha, elections to new Lok Sabha were held in 1990.

The 64th Constitution Amendment Bill raised a lot of controversy. The ruling party hailed it as the Magna Carta of decentralisation and a landmark in the history of India's development enterprise. However, the opposition parties bitterly criticised the Bill which was viewed as a fraud on the people and just an election gimmick. They attacked it as the destroyer of the very foundations of the federal polity and a surreptitious attempt to forge a direct link between the centre and the localities by side-tracking the state governments.

The Bill proposes, inter alia, to:

- make it obligatory for all States to establish a three-tier system of Panchayats at the village, intermediate and district levels; however, States having a population of less than 20 lakhs would not be obliged to establish Panchayats at the intermediate level;
- provide for all seats in Panchayats at all levels to be filled by direct election; however, the State Legislatures may provide for the representation in Panchayats without voting rights of members of the House of the People and of the Legislative Assembly, and Chairpersons of Panchayats at the immediately lower level;
- provide for reservation to ensure the due representation in the Panchayats of the Scheduled Castes, the Scheduled Tribes and women;
- ensure a fixed tenure of five years for the Panchayats. However, if a Panchayat is dissolved before the expiry of its terms, provision is made for the conduct of elections within a period of six months of the dissolution to reconstitute the Panchayat for the remainder of the term;
- provide for the delegation by the State Legislature of powers and responsibilities upon Panchayats for the implementation of plans for economic development and social justice and for the implementation of development schemes;
- provide for the financial support and finance of the Panchayats by securing authorisation from State Legislatures for grants-in-aid to Panchayats from the Consolidated Fund of the State, as also assignment to or appropriation by the Panchayats of the revenues of designated taxes, duties, tolls and fees;
- provide for the constitution of Finance Commissions in the States every five years to review the finances of Panchayats and recommend principles on the basis of which State Legislature may determine the taxes to be appropriated by, or assigned to the Panchayats, as also grants-in-aid to the Panchayats from the Consolidated Fund of the State;
- vest in the Election Commission the superintendence, direction and control of elections to the Panchayats at all three levels; and
- empower the Comptroller and Auditor-General of India to cause the accounts of the Panchayats audited in such a manner as he may deem fit.

The ruling party, as earlier stated, hailed the Bill as a revolutionary act to enshrine 'democracy at the grassroots' in the Constitution, to strengthen the foundation of Indian democracy, and to give power to the people and thus to rid grassroots democracy of the power-like grip of the powerbrokers, the middlemen and the vested interests.

The opposition to this belated attempt of the previous government regime to revarnnp Panchayati Raj took many forms.

Firstly, to many observers, the Bill was nothing but an election gimmick. With a demonstrably poor record in providing grassroots democracy, the previous government looked to this new measure as a clinching card hoping that it would improve the party's standing in the public eye.

Secondly, the so-called constitutional protection of Panchayati Raj came to be viewed as a subterfuge for establishing an authoritarian system. Under the proposed system, the panchayats would be taken away from the fold of the State Government and placed instead under the 'primeministerial dictatorship'.

Thirdly, it was pointed out that the slogan of "all power to the people" was meaningless unless there would be an appropriate distribution of powers at various levels of the Indian polity. Level jumping (by the Union seeking to give more power to the panchayats) is no solution to power imbalance in the Indian political system. Unless there would be adequate devolution of power to the States and political stability be ensured at the State level, the instability syndrome would get transmitted to the Panchayati Raj institutions well.

Fourthly, it has been argued that the proposed measure would do further damage to the already damaged Indian federal polity by the virtual central take over of Panchayati Raj. The Bill has taken Panchayati Raj out of the state list and put it in the concurrent list so as to allow the centre to pass legislation in this area. The provision of holding panchayat elections under the supervision of the chief election commissioner and, not under state government, once again gives more powers to the centre. The provision of providing finances to panchayats through the finance commission and not through state government also reduces the power of states. (Giving funds through Jawahar Rozgar Yojana directly to panchayats is indicative of the same trend.) The power of dismissing panchayats will now rest with the governors, which also would increase central control over panchayat bodies. Provisions like 30 per cent representation to SC/ST, women etc. which are being decided by the centre without consulting state governments is another encroachment on the powers of state governments.

Fifthly, the attempt to give constitutional protection to the Panchayati Raj institutions, the critics point out, is meaningless, unless the nature of the highly centralised state undergoes a radical change and adequate distribution of powers and resources takes place all the way down from the centre to the lowest unit. What is needed for a meaningful decentralisation, as Rajni Kothari writes, is "a framework of power in which civil society enjoys a fair amount of autonomy and self-regulation, so that the large number of civic and democratic organisations and voluntary bodies that operate outside the framework of government are able to function without interference from governmental bodies, irrespective of the level or 'tier' at which they operate—national, regional, local or cutting across them all." Kothari further argues that "political decentralisation without a simultaneous attack on concentration of economic power and access to institutional and technological resources can only result in reinforcing the prevailing structure of inequity and exploitation."

Sixthly, the much publicised idea of decentralisation has been severely criticised as "a revolution of the Rajiv clique against the people", a calculated attempt "to overturn to federal constitution". To quote E.M.S. Namboodripped, in this connection, "What is attempted in this bill under cover of giving more and more power to the Panchayat Raj institutions is.... empowering the Union Government to decide what pattern of Panchayat Raj institutions should be established in every part of the country.

"What should be their composition, how they are to be elected, etc. The Central Government decides every thing. This is the negation of decentralisation, a further dose of centralisation."

27.6.4 Constitutional Provisions

Article 40 of the Constitution (in the chapter on Directive Principles of State Policy) authorises the State Government to take steps to organise Village Panchayat's and provide

them with such power and authority as necessary to enable them to function as units of self-governments. Among the division of powers, it is included in the state list empowering the State Governments to constitute local governments and other local authorities for the purpose of Local Self Government (LSG) or village administration.

27.7 FUNCTIONING OF INSTITUTIONS OF DECENTRALISATION

We have already discussed about Urban Administration and Panchayati Raj in detail in Unit 20 and Unit 21 of Block 4. Now we will discuss about functioning of Panchayati Raj and urban local government in light of Decentralisation debate.

Functioning of Panchayati Raj

The Panchayati Raj was established in 1959 based on the philosophy of decentralisation and gram swaraj. These institutions were hailed as one of the most important political innovations in Independent India. Panchayati Raj is a system of local self-government wherein the people take themselves the responsibility for development. It is also a system of institutional arrangement for achieving rural development through peoples initiative, participation. Administration or development programmes aimed at social, economic and cultural development, provision of community and welfare services etc., are entrusted to these local self-governing institutions. Panchayati Raj involves a three-tier structure of democratic institutions at district, block and village levels, namely, Zilla Parishad, Panchayat Samithi, and Village Panchayat respectively.

The Panchayati Raj in India, is broadly based upon the recommendations of committee popularly known as Balwant Rai Mehta Committee named after its chairman. Most of the state governments accepted the recommendations of the Balwant Rai Mehta Committee and Panchayati Raj institutions were established. Andhra Pradesh and Rajasthan were the first to establish them in the country. In the country two district patterns of Panchayati Raj have emerged. The first was the Andhra, Rajasthan pattern wherein block was the unit of planning and development. The development functions were entrusted to it. The second pattern is called Maharashtra pattern. In this, the district is the unit of planning and development. Between these two patterns, variation in the structure of Panchayati Raj institutions in different states exists regarding their constitution, powers and functions and the nature of different tiers.

Both the central and state governments have appointed several committees and commissions for reviewing and recommending reforms to strengthen Panchayati Raj during the last three decades. The committee on Panchayati Raj appointed by the Central government under the chairmanship of Shri Asoka Mehta in 1978, is very important as it reviewed the system of Panchayati Raj in different states in the country and recommended a different structure of Panchayati Raj. States like Andhra Pradesh, Karnataka and West Bengal, made some efforts in recent years to implement the reforms suggested by the Asoka Mehta Committee.

As Panchayati Raj institutions are the creatures of the state government as such central government has no role either in their organisation or working. As there are several complaints about the working of these institutions, there have been suggestions that the local bodies must also have a constitutional base so that their working is not periodically impaired through prolonged supersession, lack of resources and inadequate devolution of powers. The previous Government introduced in the Parliament 64th amendment to the Constitution. The bill could not be passed in the Parliament. The present government is also contemplating to bring a bill to strengthen the Panchayati Raj.

Functioning of urban local government

Urban local bodies are institutions of decentralisation created by the state government through Municipal Act. In British period several statutory institutions were established. Urban local government institutions are most prominent among them. Ever since the establishment of Madras municipal corporation four centuries ago there has been a proliferation of municipal bodies to manage the town and the city. Lord Ripon resolution in 1882 sought to place these urban local government institutions on a sound organisational footing. Eversince the urban local bodies have been working with different degrees of

success in administering the city, particularly after Independence, there have been hardly any institutional changes in the urban governments. Broad pattern which was in existence at the time of Independence continues to exist with marginal institutional or legal changes. In India, the urban areas are administered by different types of local bodies, namely, corporations, municipalities, boards, town area committees, notified area committees, cantonment boards, etc.

As local government is a state subject, these bodies are created by state legislation which lays down the conditions for constituting them. The legislation also defines their functions, finances and responsibilities. They vary significantly from state to state.

There are several criticisms about state control over local bodies which are theoretically autonomous. Control over the local bodies is too extensive, it cuts at the roots of the local autonomy.

There have been efforts to strengthen them, though these efforts are ad-hoc and halting. Two important developments took place in recent years to strengthen the urban local bodies and to revitalise them. First a National Commission on urbanisation was constituted to examine various aspects of urbanisation and urban development and to recommend policy and institutional changes. Second, to make efforts to give urban local bodies constitutional status. Recent trends indicate that the need for strengthening urban local bodies is attracting the attention of the policy makers and planners at the highest level.

27.8 FACTORS IMPEDING DECENTRALISATION

Decentralisation is to be seen not only as a method or approach in administration, it has other dimensions also. To what extent there is actual decentralisation depends on variety of factors: administrative, political, social and cultural. Administratively in a society where there has been a long practice of centralisation of power, those at the higher levels find it rather difficult to be mentally prepared to transfer powers to lower levels. Conversely, because of the long habit of always looking above for receiving orders there is inertia on the part of the persons working at lower echelons. They would wait for an order from the above. In some cases, it has been found that even when power has been decentralised, there is a tendency to shift the responsibility of taking decisions to the higher levels, to playsafe, so that, the onus of responsibility does not fall on them, if something goes wrong administratively.

Rules and procedures are also laid down for decentralisation of powers, but it is seen that in actual practice, things are not what they ought to be. There is always a method of getting around the system, so that the decisions are made from levels higher than that at which the decision should have been taken. Politically also we find that though legally and constitutionally, decentralisation might have been provided for and yet in reality in many cases decisions are being taken by political boss even in those areas which may not fall strictly in his own domain. Because of the hold of the political parties, and the practice of the local politicians being 'nominees' of the politicians at the state and national level, the very purpose of decentralisation gets defeated. Socially and culturally also if the society is paternalistic this concept of paternalism also gets transferred to the administrative structures. And this results either in the superior officer acting like a patriarch habituated to giving orders to the officials at the local levels or conversely the officials at the lower level resent every order, or decision or even suggestion on part of their superiors as undesirable imposition. The very spirit of decentralisation of power lies in the fact that we recognise that there are levels of decision-making and at each level we have personnel competent enough to take decisions at their level. The success or failure of decentralisation, therefore, to a very great extent depends on the mentality and attitude of the superior authorities towards their subordinate authorities; whether or not it is based on trust and confidence.

Check Your Progress 2

- Note :
- i) Use the space given below for your answers.
 - ii) Check your answers with those given at the end of the unit.

- 1) Explain the system of decentralisation during pre-Independence period.

27.11 SOME USEFUL BOOKS

Avasthi and Maheshwari S.R. 1985. *Public Administration (14th rev. ed.)*; Lakshmi Narain Agarwal: Agra.

Bureaucracy and Development Administration; 1978. *Centre for Policy Research*, New Delhi.

Jain L.C., Krishnamurthy B.V. and Tripathi P.M., 1985. *Grass without Roots: Rural Development under Government Auspices*; Sage Publication; New Delhi.

Maheshwari S.R., 1989. *Indian Administration (4th rev.ed. and updated)*; Orient Longman Limited: New Delhi.

Satyunarayana P. (ed) 1990. *Towards New Panchayati Raj*; Uppal Publishing House: New Delhi.

Special Number on Decentralisation—*Indian Journal of Public Administration*, July-September, 1978.

27.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:
 - Delegation implies transfer of certain specified function by the central to the local authority which thereupon acts as the agent of the former
 - Devolution is the assignment of functions to formally constituted local bodies
 - Deconcentration denotes assignment of certain functions to the agents of central or state government in the field.
- 2) Your answer must include the following points:
 - Development administration is basically oriented towards speedy socio-economic transformation
 - To deliver the basic public goods, like food, housing, water
 - Administration has to "penetrate" the rural area
 - Administration needs to be decentralised in response to regional diversities
 - Administration should move out to the regions and localities
 - Local community can steadily attain political and administrative maturity.
- 3) Your answer must include the following points:
 - Administrative
 - Functional
 - Political
 - Geographical

Check Your Progress 2

- 1) Your answer must include the following points:
 - Ripon Resolution of 1882
 - Government of India Act, 1919
 - Montague-Chelmsford Reforms
 - The Act of 1935 for the first time introduced a federal form of Government and conferred 'Provincial Autonomy'.
- 2) Your answer must include the following points:
 - G.V.K. Rao Committee on Administrative Arrangement for Rural Development stressed the importance of local initiative in local development
 - It recommended revitalisation of Panchayati Raj Institutions
 - Emphasised on Panchayati Raj's leading role in local planning and development
 - Nirmal Mukherji's plead for devolution of political powers to directly elected 'district governments'
 - L.M. Singhvi Committee on Revitalisation of Panchayati Raj institutions for Democracy and Developments

- According to this committee local self government should be constitutionally recognised
- Controversial Constitution (64th Amendment Bill).

Your answer must include the following points:

- The bill makes it obligatory for all states to establish a three-tier system of Panchayati Raj
- Provides for all seats in Panchayats at all levels to be filled by direct election
- Ensures due representation in Panchayats of the Scheduled Castes, the Scheduled Tribes and Women
- Ensures a fixed tenure of five years
- Provides for the devolution by the state legislature of powers and responsibility upon panchayat
- Provides for the sound finance
- Vests in the Election Commission the superintendence, direction and control of elections to Panchayats
- Empowers the Comptroller and Auditor General of India to cause the accounts of the Panchayats audited.

UNIT 28 RELATIONSHIP BETWEEN POLITICAL AND PERMANENT EXECUTIVES

Structure

- 28.0 Objectives
- 28.1 Introduction
- 28.2 Historical Background
- 28.3 Policy-Administration Dichotomy
- 28.4 Principles Governing the Relationship
 - 28.4.1 Norm of Neutrality
 - 28.4.2 Norm of Anonymity
- 28.5 Areas of Cooperation and Conflict
- 28.6 Increasing Popular Consciousness
- 28.7 Let Us Sum Up
- 28.8 Key Words
- 28.9 Some Useful Books
- 28.10 Answers to Check Your Progress Exercises

28.0 OBJECTIVES

After reading this unit, you should be able to :

- discuss the relationship between political and permanent executives, in the light of policy-administration dichotomy
- describe the principles which govern their relationship
- outline the areas of cooperation and conflict
- and analyse the impact of rising popular consciousness on the relationship.

28.1 INTRODUCTION

This unit deals with one of the important issues of Public Administration in India viz, the relationship between political and permanent executives. The former derives authority from the people while the latter derives strength from its administrative positions and technical expertise. It is the political executive that the permanent executive is subordinated to, because the political executive represents the people. The concept of policy-administration dichotomy, in which is rooted the basic distinction of the two executives, has been dealt with in this unit. Moreover, the principles which govern their relationship in the context of the growing popular consciousness have also been discussed in the unit.

28.2 HISTORICAL BACKGROUND

Ever since the state came into being it is associated with power and dominance, for the state originated primarily to maintain the order. The monarchy of the ancient and medieval times represented the unchallenged and unrestricted power of the monarch and in turn the state. The human history witnessed the exercise of the naked and arbitrary power. The power has an inherent propensity to get centralised. As the capacity of human beings to produce has grown and their overall consciousness started undergoing change, the structure and the modes of exercise of power could not remain the same. The most important landmark in this evolution was the industrial revolution which paved the way for capitalist development. The capitalist development gave rise to pluralism, liberalism, market-oriented development, the rule of law and so on. Of all the developments the major one has been the rise of the nation state.

The concept of nation is not new to human history. It existed as the symbol of cultural and social life of a society for a long time. The concept of the state is also not new to history. It existed even when there were attempts to establish a social order. But the state and nation have become coterminous only with the arrival of industrial revolution. The nation-state has been experiencing considerable changes. There have been serious attempts to preserve pluralism and consolidate power. In the process it has been realised that concentration of power in any form or in any institution in the long run tends to be counter productive. It was in the wake of this realisation that the system was sought to be built on the concept of separation of powers. It was Montesque, a political philosopher, who advocated the concept of separation of powers with checks and balances so as to ensure that naked power is checked and its abuse is reasonably restricted.

The clear-cut separation of powers between the three branches of government—the legislative, the judiciary and the executive—marks a significant beginning of a new system of power distribution. The sole attempt in this system is to impose proper checks on each branch of the government and more so the executive branch of the government. The executive branch of the government consists of two branches : a) political executive, b) permanent executive. The political executive exercises power by virtue of its elections and the constitutional position. Theoretically they derive power from the people. The permanent executive derives its strength partly from its administrative positions but largely from its technical expertise. As the political executive represents the people and modern governments are based on the concept of popular sovereignty, the permanent executive is subordinated to the political executive. In fact in the parliamentary system of government, the political executive is responsible to the legislature which in turn is accountable to the people. In this arrangement there is also a judiciary to ensure that the governance is based on the constitutional provisions on the one hand and the executive, both political and permanent, confirm and enforce the laws passed by the legislatures without violating their spirit. While it would be interesting to study the relationship between the various branches of government, the scope of this discussion is confined to the relationship between the political and permanent executive.

28.3 POLICY-ADMINISTRATION DICHOTOMY

The basic distinction between the political executive and the permanent is rooted in the concept of policy-administration dichotomy. This dichotomy implies that the policy process is entirely different from its implementation. The policy is supposed to be the primary function of politics and the politics in turn are supposed to be rooted in an ideological structure. Ideology is a set of priorities that a given political party prefers from the available alternatives to solve different problems that people of a society confront. The difference between one political party and the other is based on the differences in preferences. The policy processes are supposed to be governed by these preferences. On the contrary the permanent executive deals with the collection of factual information about the concrete situation. It furnishes the information and waits for the policy outcome. Once the policy is made, the administration or the permanent executive need to initiate action and take all the measures to accomplish the tasks that the policy sets for the administrative machinery. The permanent executive is expected to equip itself with the necessary technical and managerial expertise both to administer people and things. As they are permanent they also possess the experience with the help of which the pitfalls can be avoided and the goals realised with economy and efficiency.

There has been considerable debate on this dichotomy. There have been arguments for and against such a theoretical position. While theoretically such a separation is conceivable, it is argued, operationally it poses a number of problems. There is a question about the separation of facts and values : when the permanent executive furnishes the factual information, does it not get mixed up with their values. Is it possible for the individuals to separate their values from the facts that they collect? Then it is asked: whether the permanent executives implement the policies if they do not subscribe to these preferences? In other words how can any individual implement a programme which he does not subscribe to. Further is it correct to believe that the members of the permanent executive do not have value preference? These questions are not discussed in detail. However, those who maintain that dichotomy is feasible argue that policy preferences involve more of values and political processes while the administrative process involves more of technical details and facts and

less of values. It would not be possible for the same agency to do both the functions simultaneously with economy and efficiency. The separation of these two functions is not only theoretically desirable but also operationally essential.

28.4 PRINCIPLES GOVERNING THE RELATIONSHIP

Once the premise for separation of these two wings is agreed upon, the two wings must operate based on certain basic conditions. The conditions become all the more necessary when the distinction in activities is delicate and overlapping. It is this necessity that gave rise to two important norms viz; neutrality and anonymity. Let us try to understand the implications of these two norms.

28.4.1 Norm of Neutrality

The norm of neutrality assumes three conditions : 1) changing of political parties in power, 2) meritorious bureaucracy; 3) permanent bureaucracy. Let us now try to understand these three conditions. Firstly, in a liberal democracy with pluralistic nature of political parties, particularly with electoral mechanism, there is bound to be a change of parties in power. That is, in fact, the logic of the system. In United States there used to be spoils system before the Pendleton Act was passed. Under this system the political parties coming to power had complete discretion to change the administrative personnel from top to the bottom. This means the political values of the party coincided with the values of the administrative system. For the administrative personnel were chosen mainly on the basis of their values. This system did pose its own problems giving rise to the passage of Pendleton Act which brought in the concept of merit.

This leads us to the second condition viz; recruitment of the members of administrative system on the basis of merit of the individuals. Here we are not going into the question of what is merit? It is sufficient to state that the criteria evolved for selection is uniformly applied to all the candidates aspiring to join the administration. Here care is taken to avoid political valuation, in the narrow sense of the term.

This leads to the third condition viz; recruitment on a permanent basis. This means the persons chosen for the service become life members of the service. This implies that change in the fortunes of political parties have nothing to do with the continuation or otherwise of the members of the civil service. In fact it is these factors which have brought in the concept of permanent executive.

The recruitment of the personnel on a permanent basis in a changing political climate call for neutrality of the permanent members. This means the members are not supposed to commit themselves to any political values. They are expected to cooperate and assist any party in power irrespective of the political preferences. This implies that members of the permanent executive either do not have clear preferences or do not allow those values enter their day-to-day work. There have been several debates on this question. But the existing theoretical position is that the permanent executive and their individual value preferences cannot go together. With the result neutrality has come to be accepted as one of the governing norms of the relationship between the political and permanent executive.

28.4.2 Norm of Anonymity

The second principle— anonymity flows from the norm of neutrality. The principle of anonymity emphasises that permanent executive works from behind the screen. In other words they should avoid public gaze. This implies that the political executive takes the total responsibility for omissions and commissions. He takes the credit for achievements and discredit for the failures. The people through electoral mechanism punish or reward the political executive or the political party that the executive represents. The permanent executive has to work under the overall guidance and direction of the political executive. The political executive will have all the powers not only to extract work from the permanent executive but reward or punish them. Under this arrangement the pattern of accountability is so distributed that while the political executive is solely accountable to the people, the permanent executive is also accountable to the political executive. It is precisely the reason

why anonymity has come to be considered as one of the governing norms of political-permanent executive relationship.

The discussion on these two norms can raise the question : how do we reconcile these two norms? For while the first norm advocates neutrality the second advocates accountability. If the permanent executive is totally accountable to the political executive, can the latter afford to be neutral? If it means that they should be committed to the political executive in power, is it possible for the permanent executive to go on changing its commitment from regime to regime? Otherwise the members of permanent executive should maintain neutrality in such a way that they may even grow indifferent to all the regimes. However, it is assumed that technical and managerial skills are not political. It is often noted that Lenin welcomed Taylorism which was the product of industrial development in America. The skills and the technical knowledge which are assumed to be non-political can be used by any political party in power.

Check Your Progress I

Note : i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the unit.

- 1) "The basic distinction between political and permanent executive is rooted in the concept of policy-administration dichotomy." Explain.

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- 2) Why is the norm of neutrality essential in the relationship between permanent and political executive?

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28.5 AREAS OF COOPERATION AND CONFLICT

This separation has certain built-in advantages and strength. The political executive devotes its time for political mobilisation of the masses. They can also devote their time for political education of the masses. In addition to mobilising the masses, they can formulate the value preferences by comprehending the popular moods and changing aspirations. They can also discuss various alternatives at a fairly higher level. The permanent executive can continuously evaluate its own field experience and draw meaningful lessons for subsequent programmes. They can also monitor various schemes at day-to-day or step-by-step level. They can also devote greater time to improve their own managerial and technical skills for better and effective realisation of the goals. Thus this separation of functions can lead to division of labour which in turn can contribute to a higher level of efficiency in the society.

There are several reasons why cooperation between these two executive in India is becoming less. The following are some of the important reasons for this deteriorating situation.

- 1) Firstly, the cooperation between the political and permanent executives, depends upon the societal consensus on the goals pursued. This is the advantage of some of the western capitalist societies where there is considerable consensus on the goals of development. There is also certain degree of homogeneity in the societal formations. This gives an added advantage to those systems. In other words the conditions existing in the

society provides the base for a better pattern of relationship between the political and permanent executive. In the Third World societies like India where the consensus on development goals has not yet been achieved, there are bound to be certain problems. The heterogeneity of the society is shared by both the political and the permanent executives. The political executives, in the absence of consensus on development and absence of socio-political homogeneity, are subjected to political uncertainty. The absence of long range view of the society weakens the ideological base. This, in turn, leads to a lot of ambiguity in policy preferences. This leads to what has come to be popularly known as adhocism. Adhocism cannot provide direction to the permanent executive. On the contrary political processes start occupying even the technical and managerial space. This leads to narrowing down of the distinction between the political executive and permanent executive. This can strain the relationship.

2) Secondly, the conflict between these two executives, partly emanates from the historical process and partly from the socio-economic development. Historically speaking the permanent executive during the colonial period not only performed the administrative role but political too. In fact during the colonial phase these two functions converged to a point that to make a distinction between the two would be difficult. It was the anti-colonial movement, aiming at political power for elected representatives, which led to the demarcation of the roles. While the freedom movement presented the aspirations of the people, the bureaucracy appeared as a counter-force. Thus the political elite had their own doubts and suspicion. The bureaucratic elite, deeply rooted in the colonial administrative culture, had an exaggerated view of themselves. They suffered from ego and arrogance. The achievement of freedom should have resulted in redesigning the whole bureaucratic system so as to make them fit to perform the new tasks. But the political elite hesitated to recast the system. With the result the bureaucracy which was used by the colonial masters against the freedom fighters was the very same instrument which the political elite of Independent India had to depend upon. The differences embedded in historical process rendered cordiality between the two branches a bit difficult.

3) Thirdly, there is another dimension which leads to conflict. The social origins of the political and administrative elite in India do present a difference. While both the elite do not come from the large masses, they differ in their middle class origins. The political elite have got to be relatively more heterogeneous than the middle and higher level administrative functionaries. While a bulk of the members of the political executive, particularly at the state level, have been drawn from the rural and agricultural background, the top and middle level administrators are from the urban middle and upper middle classes. These differences are manifest in their style of living, mode of communication, way of looking at things to their dress and mannerisms. Thus the differences get preserved and accentuated. Although the character of bureaucracy has been changing, it has been changing rather slowly. The nature of political elite is also slowly changing. Yet one cannot say that they are comparable or identical. In other words the urban, industrial middle class on the one hand and rural agrarian upper or middle strata on the other dominate the permanent and political executives respectively. The relationships are also partly shaped by these factors.

4) Fourthly, there are also institutional mechanism which accentuate or widen the areas of conflict. The political institutions normally are empowered with greater discretion and flexibility. They have to be relatively more responsive as they are in constant touch with the social system. The political executive, in parliamentary system of government, takes even the legislature for granted. In a number of instances they take the decisions to the legislature or Parliament only for ratification. In fact in the parliamentary form of government, the initiative does not rest with the legislature. The whole process is reduced to either the ratification or rejection of what has been brought before the legislative houses. Thus the political executive has become quite strong. In fact it is observed that parliamentary governments over a period of time have become the cabinet system of governments which in turn are turning into prime ministerial governments. Thus the executive branch has appropriated the power of the legislative organs and became quite powerful. With this enormous power, they want the matters to move faster. They feel no constraints in exercise of power. The permanent executive has also gained greater power by virtue of being an integral part of the executive branch of the government. However, due to long colonial background and the rules and regulations and established procedures, the permanent executive tends to be less flexible. They also do not appreciate the political expediency. For them precedent is very important. The very nature of the institution is such that their

authority is located in the law. As a result they do not feel enthusiastic about experiments and innovations. The political executive does attempt to change these institutions through administrative reforms. There are a number of instances to show that the permanent executives do not welcome the reforms. In fact at the first instance they try to hold back the reform measures. The strong habit of clinging to the rules and regulations continue to influence their approach. Thus the conflict arises between flexibility and rigidity, expediency and experience, purpose and the process.

Lastly, in developing countries like India where there is scarcity of resources and intense competition for those limited resources, the political executive is subjected to enormous pressure. (The details you will study in the unit on pressure groups.) The political executive in turn puts pressure on the bureaucracy. In a number of cases the pressure is to violate the norms which they themselves formulate. The norms become necessary for lawful governance but pressures are built in scarcity situation. As a result the permanent executive is pressurised to violate the norms and the other rules and procedures. They resist these trends as they are rooted in the rigid rules and regulations. This gives rise to tensions. A section of them may make compromises. This process may end up in public offices being used for private purposes. This may land these officers in various controversies and sometimes enquiries etc. These are some of the important reasons that had given rise to a number of tensions in the relationship within the executive branch of the government.

28.6 INCREASING POPULAR CONSCIOUSNESS

In the recent past it is increasingly noticed that rising consciousness of the people can also lead to greater strain in the relationship between the political and permanent executive. In most of the developing economies like India, the resources are limited and are disproportionately distributed. The masses who were under the grip of culture of silence have started coming out of it. This has happened partly due to the freedom movements or anti-colonial struggles. During these struggles the aspirations of the masses have been raised. They have taken part in the movements with new hopes and dreams. This has definitely contributed to greater demands on the system. The consciousness also started changing due to the electoral or political processes. The competitive politics went on further triggering the hopes of the people without matching performance. A number of countries in the Third World have put an end or abandoned competitive electoral politics and opted for military dictatorships. But those societies like India which continued to have electoral politics go on making promises to the people. The logic of this political process is that the masses at one stage start insisting on performance, for every promise must end up with performance or frustration. The political systems which developed higher skills in promise making have not simultaneously equipped themselves with the necessary capacity to fulfil those promises. This wide gap leads to unrest and sometimes even violent outbursts. It is in this context that we should understand rapidly changing patterns of relationship between the political and permanent executive.

The political executive, in the situation mentioned above, passes through two distinct changes: the first is the stage of manipulation and the second is the stage of repression. In the stage of manipulation they resort to rhetoric, populist slogans, ad hoc solutions and shifting the blame on to the others. It is this process in which the political power moves away from the people. The permanent executive has to remain at various field levels and the day-to-day interaction with the angry people cannot be avoided. The failures of the system are seen as failures of the administrative machinery and the failure of the permanent executive.

It is these developments which gave birth to the notion that policies are good but the implementation is bad. The question that one has to raise is that can there be good policies which are not implementable? Supposing the political executive sets certain unattainable targets and blames the permanent executive, does that get justified. In other words failure at the level of implementation need not necessarily be an administrative failure. In fact a good policy is the one which is effectively and successfully implemented. For the problems of implementation must be discussed at the stage of policy formulation itself. The strategies of implementation cannot be planned at the implementation level itself. At this level certain technical details can be worked out. Certain minor modifications can be introduced. But the

issues like adequate resources, necessary technologies, institutional infrastructure, need to be developed at the policy making level and not at the level of implementation.

The notion that policies are good and implementation is bad has an implicit assumption that political executive is committed while the permanent executive is lazy, indifferent and non-committal. The logic is that those who formulate good policies should necessarily be good and those who fail to implement those policies are bound to be bad. Here the principle of neutrality can become a negative factor. That is why we must see the policy and implementation as an integrated process.

The one outcome of this whole process is the strain that it imposes on the patterns of relationship. The political executive which is in no position to face the tides of increasing consciousness would not know how to tide over the situation. With the result there would be a strong tendency to blame the permanent executive. In fact there may be occasions when the political executive may openly criticise and attack the permanent executive. In such a situation the permanent executive governed by the principle of anonymity may not be in a position to publicly defend itself. The people may express their resentment against the permanent executive more directly, aided and encouraged by the political executive. Thus they may have to face the public wrath in the early stages of public unrest. When the political executive chooses to press the coercive arm into action, the gap between the permanent executive and the people gets further widened. This is a stage where the relationship between the political executive and the people touch the lowest ebb. That is why the relationship of permanent and political executive should be studied in their larger context.

Check Your Progress 2

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

1) Why in India, cooperation between the two executives is increasingly becoming less?

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2) How does the rising consciousness of people lead to greater strain in the relationship between the two executives?

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28.7 LET US SUM UP

Thus in this unit, the relationship between political and permanent executive has been analysed. The principles governing their relationship viz., norm of neutrality and norm of anonymity have also been discussed. The unit made an attempt to highlight the reasons behind the strained relationship between the two. The areas of cooperation between the ministers and secretaries have been explained too.

28.8 KEY WORDS

Lenin : (1870-1924) Russian revolutionary, leader of the Bolsheviks during and after Russian revolution and architect of modern communism.

liberalism : It is the belief in gradual social progress by reform and by changing laws, rather than by revolution.

nation-State : A state organised for the government of a nation whose territory is determined by national boundaries, and whose law is determined at least in part, by national custom and expectation.

Pendleton Act : The reform of Civil Services in U.S. began with The Pendleton Act (1883). Its aim was to promote appointment on the basis of merit through open competitive exam and assure the appointees security of tenure. It recommended the establishment of a United States Civil Service Commission. The Act was concerned with classified positions only. Labourers workmen and persons nominated for confirmation by the Senate were excluded from the purview of the Act.

Populist slogan : A slogan made to win the will of the people irrespective of the fact that the promises therein may be too "high" to achieve.

Pluralism : The existence of a variety of different people, opinions or principles within the same society, system or philosophy.

8.9 SOME USEFUL BOOKS

Chandrabhaga C.P., 1977. *Bureaucracy & Politics in India*; Vikas : N. Delhi.

Alvin Toffler, S.N., 1969. *Modernization: Protest & Change*; Prentice-Hall of India Private Ltd. : N. Delhi.

Max Weber, Ferrel, 1966. *Public Administration: A Comparative Perspective*; Prentice-Hall Inc; Englewood Cliffs: New Jersey.

Chandrabhaga R.B., 1976. *Contemporary Issues in Indian Administration*; Vishal Publication: New Delhi.

Chandrabhaga M., Shanti and Ramashray Roy, 1969. *Relation between Politicians and Administrators at the District Level*; IIPA and the Centre for Applied Politics : N. Delhi.

Max Weber, Fred W., 1964. *Administration in Developing Countries; The Theory of Prismatic Society*; Houghton Mifflin Co. : Boston.

Chandrabhaga M., 1976. *Relation between the Political and Permanent Executive in India; in Changing Aspects of Public Administration (ed.) O.P. Motiwal; Chugh Publication: Allahabad.*

8.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

Your answer must include the following points :

- The policy, being the primary function of politics, is rooted in an ideological structure.
- Permanent Executive deals with factual information about concrete situation.
- Need for separation of facts and values.

Your answer must include the following points :

- Changing of political parties in power
- Meritorious bureaucracy
- Permanent bureaucracy

Check Your Progress 2

Your answer must include the following points:

- Absence of consensus on development and absence of socio-political homogeneity

- The bureaucratic elites exaggerated view of themselves.
 - Factor of social origins of the members of the two executives.
 - Institutional mechanism, widening the areas of conflict.
- 2) Your answer must include the following points :
- Freedom movements and then Independence leading to new hopes and dreams.
 - Competitive electoral politics raising the aspiration of the masses.
 - Political executive's emphasis on populist slogans.
 - Failing to meet the promises and blaming of each other.

UNIT 29 PRESSURE GROUPS

Structure

- 29.0 Objectives
- 29.1 Introduction
- 29.2 Meaning of Pressure Groups
 - 29.2.1 Pressure Groups and Political Parties
 - 29.2.2 Pressure Groups and Lobbying
- 29.3 Characteristics of Pressure Groups
- 29.4 Types of Pressure Groups
- 29.5 Nature of Pressure Groups in India
- 29.6 Methods of Operation of Pressure Groups in India
- 29.7 Limitations of Pressure Groups
- 29.8 Conclusion
- 29.9 Let Us Sum Up
- 29.10 Key Words
- 29.11 Some Useful Books
- 29.12 Answers to Check Your Progress Exercises

29.0 OBJECTIVES

After reading this unit you should be able to:

- explain the meaning and characteristics of pressure groups in India
- discuss the various types of pressure groups existing in the country
- analyse the problems faced by the pressure groups; and
- highlight the need for their effective functioning.

29.1 INTRODUCTION

Pressure groups have become a very important part of an administrative system. These groups try to pressurise the administrative and political system of a country either to ensure that their interests are promoted or to see that at least their interests are not relegated to the background. No system can function effectively without taking their view point into consideration. In developing countries like India where there is scarcity of various resources on the one hand and acute poverty and deprivation on the other, the pressure on the administrative system is bound to be very heavy. The pressure groups arise in different forms in different walks of life. They provide a stabilising mechanism and form a crucial component of the structural equilibrium, that means that they perform the system maintenance function. There can be another side of the phenomenon where the pressure on the system may reach a breakdown point. Thus the questions like how the pressure groups are formed, how do they operate and what mechanisms the system adopts to cope with the pressures become important issues confronting the administration of any country. This unit tries to give us a clear picture regarding the functioning of pressure groups in India.

29.2 MEANING OF PRESSURE GROUPS

Pressure groups are forms of organisations which exert pressure on the political or administrative system of a country to extract benefits out of it and to advance their own interests. The term 'pressure group' refers to any interest group whose members because of their shared common attributes make claims on the other groups and on the political process. They pursue their interests by organising themselves and by influencing the governmental policies. Their aim is to see that laws or government's actions are favourable to their interests.

Pressure groups have been in existence in different forms ever since governmental machinery became capable of delivering certain benefits to either individuals or groups. They did take more concrete form in the wake of industrial revolution and the rise of market oriented economies. The emergence of trusts and monopolies and the struggle over tariffs *et cetera* led to the formation of pressure groups. With the advancement of technology and agricultural skill new problems, desires and needs arose and therefore new groups and organisations came into being to advance their common interests. State assumed various welfare functions in addition to its earlier regulatory activities. All this entrusted considerable power and discretion in the hands of state apparatus and the need to exert more pressure on the State became stronger. The dominant sections of the society needed the help of the State in promotion of the economic activities and the weak and the deprived needed its help for meeting their basic requirements.

Prof. S. Finer has characterised pressure groups as 'anonymous empire'. Richard D. Lambert views it as unofficial government. These groups influence both public policy as well as administration. They also contribute towards determination of political structure of society and the form of government. Any social group which seeks to influence the behaviour of any political officer, both administrative as well as legislative, without attempting to gain formal control of the government can be called a pressure group.

29.2.1 Pressure Groups and Political Parties

Pressure groups have to be differentiated from political parties. Political parties, in the strict sense of the term, are associations of individuals sharing common values and preferences. They are organised on ideological lines and present a vision for the future. They have well trained cadres who are engaged in continuous political mobilisation of the masses. They use all the political means available to capture the power and consolidate their position to attain or realise their ideological goals. In broader sense they are also interest groups. They have a social base whose interests it must protect and promote. They may adopt pragmatic approach and operate only in the immediate context. They may, sometimes, degenerate to the level of a pressure group to extract benefits for their group. In such a situation the distinction between a pressure group and political party may even disappear.

The pressure groups unlike the political parties are formed to solve their immediate problems. They are relatively more temporary than political parties. A pressure group may appear for a short time if it does not present any long range programme. However, where the interests of the group are of long range, the pressure group may also last longer. In such cases it may even project the sectarian interests as general or universal interests. It depends on the imagination of their leadership. The pressure groups may have a well knit organisation and organised membership. Generally they do not have cadres and do not directly deal with people. Even if they choose to appeal to the general public, they do not mobilise the people. In most of the cases they deal either with the political parties or governmental apparatus. The pressure groups have far greater flexibility compared to political parties as they do not go to people and stake their claims for power. It is precisely this process that distinguishes political parties from pressure groups.

29.2.2 Pressure Groups and Lobbying

Pressure groups and lobbying is not one and the same thing. Lobbying takes place when a few members of pressure groups loiter in the lobbies of the legislatures with a view to secure an opportunity to talk to legislators and to influence the decisions of the legislators. Parity cannot be drawn between lobbying and pressure groups even though the lobbyists are the representatives of particular interest groups. Lobbying is a communication process used for persuasion, it cannot be treated as an organisation. Lobbying is used in governmental decision-making and it aims at influencing the policy process. It acts as an instrument that links citizens and decision-makers. Lobbying is different from pressure groups in the sense that pressure groups are organised groups and they perform various functions including lobbying.

29.3 CHARACTERISTICS OF PRESSURE GROUPS

To have a proper understanding of pressure groups we must try to familiarise ourselves with the various characteristics of pressure groups.

Based on Certain Interests

Each pressure group organises itself keeping in view certain interests and thus tries to adopt to the structure of power in the political system. In every government and political party there are clashing interest groups. These groups try to dominate the political structure and to see that groups whose interests clash with theirs are crushed down. Thus each political party and system is pressurised by certain interest groups which may be similar or reactionary to each other.

Use of Modern as well as Traditional Means

Another characteristic feature of pressure groups is that they try to follow modern means of exerting pressure, without fully giving up the traditional or old ways of operation. They adopt techniques like financing of political parties, sponsoring their close candidates at the time of elections and keeping the bureaucracy also satisfied. Their traditional means include exploitation of caste, creed and religious feelings to promote their interests.

Resulting out of Increasing Pressure and Demands on Resources

As the resources of developing countries are usually scarce, there are claims and counter claims on these resources from different and competing sections of the society. In such a situation, there has to be a process of allocation. The public policies thus become the devices through which allocation takes place. However, the allocation process has to be accompanied by certain amount of authority for the demands of all the groups cannot be satisfied. In the process certain other groups are denied the benefits. Those who are denied the benefits are found to be unhappy and do express their resentment through different forms. This may range from mild protest to violent outburst. In such a situation the allocator of values viz., the State employs different techniques to contain the movement or meet the protest. At ideological level the State would claim legitimacy of its authority to allocate the values. If the legitimacy claim is accepted then the conflicts get resolved in a more orderly fashion. If the claims for the legitimacy are rejected, the State employs force and justifies it on the grounds of legitimacy and maintenance of order in the general interest of the society. The pressure groups take birth in this process.

In every society there is a continuous generation of demands. In developing countries like India, where around forty per cent population is below the poverty line, the demands emanate from the basic physical requirements of human beings. There are demands not only for food and basic needs but demands for work and opportunities. It is significant to note that the pressure for these demands has come more from the elite than the poor people themselves. Although there is restlessness, it has not acquired a concrete form in terms of poor peoples' organisation. The poor continue to be one of the most unorganised segments of the society with the result their problems do not get articulated sufficiently and pressure applied is not adequate to extract the share that is due to them.

Resulting out of Inadequacies of Political Parties

Pressure groups are primarily a consequence of inadequacies of the political parties. The political parties are expected to articulate the demands of different deprived and dominant interests in the system. They are also expected to organise and mobilise the support structure to various demands. In India, the spectrum of political parties indicates that while all of them do talk of the poor and other deprived and give prominent place to their problems in their manifestoes, a larger number of them neither have the capacity nor the political will to organise the poor. Thus the political parties leave a wide gap in the system. This gap is not filled by the pressure groups either. This is due to the inability of the poorer sections to organise themselves.

The political parties have not been able to present the interests of the dominant groups as adequately and fully as one would expect them to do. Most of the political parties compete for the same social base. With the result there is not much difference between one party programme and the other. This has left enormous gaps in the socio-economic system of the country. These gaps have come to be filled up by the pressure groups.

In a mixed economy where the state has opted for planned development, the dominant interests are always suspicious of the intentions of the state. This gives rise to organised pressure groups as a counter-check to politics and political parties. For instance, the Acts like MRTP or land reforms can always be a source of doubt about the real intentions of the policy formulators. That is the reason why the dominant interests are alert through pressure groups.

Another reason why political system leaves considerable space for pressure groups is the continuous regulations and restrictions imposed by the political system. From obtaining a licence to selling a product in the market, there is presence of the State. This is a highly bureaucratised process. The interest or pressure groups not only need to have a highly organised pressure system but maintain middlemen, liaison officer, hidden persuaders and so on. They adopt several methods to extract the favours from the system on the one hand and circumvent highly impending procedures, rules and regulations on the other. The political parties because of their dependence on the poor voters do not publicly plead for the course of the dominant interests. On the contrary their rhetoric is anti-dominant social groups. This gives rise to pressure groups.

Result of Changing Consciousness

Pressure groups are a result of changing consciousness. The consciousness of different groups go on changing as the result of (i) changing material conditions; and (ii) increasing politicisation. The change in the material conditions leads to higher level consciousness. For instance the increase in the food production or industrial goods does bring a change in the way individuals and groups look at the world. The stagnation in production leads to fatalism but increase in the production leads to demands, protests and formation of new pressure groups. This is the initial expression of the changes in material conditions. This also leads to sharpening of the political processes. The political parties and political groups try to mobilise various groups by raising new demands or articulating the new aspirations. The people at large respond to those processes as they enter a new phase of consciousness. Thus the changing material conditions and consciousness create a new situation for the rise of pressures and in turn the pressure groups.

The pressures arising from competition are, in fact, the real arena of pressure group phenomenon. The poor and the deprived sections lack the capacity to organise themselves, therefore they are usually organised or represented by the elite for upper strata. That is why the nature of pressure that is applied on behalf of the poor would be different from the pressure that the better off sections apply on the society. The better off sections who are locked up in competition from the limited resources of the society employ all the methods possible to extract maximum benefits from the system. It is in understanding the modes and methods that these groups adopt, our awareness of the problem is enlarged.

Check Your Progress 1

- Note: i) Use the space given below for your answers.
- ii) Check your answers with those given at the end of the unit.

- 1) Discuss the meaning of pressure groups.
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- 2) In what way are pressure groups different from political parties?
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3) Explain the difference between lobbying and pressure groups.

29.4 TYPES OF PRESSURE GROUPS

Different writers on comparative government have classified interest groups or pressure groups on the basis of their structure and organisation. According to G.A. Almond and G.B. Powell, interest groups can be classified into four categories.

- i) Institutional Interest Groups
- ii) The Associational Interest Groups
- iii) Anomic Interest Groups
- iv) Non-Associational Interest Groups

Institutional Interest Groups

These groups include political parties, legislatures, armies, bureaucracies and churches. An example of institutional group can be the West Bengal Civil Service Association. Whenever such an association raises protest it does so by constitutional means and in accordance with the rules and regulations.

Associational Interest Groups

These include trade unions, organisations of businessmen and industrialists and civic groups. Some examples of Associational Interest Groups in India are Bengal Chamber of Commerce and Industry, Indian Chamber of Commerce, Trade Unions such as AITUC (All India Trade Union Congress), Teachers Associations, Students Associations like Chhatra Parishad *et cetera*.

Anomic Interest Groups

These are the groups that have analogy with individual self-representation. In such type of groups, perpetual infiltrations like riots, demonstrations and assassinations into the political system from the society are observed. These groups are found in the shape of movement, demonstrations and processions, signature campaigns, street corner meetings etc. Their activities may either be constitutional or unconstitutional.

Non-Associational Interest Groups

These are the kinship and lineage groups and ethnic, regional, status and class groups that articulate interests on the basis of individuals, family and religious heads.

29.5 NATURE OF PRESSURE GROUPS IN INDIA

The different types of pressure groups found in India are business groups, trade unions, peasant groups, student groups, teachers' associations, caste and religious associations, women's associations etc.

The Business Groups

The Business group is the most important pressure group in India. They are also most effective. They are independent of the political parties that exist and they have enough resources with which they can safeguard their interests. Business associations have existed in India even before Independence. Most important of the business groups are the Federation of Indian Chambers of Commerce and Industry (FICCI) and Associated Chamber of Commerce. They exert varied kinds of pressures, they try to influence planning, licensing bodies and economic ministries. Some businessmen are always there in different legislatures at the Central as well as State level. Every Ministry of the Government of India has some kind of consultative committee and business groups are represented there.

Trade Unions

The Indian Trade Union movement has developed with enormous speed, trade unions were also present prior to Independence. Under communist influence, the All India Trade Union Congress (AITUC) was established in 1920s. The emergence of the communist movement also played an important role in the growth of trade unions in India. In 1948 the Indian National Trade Union Congress (INTUC) was established. Trade Unions in India are closely affiliated with the political parties, many national political parties have got their own federations of trade unions. In fact no amount of independence from political parties exists in trade unions. They seem to have been able to exert significant pressure at the policy formulation level and their strength is well-recognised by political parties and government. The trade unions when required can be very vocal and militant in their actions to meet their demands. They work through the weapon of strike and have been able to achieve monetary gains in terms of wage increase, bonus, change in wage structure etc. These type of pressure groups have been able to encourage class consciousness and class solidarity among the workers.

Peasants Organisations

In 1936, the All Indian Kisan Sabha was established. After 1942 the Communist Party of India acquired control over it. Different parties have got their own peasant organisations. Like the trade unions, there is no peasant organisation which may be independent of party control, though at the State level, their organisations are non-political, independent of the political parties and homogenous. The agriculturists are mainly organised more in regional or local class unions than on all-India basis. Even though there are some important All India Kisan Associations like All India Kisan Congress, All India Kisan Kamgar Sammelan, Akhil Bharatiya Kisan Sangh, peasant groups have been mainly organised on territorial basis.

Students Organisations

The student organisations in India have also acted as pressure groups both prior to independence and after independence. The All Bengal Students Association was formed in 1928. The All India Students Federation was established in 1936. After Independence the political parties continue to be affiliated with student organisations. The All India Students Congress and later on the National Students Union of India (NSUI) are affiliated to the Congress Party. All India Students Federation (AISF) and Students Federation of India (SFI), are controlled by Communist Party of India. The Radical Students Union, Democratic Students Union, Akhil Bharatiya Vidyarthi Parishad (ABVP) etc. are all affiliated to different political parties. They try to pressurise governmental policy on various crucial issues, their activities are not just confined to educational issues. Like the students organisations we also have teachers' associations.

Community Associations

Apart from these there are various community associations in India. These community groups are organised on the basis of caste, class and religion.

Some examples of Caste organisations are Scheduled Caste Federation, Backward Caste Federation, etc. Amongst other organisations there are some like Vishwa Hindu Parishad, Northern and Southern India Christian Conference etc. which represent interests that are supposed to safeguard their respective religions.

29.6 METHODS OF OPERATION OF PRESSURE GROUPS IN INDIA

The pressure groups adopt different methods to realise their goals. These methods even include cordial rapport with the political party in power to even resorting to agitational methods. The pressure groups finance the political parties during the election time and sometimes even during the non-election times. They control the parties through this funding mechanism. There have been several debates on election finances but no discussion resulted in regulating or controlling the flow of finances. Once the parties receive financial support, they cannot oppose these groups and their interests. On the other hand they have to promote their interests. It is believed that several members of the national and state legislative bodies are on the rolls of the top industrial groups.

The pressure groups also maintain close rapport with the State apparatus viz., the

bureaucratic machinery. The organised pressure groups maintain a wave length with the bureaucrats who matter. The role of rampant corruption needs no mention. The liaison officers are appointed to take care of the bureaucrats, particularly when they are stubborn. The lobbyists, middlemen, etc. have acquired enough of skills to manage them. This has also given rise to favouritism, corruption and other maladies in bureaucracy. While one cannot find anything seriously wrong with the pressure groups, it is the methods of operation which have become controversial.

Although all the pressure groups use identical methods, there are some groups which are far more effective than the others. The capacity of a pressure group is determined by:

-) leadership
-) organisational abilities
-) mass media
-) economic power base
-) mobilisational techniques

There is a need to discuss these factors to assess the potential of a pressure group and the way it is determined.

Leadership

This is one of the essential components of pressure groups. For it is the leadership which has to protect the interests of the group. It has to be so projected that in public image it is viewed as a universal interest. The leadership should also regularly communicate to the political parties, policy-making agencies and the public. The support of all these three forces is essential. The leadership should be able to establish credibility and be able to carry public opinion. The leadership should be, therefore, capable of communicating the view point of their group orally, in writing and through dialogue. In short the success of leadership lies in universalising the particular interest.

Organisational Abilities

There is also a need for an organisational network. In a country like India with its size and magnitude, it becomes essential that there are units of the organisation throughout the country. These organisations are needed for two reasons: firstly to associate the various sectors of the interest groups and consolidate them and secondly in a highly diversified society communication should take place at multiple points so that rapport with different agencies at different levels is maintained. The size and organisational strength can always play a significant role in terms of the response of political system to the demands that the pressure group puts forward.

Mass Media

In India the mass media is not fully developed. In countries like United States it has come to dominate the socio-political process to such a point that can make and unmake things. In United States it is completely in private sector. In India the Radio and Television are under government control. The newspapers are by and large owned by the major industrial houses. Now the regional newspapers are also becoming influential. The newspapers through their skills of communication create powerful public images and through continuous debate and propaganda influence the public opinion. The political parties and policy-making agencies are sometimes kept on tenterhooks by the newspapers. In fact during the post-independent India one issue on which government had to retreat is the issue of freedom of press. Whenever the bills were introduced either in the state legislature or union parliament, they had to be withdrawn. Enough of public pressure could be built on this issue. For this is a major weapon in the hands of the industrial houses or private sector to influence the policy-making process.

Economic Power Base

The economic power of the interest groups is a crucial factor. The influence a pressure group commands is proportionate to its economic strength. From financing the elections and party funds to carrying propaganda, the economic power of the group plays an important role. It is easy to notice in the day-to-day social affairs. In India the industrial and trading houses have been far more influential and powerful than the farmers associations, in spite of farmers being spread all over the country. It is clear that without adequate economic resources the pressure groups cannot exert proper pressure.

Mobilisational techniques

Effectiveness of the pressure groups also depends on their capacity to mobilise the people. The interest groups not only create public opinion but sometimes draw the general masses into agitational and protest politics. If they want to set an industry in a particular area, they create the necessary climate and make the people of the area demand for the industry. If they want infrastructure facilities they pressurise the government through its network at first and through a public demand and an agitation, later, if necessary. This is how a major irrigation dam can also be demanded and realised. In a society where the society is semi-literate and semi-conscious, private interests can always be converted into public interests.

29.7 LIMITATIONS OF PRESSURE GROUPS

In India, organised groups largely influence the administrative process rather than the formulation of policy. This is dangerous as a gap is created between policy formulation and implementation. Unlike the pressure groups in the developed countries of the West, where these are invariably organised to safeguard economic, social, cultural interests etc., in India these groups are organised around religious, regional and ethnic issues. Many a time factors of caste and religion eclipse the socio-economic interests. The result is that instead of serving a useful purpose in the political administrative process, they are reduced to work for narrow selfish interests. Moreover many of the groups have a very short life because of the lack of resources. This explains the reason for the mushroom growth of pressure groups as well as their withering away as it becomes difficult to sustain the interest of the persons, initially attracted to form these pressure groups.

In a country like India the tendency to politicise every issue, whether it has social, economic, cultural import, restricts the scope, working, and effectiveness of pressure groups. Instead of the pressure groups exerting influence on political process, they become tools and implements to subserve political interests. As a matter of fact, the factors which inhibit development of sound civic consciousness, also hinder emergence of healthy and functional pressure groups as a legitimate means of projecting legitimate socio-economic-ethnic and cultural interests of the citizen.

Check Your Progress 2

Note : i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the unit.

1) Discuss the different types of pressure groups.

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2) What methods of operation do the pressure groups adopt?

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3) Analyse the problems faced by the pressure groups in India.

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9.8 CONCLUSION

Pressure groups are now considered as an indispensable and helpful element of the democratic process. The society has become highly complex and individuals cannot pursue their interests on their own. They need the support of other fellow beings in order to gain greater bargaining power, this gives rise to pressure groups based on common interests. For long time these groups remained unnoticed, initially they were considered as harmful for the democratic process, but now their role in the political process has become very important. Democratic politics has to be politics through consultation, through negotiation and some amount of bargaining is also involved. Thus it is very essential for the government to consult these organised groups at the time of policy formulation and implementation.

9.9 LET US SUM UP

As we saw that pressure groups are a very important part of any system. No administrative and political set up can function without the advice and cooperation of pressure groups. The unit made an attempt to explain the meaning and importance of pressure groups. An attempt was made to discuss the nature of pressure groups in India and their methods of operation. The different types of pressure groups that exist in any political and administrative system are highlighted upon. The problems of pressure groups and need to overcome them were also clearly dealt with.

9.10 KEY WORDS

Fatalism : The belief that all events are determined by fate and hence are inevitable.

RTP Act : To prevent the concentration of economic power and to control the growth of monopolies, the government adopted the Monopolies and Restrictive Trade Practices Act (MRTP Act) in 1970. Undertakings under this Act have to obtain government approval for expansion of their activities.

Rhetoric : The art of using words effectively, in a forceful and dramatic way which appears to be clever and important.

Duties : A system of taxes upon exports and imports.

9.11 SOME USEFUL BOOKS

Chakraborty, Sunil Ranjan. 1974. *Pressure Groups in West Bengal*, in *Indian Journal of Political Science*, April-June. Volume 35.

Das Harihara and Das Sasmita. 1988. *Indian Government and Politics*; Discovery Publications House: Delhi.

Dasgupta, O.P. 1977. *India: Government and Politics*; Light and Life Publishers: New Delhi.

Dasgupta, 1982. *Indian Government and Politics (Indian Political System)*, Surjeet Publications: Delhi.

9.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

Your answer must include the following points:

- Pressure groups are forms of organisation which exert pressure on political and administrative system.
- They pursue their interests by organising themselves
- They have become stronger as a result of industrial and technological development

- They have to be differentiated from political parties and lobbying.
- 2) Your answer must include the following points:
 - Pressure groups unlike political parties are formed to solve their immediate problems
 - Usually they are relatively more temporary than political parties
 - Pressure groups have greater flexibility as compared to political parties
 - Pressure groups do not have cadres and generally they do not directly deal with people.
 - 3) Your answer must include the following points:
 - Parity cannot be drawn between pressure groups and lobbyists
 - Lobbying cannot be treated as an organisation
 - Pressure groups perform various functions that include lobbying.

Check Your Progress 2

- 1) Your answer must include the following points:
 - Associational Interest Groups
 - Non-Associational Interest Groups
 - Anomic Interest Groups
 - Institutional Interest Groups
- 2) Your answer must include the following points:
 - Strength of leadership
 - Mass media
 - Organisational capability
 - Economic strength
 - Mobilisational capability.
- 3) Your answer must include the following points:
 - Narrow selfish interests
 - Lack of resources
 - Political pressures
 - Gap between policy formulation and implementation.

UNIT 30 GENERALISTS AND SPECIALISTS

Structure

- 30.0 Objectives
- 30.1 Introduction
- 30.2 Generalists and Specialists—Meaning
- 30.3 Relationship between the Generalists and Specialists
 - 30.3.1 Arguments in favour of the Generalists
 - 30.3.2 Arguments in favour of the Specialists
- 30.4 Recommendations of the ARC
- 30.5 Bridging the Gulf between the Two
- 30.6 Let Us Sum Up
- 30.7 Key Words
- 30.8 Some Useful Books
- 30.9 Answers to Check Your Progress Exercises

30.0 OBJECTIVES

After reading this unit you will be able to:

- describe the meaning of the term 'generalists' and 'specialists'
- review and assess the roles of generalists and specialists in administration
- discuss the impact of the relationship between generalists and specialists on administration and
- outline the recommendations of the Administrative Reforms Commission on this matter and review their follow-up.

30.1 INTRODUCTION

Administration of any country requires different types of personnel to carry out its functions. The personnel ought to have the necessary knowledge, skills and qualities to be able to perform the various administrative functions. There are horizontal and vertical divisions in administration. The horizontal divisions are marked according to the territorial or regional levels at which the personnel are located. The vertical divisions, on the other hand, are demarcated according to the functions or tasks allotted to the employees or their groups. The vertical divisions are further conceived to belong to the generalist and the specialist categories. These are not formally defined categories as such. Functions and tasks are just the basic units of the classification or categorisation of the administrative personnel in government. In this unit we will discuss about the functions of the generalists and specialists, nature of their relationship and its impact on administration. A.R.C's recommendations to improve the relationships between the two will also be dealt with.

30.2 GENERALISTS AND SPECIALISTS—MEANING

Specialists are those civil servants who have acquired proficiency in terms of their education and experience in administration in specific subjects. They include medical doctors, engineers, scientists etc. Generalists are selected in administration on the basis of their having obtained a university degree irrespective of the subjects at it. They are selected, unlike the specialists, for having reached a certain (minimum) level of education *per se* indicating the essential minimum extent of intellectual and mental development. The Generalists are not chosen in administration for their proficiency in a particular discipline or branch of study or for further training or experience in that branch. It is said that administration *per se* becomes a matter of specialisation of the generalists.

A generalist entrant to the civil service would have graduated (passed B.A., B.Sc., B.Com., B.Tech. or M.B.B.S.) in literature or history or social sciences, or physical or biological science or mathematics, or commerce or accountancy, or a technical subject like engineering, or in medicine. On the strength of his/her subjects at graduation, which may be different from the specialisation needed for job offered, he/she is not fit to be posted in a particular department engaged in performing specific function such as agriculture, health, social service, etc. The posting of a generalist civil servant in a department or at a regional level of administration has nothing to do with the subjects of his education or of further training or administrative experience. His/Her selection to the civil service through a competitive examination open to all graduates in any faculty such as arts, social sciences, sciences, commerce, engineering/technology, medicine, is adequate to entitle him to occupy a position in a department or at a regional level such as a district or a division (a group of districts) or in the secretariat.

A generalist usually performs the POSDCORB functions (planning, organising, supervising, directing, coordinating, reporting and budgeting).

In any department or the government secretariat or any other administrative institution such as a public enterprise or a university or a local body, as we go higher and higher in the level of responsibility, say from the clerk to the superintendent to the officer-in-charge of an office and further to the executive officer leading to the secretary of a department or ministry, functions of a civil servant become more and more generalist in nature. Even in technical or functional departments such as irrigation and power, agriculture, medicine & health, the secretary to the department and the head of the executive department performs the generalist functions of policy-making, control of the administrative machinery, direction, supervision and control of the employees, coordination within and outside the organisation under control, and public relations. The technical or functional departments are no doubt suffused with the substantial content of the subject matter of the respective departments.

In modern times the functions of administration have become varied and complex. The state, besides maintaining law and order and looking after regulatory functions such as licensing, motor vehicles and factories, is engaged in multifarious economic and welfare functions. Setting up and conducting basic industries like steel, mining and heavy electricals is these days a concern of the state. The state also looks after the welfare of the disabled and the health of the infirm, the old and the children. Not merely that, the production of nuclear energy, conducting scientific research and introduction of innovations in technology are a must for the modern state. In a country like India where the peasantry forms the bulk of the population besides the above mentioned functions, the state is also concerned with assisting them with finances, technical information and inputs. Literacy rate is very low in the country. All this cast heavy responsibilities on the government. The functions of administration have become enormous varied and complex. This tendency has been visible in the west especially after the first world war, and in India after Independence. To take care of the diverse functions in a welfare state, specialists are appointed in administration in growing numbers at various levels and in different departments and ministries.

A specialist is a person who has special knowledge in a specific field. To systematise the working of the specialists in administration, they are recruited in cadres, i.e. groups of public services like engineers, medicos, statisticians, agricultural scientists, computer scientists etc. The number of generalist administrators at supervisory or directional levels has not grown to the extent to which the number of specialist officials with higher responsibility has increased. Clerks, typists, stenographers, accounts clerks, etc. are appointed in all departments at all territorial levels. But they do not perform duties of direction, supervision, control, coordination and public relations, which are the managerial functions of an administrator. So these employees or officials with lesser and routine responsibilities are left out in the discussion on the roles of the generalists and the specialists here.

Specialists are also posted as advisers, special/administrative assistants and researchers to the chief executive, viz. Prime Minister, Chief Minister or City Mayor. Here they operate as a staff agency, and not as a line agency. In line agencies, i.e. departments or public enterprises also, specialists like the lawyers or statisticians help the administration.

30.3 RELATIONSHIP BETWEEN THE GENERALISTS AND SPECIALISTS

The issue of the relationship between the generalists and the specialists has come to the fore on account of various factors. In the first place, they are organised in separate hierarchies, i.e. groups having supervisor-subordinate relations between various levels. That is why, the generalists and the specialists have lost contact with each other, and they look to each other with a kind of envy and suspicion. In the second place, the tasks of policy-making, control of administrative machinery and management at highest levels are allotted largely to the generalists in preference to the specialists, excluding few exceptions. In the third place, generalists are moved from one department to another, from one type of job to another, from a department to a public enterprise or local government and back, without hindrance. The specialists, on the other hand, are transferred or promoted within their respective departments. These contrasting situations have given rise to a feeling among the generalists of being 'administrators' *per se* and *par excellence*, and an inferiority complex and a feeling of being neglected among the specialists. Posts of secretaries in the government departments, and even of heads of most executive departments are reserved for the generalists. There are also salary differences in favour of the generalists. This privileged position of the generalists tends to offend the self-image of the specialists, and in result their morale and confidence.

The generalists and the specialists also function in the private sector industries and business. But their relations do not suffer from bitterness or envy, as in Public Administration. This is so because in private administration specialists like engineers, accountants also work as managers and highest level executives.

In India, recently, the basis of liberal university education in arts (including social sciences) and sciences for the recruitment to the Indian Civil Services has been broadened to include graduates in engineering, medicine and technology. So, the old Macaulayan premise of liberal education based university graduates as "flower of the earth" being the most suitable for selection as civil servants does not hold good in India today. Then, the entrants to the Indian Administrative Service (the successor to the I.C.S.), one among the three All-India Services, are the most privileged among the civil servants in the three All-India Services and the Central (i.e. Specialist) Services (viz. Foreign Service, Audit & Accounts, Income-tax, Customs, Excise, etc.). The members of the Indian Administrative Service occupy higher posts in various departments both in the field and the secretariat except those which are too technical i.e. specialist that are occupied by the members of the Central Services. Apart from the Central Services which are included among the specialist services, scientists, legalists, engineers, economists and other cadres are also termed specialist. The I.A.S. incumbents like those in the Indian Police Service and the Indian Forest Service are posted in the State administration as well as in the Central administration. But, strictly speaking, members of the I.P.S. and the Indian Forest Service are not generalists; the I.A.S. is really the only genuine generalist civil service in India. The members of the I.A.S. begin their career in a State administration as an assistant collector/commissioner and rise to hold headship of an executive department like agriculture, social welfare, sales-tax, etc., and secretaryship of a department in the State secretariat. After a stint of 10 years or so in the State administration, some of the I.A.S. civil servants are transferred to the Central secretariat to be in some cases finally elevated to secretaryship of a department/ministry there. Some of these are again deputed to the Central public enterprises as managing directors and/or Chairman.

Specialists occupy different positions in their own departments in the field and the Secretariat. A few of them rise to the secretaryship of the respective department. What is said here about the specialists in the Central administration applies to those in the State administration.

Check Your Progress I

Note: i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

1) Who are the specialists in administration?

2) What type of functions are performed by the generalists?

3) Why has the issue of the relationship between generalists and specialists come to the fore?

30.3.1 Arguments in favour of the Generalists

Traditionally, the Indian Public Services have been structured on the British pattern of division of services into the higher "administrative class and other subordinate technical services". The origin of such dichotomy can be traced to the famous Northcote-Trevelyan Report on "Organisation of the Permanent Civil Service," 1853; the report recommended that the superior posts in administration should be filled with educated and promising young men by a competitive examination. This administrative class recruited on the basis of literary attainments in recent years has come to be called generalists. The Macaulay Report in 1854 laid emphasis on the superiority of generalists over the specialists. This was the basis and the philosophy on which the Indian Civil Service was constituted. This philosophy continued to hold good till Independence. However, due to the increased welfare functions of the Government, Trevelyan & Macaulay philosophy has been questioned and challenged seriously.

The main idea in the selection of the generalist civil service and the placement of its entrants to the high level positions in any department or legal including the secretariat is that the intelligent young university graduates would occupy these positions with distinction without a formal in-service training. Another idea behind the generalist civil service was that these young entrants would perform the functions of advice to the government in policy-making, formulating decisions for execution of government orders into effect, whichever be the subject or function of administration. The technical experts in the respective subjects would help in these tasks.

Various points are put forward in favour of the generalists. They have a broad outlook and flexibility of approach, to adjust themselves to any department and position at any level, and to reflect and judge on any issue in administration. As they shift the ability of the generalists to assimilate different experiences functional, public and political, their ability to occupy higher position in any department and post gets strengthened.

Besides, it is argued that the generalist acts as a mediator, an umpire between the expert and the politician, the people and the government, the pressure groups and the public interest represented by the parliament/legislature and the political executive, and the conflicting points of view and aspects. The generalists are said to know the "minister's mind" better than the specialists. They tone down the angularities and extremities of the positions taken by the technocrats or the specialists. The specialists, it is held, favour costly proposals which the generalists can size up.

30.3.2 Arguments in favour of the Specialists

On the other hand, the weak points of the generalists are stressed by those who side with the specialists. During the nineteenth century when the generalist civil service was founded in Britain and India, highly specialised knowledge was not required in administration as its functions were limited to the maintenance of law and order and looking after regulatory activities. The general criticism of the generalist is that he has not developed the essential professionalism or adequate knowledge in depth of the work of any department, due to the absence of specialised education or post-service entry training in the work of that department. This has resulted, it is pointed out, in wrong policy-making and had made basic evaluation of the policies difficult. The methods adopted for execution of policies are also ineffective. Effective communication with the sources of expert advice in and outside the administration is not established. Because most of the policies and the decisions flowing from them are executed by the specialists or officials under their charge, the generalists are away from the perception regarding the extent of the effective execution of the policies and the decisions and the reasons for it. Generalists misunderstand technical advice or do not obtain it at all. The generalists cannot undertake forward planning because they are not equipped with the necessary knowledge of the developments in particular subjects like engineering, agriculture, education, health, etc., as they move from one department to another, and even out of a department to a public enterprises or a university, or an auxiliary body like the National Book Trust or the National Council of Educational Research and Training (NCERT). Further, the 'intelligent amateur' theory underlying the constitution of the generalist civil service would not be applicable to the recent times when the functions of administration have become complex, more technical, scientifically oriented and subject specific.

The specialists advance their case for being placed on an equal footing with the generalists on various grounds. The shortcomings in the administration by the generalists are cited in their own favour. The chief merit of the specialists claimed by them for occupying the highest position of headship of executive departments and secretaryship of secretariat departments is advanced on the strength of their knowledge and experience of respective specialities. It is also actively canvassed by the specialists that, on the one hand, the generalists become better qualified to hold higher positions in different departments because they themselves have fashioned the system in their own-favour, and on the other hand, the specialists are deprived of occupying highest positions even though they are better equipped. Scientific training inculcates an objective spirit among the specialists which reduces the alleged functional bias in them. Nor are the generalists completely free from a personal bias in the course of administration. The charge on the specialists of not being cost-conscious and of being too close to own department's clientele, is answered with a similar argument.

The dual hierarchical structures of the cadres of the generalists and the specialists respectively not only mar administrative efficiency but also create discontent among the specialists. The abolition of the dual structures would eliminate the frustration among the specialists. Easier and more cordial communication between them would result. Better expert advice from the specialists would be evoked.

Career planning is necessary both for the generalists and the specialists in the interest of the development of both and the greater efficiency and effectiveness of the administrative system. Both have to be trained in the managerial functions and techniques. A common body of knowledge useful to both needs to be taught in the course of the post-entry training. Better communication and cooperation between these two components of the administrative system have to be encouraged.

Check Your Progress 2

- Write : i) Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

What are the arguments advanced by the generalists in favour of their dominant position in administration?

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.....

- 2) What are the arguments put forth by the specialists in favour of their position in administration?

30.4 RECOMMENDATIONS OF THE ADMINISTRATIVE REFORMS COMMISSION

The issue of the relationship of the personnel of the Indian Administrative Service with those of the specialist services occurs at both the levels central as well as the state. The I.A.S. is an All India Service in the sense that its personnel are recruited at and appointed by the Central Government, but serve both the State and the Central Governments. The role of the I.A.S. in the field administration in the States, in providing manpower for appointment as District Collectors and magistrates and development officers in the posts of Zilla Parishad (Chief Executive Officers/District Development Officers), is also unique. In the Government of India the members of the I.A.S. are appointed as secretaries, joint secretaries and deputy secretaries to various departments after having a stint of service with the State Governments as a deputy secretary or a secretary. They serve the Government of India on a tenure basis for say five years, and revert to their respective states on completion of the tenure unless their tenure is extended. Before the report of the Administrative Reforms Commission on Personnel Administration (April 1969), the specialists were rarely promoted to the posts of secretaries in the Central or State Governments. Besides, in the State Governments members of the I.A.S. are also appointed as heads of departments including technical ones like agriculture, animal husbandry, sales tax, etc., except police or engineering. The differences in pay-scales of the I.A.S. and the other services do exist, which add to the discontent among the members of the specialists services such as the Indian Audit & Accounts, Railways, etc. at the Central and the agricultural, engineering and other services at the state level.

There could be no two opinions about the "main considerations for the formation of the Indian Administrative Service" as stated by a Study Team of the Administrative Reforms Commission. These are: i) to provide top administrative personnel to the Central Government as well as to the State Governments; ii) to provide opportunities to the Central administrative machinery for constant touch with realities and for contact with the people; iii) to provide opportunities to the state administrative machinery for acquiring a wider outlook; iv) to facilitate liaison between the Centre and the States; v) to bring about uniformity in the standards of administration; vi) to ensure that services are free from communal or party basis; and vii) to ensure contentment and sense of security in the services.

The Administrative Reforms Commission (A.R.C) maintained that in view of the complexities of the governmental functions today, it needs a diversity of skills for the administration of various programmes of development; that many of these skills are not available; and that these considerations have a great bearing on the staffing policies of the Government.

The A.R.C's one of the major recommendations was that all posts requiring close and intimate familiarity with a subject matter i.e. a function should be put into a separate cadre (i.e. service). These posts should form a functional service and should therefore be earmarked for the officers of the service. However, the movement of persons at various levels in the functional service is not to be automatic but through careful selection at each

vel. The unified grading structure recommended by the A.R.C. sought to help the process of selection.

The A.R.C. recognised however that there would be many posts which would not require subject matter (functional) specialisation but would call for broad conceptual and managerial skills. These are the policy level posts of secretaries in the secretariat. For these posts no single functional service is uniquely qualified. These posts are very important, so the Commission has suggested that they should not be manned as at present but by a different method. The method recommended by the Commission is to hold an examination of all officers of higher services with 8-12 years of experience in Government and test them on their suitability to man higher level policy positions. This examination should be designed to assess the candidate's capacity for communication, clarity of thought, overall managerial ability, power of analysis and comprehension of current social, economic and political issues. The A.R.C. has suggested that after the officers are selected on the basis of this examination, they should be allotted to one of the eight specialities mentioned by the Commission, according to their background and aptitude. These specialities are: (i) personnel & manpower, (ii) economic administration (including planning), (iii) financial administration, (iv) agricultural administration, (v) industrial administration, (vi) social & community administration, (vii) internal security & defence, and (viii) general administration. After this allotment, the careers of these officers would be within the selected speciality, but there would be judicious job rotation of these officers in related areas.

Criticisms could be offered on these categories of functional professionalisation of the civil services in India at the higher policy-making level, as also on the mode of examination to be held at the mid-career of the civil servants for selection to this level. But the recommendations of the A.R.C. on the matter ensured the pre-eminence of the generalist Indian Administrative Service as well as justice to the highly qualified and experienced among the specialists in respect of their claims to the higher level posts in policy-making.

Similar professionalisation and mode of selection to it was suggested by the A.R.C. at the lower level.

1.5 BRIDGING THE GULF BETWEEN THE TWO

Recently, certain steps have been initiated towards inducting specialists into administrative positions both at the centre as well as the states. For example the Department of Atomic Energy is headed by a nuclear scientist, Ministry of Law by a member belonging to the legal profession or service. Similarly, scientists preponderate in the scientific research departments. The Planning Commission is exclusively manned by specialists and professionals.

There is another method in vogue of giving a specialist head of the department ex-officio as Joint/Additional Secretary to the government. For instance in Railway Board, the members who are heads of operating departments are ex-officio secretaries in the Railway Ministry. At the state level too, specialists are appointed as secretaries—ex-officio or in own right—in departments like law, public works etc.

An independent Personnel and Administrative Reforms Department has been constituted at the centre in accordance with another recommendation of the A.R.C. Similarly, imparting of training in managerial techniques and reforms in administration as suggested by the Commission is under way. But the concept of overall career planning and development has not yet been stuck up.

In public enterprises, prior to the report of the A.R.C. on public enterprises, government secretaries most of whom were generalists used to be appointed either in ex-officio capacity as part time Chairman/Managing directors or directors or on a full time substantive basis. The recommendation of the A.R.C. to discontinue the practice was accepted and implemented by the Government.

Another possible way out to bridge the existing gulf between the generalists and specialists could be the formation of any one of the following hierarchies like:

- i) **Separate Hierarchy:** The system is prevalent in Australia, Sweden where there is common pay and greater respect for specialists.
- ii) **Parallel Hierarchy:** This is a system where a specialist will be working with a generalist like for example Director General (Specialist) will be working with Deputy Secretary (Generalist).
- iii) **Joint Hierarchy:** Here both a generalist as well as a specialist report jointly to a permanent Secretary who is a generalist.
- iv) **Unified Hierarchy:** This implies creation of a unified civil service merging both central and All-India Services. This requires common competitive examination of uniform standard and uniformity in emoluments and conditions of service. While in India no steps were taken to create such a service, in Pakistan in 1973, unified civil service was created wherein all the services and cadres in their civil service were merged in one service.

The generalist Indian Administrative Service, with all its shortcomings, has proved to be an asset to the administration both at the national and state level. Its alleged omniscience, overbearing outlook towards the specialists, its inadequate 'professionalism' and outdated knowledge in scientific and technological sectors of administration are known and have been discussed in scholarly works and current journals, magazines and newspapers. But its national outlook has helped to keep the State administration into the national mainstream. Its integrated approach has kept the national administration alive to the requirements of long-term advance of economy in expenditure and interrelations among different sectors of administration as well as between the central and the states' administration and among the states's administration.

At the same time, the value of the specialists', contribution and role in the administration at both the Central and the States levels has to be appreciated. India has progressed tremendously in scientific, industrial, transport, communication, agricultural, educational and other fields. The specialists' role in this multisided national progress and the administrative infrastructure and processes for it, should be recognised.

Check Your Progress 3

- Note: i) Use the space below for your answers.
 ii) Check your answers with those given at the end of the unit.

1) What are the recommendations of the A.R.C. regarding specialist services ?

.....

2) How far have the recommendations of the A.R.C. on staffing been implemented ?

.....

30.6 LET US SUM UP

Thus we can say that problem of smoothening the relationship between generalists and specialists is not an easy task. Some recommendations of the ARC are very useful. More efforts have to be made to implement them properly. Many departments have tried to give a lot of incentives to the specialists like appointing them as secretaries ex-officio or in own right in the central secretariat and state secretariats. More developments towards this

direction are under way. What has to be realised is that generalists and specialists both have very important roles to play in administration and their contributions ought to be recognised.

30.7 KEY WORDS

Horizontal Division: Horizontal divisions in administration are made according to the territorial levels at which personnel are located.

Intelligent Amateur: The theory which holds the view that person who is not a specialist has a broader view of administrative activities.

Par Excellence: One uses this word when one wants to emphasise that something is the best possible example of a particular thing.

Per se: It is a formal expression which is used to say that one is considering a particular subject only from a general or theoretical point of view rather than taking into account the practical aspects or one's own experiences.

Vertical Division: Vertical divisions in administration are made according to the functions or tasks performed by the employees.

30.8 SOME USEFUL BOOKS

Chanda, Asok. 1968. *Indian Administration*; G. Allen and Unwin: London.

Iain, R.B. 1976. *Contemporary Issues in Public Administration*; Vishal Publications: New Delhi.

Report of the Fulton Committee on the Civil Service, Volume I. 1968. HMSO: London.

Report of the Administrative Reforms Commission Study Team on Personnel Administration (Staffing.... Personnel Management) 1967. Govt. of India; Manager of Publications: Delhi.

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Personnel Administration: Implementing the Reforms. 1970. Indian Institute of Public Administration: New Delhi.

30.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

- Specialist is a person who has special knowledge in some specific field
- To take care of the diverse functions in a welfare state specialists are appointed in administration
- They are recruited in cadres i.e. groups of public services
- Their number has increased substantially over the period of time.

2) Your answer must include the following points:

- Planning and organising
- Supervision and control
- Direction
- Staffing and coordinating

3) Your answer must include the following points:

- They look to each other with envy and suspicion
- Salary differences in favour of the generalists
- Posts of secretaries to government departments and even heads of most executive departments are reserved for the generalists.

Check Your Progress 2

- 1) Your answer must include the following points:
 - Generalists have a broad outlook and flexibility of approach
 - Generalists are more experienced
 - Generalist acts as a mediator between the expert i.e. the specialist and the politician, the people and the government, the pressure groups and the public interest.
- 2) Your answer must include the following points:
 - Specialists have developed the essential professionalism and adequate knowledge
 - Generalists are away from perception regarding the extent of the effective execution of the policies
 - Generalists do not have necessary knowledge to take up policy-making.

Check Your Progress 3

- 1) Your answer must include the following points:
 - A.R.C. recommended that all posts requiring close and intimate familiarity with a subject matter should form a functional service
 - The movement of persons at various levels in the functional service is not to be automatic but through a careful selection at each level
 - For policy level posts, no single functional service is uniquely qualified. These should be manned by officers of higher services with 8-12 years of experience in government through an examination
 - The selected officers should be allotted one of the eight specialities mentioned by the commission.
- 2) Your answer must include the following points:
 - The A.R.C's recommendation regarding the eight fold professionalisation for selection to the higher policy level posts has not been implemented in India
 - An independent personnel and administrative reforms department has been constituted at the centre in accordance with the recommendations of the A.R.C.
 - The training in managerial techniques in administration as suggested by the Commission is under way.



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Indian Administration

Block

7

ADMINISTRATIVE REFORMS

UNIT. 31

Administrative Reforms

5

BLOCK 7 ADMINISTRATIVE REFORMS

is the last block of the course on Indian Administration. It is a one unit block titled 'Administrative Reforms'. The block aims to highlight the meaning and importance of administrative reforms in India. It traces the development of administrative reforms in the country since Independence. The reasons behind the appointment of Administrative Reforms Commission to bring about reforms and its major recommendations are discussed in this block. It also explains the role of various divisions and ministries entrusted with the function of administrative reforms, Organisation and Methods Division and Ministry of Personnel Training, Administrative Reforms, Public Grievances, Pensions and Pensioners' Welfare.

UNIT 31 ADMINISTRATIVE REFORMS

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- .2 Meaning of Administrative Reforms
- .3 Need for Administrative Reforms
- .4 Types of Administrative Reforms
- .5 Administrative Reforms in India since Independence
- .6 Appointment of Administrative Reforms Commission (ARC) in 1966
- .7 Major Recommendations of ARC
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.0 OBJECTIVES

After reading this unit you should be able to:

- explain the meaning and importance of Administrative Reforms
- discuss the major recommendations of Administrative Reforms Commission (ARC), and
- describe the functioning of institutions, divisions, departments engaged in bringing about reforms in administration.

.1 INTRODUCTION

'Administrative Reform', which today has almost become a much used term in bureaucratic parlance, is itself a late arrival in the Public Administration scene in India. Attempts at administrative vitalisation, though mostly as a response to ad hoc orders, and not usually as a comprehensive package-programme, have been in vogue here before, and after Independence in 1947. Some of the institutions specially strived to conduct prospective probe into procedures and methods of work, delegations, staff requirement, project execution, etc., also came into existence in the 'fifties'. In addition to these, the five-year plan documents contained valuable exhortations, without themselves being studies in-depth of administrative effectiveness and prescription of remedies, for meeting developmental shortfalls so far as they could be accounted for, among other things, by administration's failure to deliver the goods. All this might lead one to assume that there had perhaps been more than necessary administrative reforms activities in this country.

It is none can discern any well-concerted, organised, scientific, reforms-movement behind all these disjointed, diffuse and desparate change-attempts. There had been no conscious, well-coordinated, centrally planned and deliberative process of making comprehensive in its sweep and deep in its diagnostic analysis, which could have ignited a really consuming reform-fire. Possibly one could even find justification for this lack of fore-thought or far-sight. After Independence, the Govt. of India faced so many political, social and economic problems that the importance of administrative reform got relegated to the background.

In any developing country, administrative modernisation necessarily gets a background role in national development drama, for the centre of the stage is, by the very nature of things, occupied by more ambitious, showy economic and social renewal programmes, and not unoften, though to a lesser degree, by political reform. The need for building up of administrative capability as an integral part of all round

development often catches everyone's attention. It is only when a function or a service is faced with a breakdown or threatened with collapse that attention is diverted to administrative ill-health, and hence need for reforms.

31.2 MEANING OF ADMINISTRATIVE REFORMS

Administrative Reforms have been variously defined. There are many names given to this phenomenon of reforms — administrative change or transformation, administrative renewal, administrative revitalisation, administrative recharging (or revamping or re-scheduling or returning). The idea is that the administration is in need of re-alignment and re-adjustment and it must evolve to a new form and format through a planned, systematised and well-directed process.

Administrative reforms can, in short, be defined as artificial inducement of administrative transformation against resistance. This definition highlights three distinct elements, namely:

- 1) Administrative reform is, first, artificially stimulated;
- 2) It is a transformatory process; and
- 3) There is, lastly, the existence of resistance to change process.

Obviously, reforms do not take place by themselves. They are premediated, well-studied and planned programmes with definite objectives in view. Reform is an induced and manipulated change, for it involves persuasion, collaboration and generation of conviction in the 'betterness' of the new from the old. Unless the change-agent can show that the 'tomorrow' would be better than 'today', it will be dubbed as a 'muddler' and degraded as 'interferer' and not a 'reformer'. Since change generates some amount of uncertainty, insecurity and a whole complex of anxiety in individuals, groups or even community, most people are, by nature, in favour of 'status-quoism' and resist attempts at transformation.

Even so, the time does not stop; nothing is static; nothing stays the same for long; and along with 'universality' of movement, however it may be, society, groups, men and all move too. Even if further innovation is resisted, reform will continue as a progressive force, urging action.

Reform is more than a series of incremental changes or marginal adjustments, though it may result from the cumulation of small changes which periodically creates requirement for comprehensive and systematic efforts.

Administrative Reform is a form of creative destruction, it means that an old order is broken down to pave the way for a new order. It refers to the formal, mechanistic and pre-thought process of structured change.

31.3 NEED FOR ADMINISTRATIVE REFORMS

The distinguishing characteristic of modernised social system is its ability to deal with continuous systematic transformation. Administrative reform is but a part of the universality of this change, for administration is nothing but a sub-culture, a social sub-system reflecting the values of the wider society. Therefore, society has to change in order to:

- free itself from the shackles of traditionalism,
- change relationships with environment,
- adopt fresh innovative culture,
- adopt new knowledge and technology, and
- crave for a new order through elimination of old ills and evaluation of comparative system-values.

Administration must also correspondingly change to be in step with the 'outer' modernisation process. Or else, a serious disequilibrium would set in, resulting in an agonising imbalance, dysfunctional maladjustments and eventual goal-displacement. The tension this state of affairs generates constitutes the central aspect of reform-

movement. Administrative reform, from this angle, is a dependent variable. Indeed, successful reforms need to be preceded or at least accompanied by necessary variations in societal values that would make reform-assimilation possible.

The administrative reform thus cannot, and does not, exist in vacuum, immunised or isolated from other socio-political influences. Administrative reform is, in Fred W. Riggs' expressive phrase, a "problem of dynamic balancing". Since Public Administration functions within a political context, its basic character, content and style of functioning must be greatly influenced by the political environment, its institutional dynamics and processes, in not merely setting national goals, priorities, or deciding between competing values, allocating resources but also in devising the most effective instrument for translating these policies into successful programme realities. Today's India significantly testifies this interactive interdependence of the political and reformatory processes. Added to this, the spectacular advances in science and technology, state's pervasive role in managing national assets and resources, controlling the entire economy through 'regulation and development' and ensuring a just, equitable economic order, correcting age old social imbalances through newer forms of institution-making, and ushering in an egalitarian social system. And all these throw up not merely a massive explosion of new tasks of unprecedented magnitude and dimension, they equally invariably require, just to be equal to their complexity and scale, fundamental and foundational improvement in administrative capabilities. The latter, in turn, presupposes a long-range perspective planning, educational re-arrangement, skill-generation, attitude-formation and a host of other structural-functional administrative reorganisations, quite apart from adoption of new technologies of effective decision-making and implementative gadgets. This being the ecology of administrative reform, the success of administrative reform programmes postulates an inter-disciplinary and multi-dimensional approach.

31.4 TYPES OF ADMINISTRATIVE REFORMS

Administrative reforms, according to Gerald E. Caiden, can be of four types:

- i) reforms imposed through political revolution
- ii) reforms introduced to remedy organisational rigidity
- iii) reforms through the legal system, and
- iv) reforms through changes in attitude.

Reforms imposed through political changes: Administration is shaped and influenced by political forces. The change in political scene also effects administration. Structure and working of administration is effected by peaceful and revolutionary political changes. Administrative reforms usually follow.

Reforms introduced to remedy organisational rigidity: Bureaucracy also feels the need for administrative changes. Whenever strains and stresses are detected in its operation, the rigidity in structure of administration has to be removed. The changes in the structure of administration can take place in several forms such as personnel reshufflings, research promotion alteration of structures and regulations, encouragement of innovation and initiative and better public relations.

Reforms through the legal system: A new law pertaining to administrative reform can lead to significant changes in administration. Legislation is normally preceded by consultations and deliberations in several forums such as committees, commissions, press etc.

Reforms through changes in attitude: Human beings are an important part of any organisation, no legal, structural and political change can lead to desired reform unless and until these are appreciated and accepted by the people working in the organisation.

Check Your Progress 1

Note: i) Use the space below for your answers.

ii) Check your answers with those given at the end of the unit.

1) Explain the meaning of administrative reforms.

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2) Discuss the need for administrative reforms.

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31.5 ADMINISTRATIVE REFORMS IN INDIA SINCE INDEPENDENCE

The Context for Reforms

The Independence came in 1947, it was accompanied by partition, massive refugee problem, migration and retirement of great number of administrative personnel, problem of integration of the princely states etc. The new Government of India adopted the ideology of welfare of the people through socio-economic development, which led to great proliferation of tasks and functions. To tackle all these gigantic programmes of welfare and challenges of change, the administrative machinery which was inherited from the colonial regime and rendered weak by erosive circumstances and stressful situations accompanying the Independence, had to be revamped and re-inforced. Administration, as the instrument for master-minding and implementing all the challenging charter of developmental programmes had to be restructured, reformed and renewed. This needed a competent diagnosis of the problems and adoption of adequate corrective measures.

Some Reform-Studies

To investigate the question of personnel shortages, better utilisation of the available manpower and improvement of methods of work in the Central Secretariat, a six member committee was appointed by the Government of India in 1947. These years also witnessed the establishment of the Indian Administrative Service to replace the Indian Civil Service; the creation of the Indian Police Service, the Indian Foreign Service and the Central Secretariat Service; and the setting up of a training school for the IAS probationers.

A comprehensive review of the working of the machinery of the Central Government in general was undertaken only towards the end of 1949 by N. Gopalswamy Ayyangar. In 1951 Shri A.D. Gorwala's report on Public Administration commented on the adequacy of administrative machinery and methods to meet the requirements of planned development. Paul H. Appleby submitted two reports (Public Administration in India: Report of a Survey — 1953 and Reorganisation of India's Administrative System with Special Reference to Administration of Government's Industrial and Commercial Enterprises, 1956) dealing with Administrative re-organisational practices indicating where they went wrong and what needed to be done in finetuning this administrative set up on the basis of certain rational principles of management. Appleby in his report made significant suggestions for streamlining machinery of the Government, work procedures, recruitment, training etc. During this period Estimates Committee of the first Lok Sabha on

(Reorganisation of the Secretariat and Department of Government of India — 1950-51) and (Administration Functional and other Reforms — 1953-54) showed special interest in Administrative Reforms of Central Government.

The First Five Year Plan, published in July 1951, stressed the importance of assessing the requirements of scientific, technical and administrative personnel, establishment of joint 'development' cadres, improvement of in-service training arrangements, the establishment of O&M units at the Centre and in the States, systematic evaluation of results as a normal administrative practice.

The actual advent of development administration through the First Five Year Plan (1951-56) saw the establishment of some new agencies charged with the responsibility of administrative evaluation or reforms. In 1952, the National Development Council was set up, and the Programme Evaluation Organisation was set up in the Planning Commission. A Special Reorganisation Unit (Economy Division) was also established in the Department of Expenditure of the Ministry of Finance to make an objective review of the organisation and personnel strength of the various Ministries and their attached offices. This Unit was reorganised in 1958, to incorporate the use of work study techniques for determining work loads and staff complements and overhauling procedures. The Central O&M Division and the Indian Institute of Public Administration came into being in March 1954. In 1954, staff councils were formed in Central Ministries. In 1955, an Administrative Vigilance Division was set up in the Ministry of Home Affairs to render assistance and to coordinate the activities of the Ministries of the Central Government in their campaign against corruption in the public services.

The Second Five Year Plan (1956-61) emphasised the need to face critical administrative responsibilities in economic development programming. It enumerated the principal administrative tasks as: ensuring integrity in administration, building up administrative and technical cadres, continuously assessing requirements of personnel in relation to the tasks to be undertaken etc. The significant developments from the point of view of administrative reforms during the period of the Second Five Year Plan (1956-61) were: The National Development Council for evolving suitable forms of organisation, methods, standards and techniques for achieving economy and reducing costs (1956), the second "emergency" recruitment as a result of the post-Independence depletion of service to fill up the gap in the I.A.S., the I.F.S. and Central Services (1956); the report of the Public Services (Qualifications for Recruitment) Committee recommending that a university degree should not be necessary for entry into clerical services (1956), establishment of the Administrative Staff College for the training of senior members of government and industry (1957), announcement of the experiment with "Pilot Section" and "Jumping Levels" in the Central Secretariat (1956-57), creation of Industrial Management Pool (1958-59), formation of the National Academy of Administration with a foundational course for probationers of all class-I services (1959); appointment of a part-time Director of Training (1960), and appointment of a Secretaries' Committee on Administration having continuous responsibility for promoting administrative efficiency and promoting administrative leadership.

The Second Central Pay Commission made certain recommendations of far-reaching significance on some crucial aspects of Personnel Administration in the Central Government. The Third Five Year Plan 1961, listed among others the principal objectives to be realised in Public Administration as: ensuring everyday efficiency with speed and prompt disposal of matters, continuing administrative leadership for securing steady improvement in administrative efficiency and standards etc.

The two important documents on administrative reforms published during the years 1961-62 were : Statement on Administrative Procedure laid on the Table of Parliament by the Prime Minister on August 10, based on a progress report of the Secretaries Committee on Administration and the Report on Indian and State Administrative Services and Problems of District Administration by V.T. Krishnamachari. Krishnamachari, in his report, made several recommendations for increasing the intake of direct recruits to the I.A.S. to meet future needs, improving pre-entry training at the National Academy of Administration and probationary training in the State, and organising refresher courses for I.A.S. Officers with 6 to 7 years' service.

31.6 APPOINTMENT OF ADMINISTRATIVE REFORMS COMMISSION IN 1966

Need for Setting up ARC

During the first decade after Independence, it was found that the inherited administration of the country with its law and order and regulatory orientation, was not capable of tackling the array of complicated legacies of partition as well as the new charter of responsibilities of social and political development that were entrusted upon the country with the adoption of the ideology of welfare state. Several studies and enquiries, uncoordinated and limited in scope, were made in regard to the administrative structures and procedures during the first fifteen years after Independence. But they were not comprehensive enough to suggest systematic reforms to bring about efficiency and higher standards in administration. The administration remained ineffective and inadequate to translate the national visions into programmatic missions. Complaints became rampant underscoring the inadequacy of the Govt. to deal promptly and humanely with the problems and grievances of the citizens. As a consequence, the idea of setting up of a commission to make comprehensive study of the administration gained ground.

Objectives of ARC

Thus, Administrative Reforms Commission came into being on January 5, 1966 through a Resolution of the Ministry of Home Affairs (Department of Administrative Reforms) of the same date. The Commission was required to consider the following areas:

- 1) the machinery of the Government of India and its procedures of work;
- 2) the machinery for planning at all levels;
- 3) centre-state relationships;
- 4) financial administration;
- 5) personnel administration;
- 6) economic administration;
- 7) administration at the state level;
- 8) district administration; and
- 9) problems of redress of citizens' grievances.

Method of Working of the ARC

These study teams consisted of eminent public men, Members of Parliament, civil servants with specialised knowledge and experience in particular areas, and professional men. The composite character of the study teams and working groups was intended to ensure an integrated, balanced and realistic approach to their investigations and recommendations on problems of Public Administration. The Commission set up 20 Study Teams and 13 Working Groups and 1 Task Force. It also constituted four Expert Groups to assist one of the Study Teams. Not less than 206 distinguished persons drawn from varied walks of life served as members of these bodies — six had served as ministers of the Central Govt., seven were Chief Ministers and three were ministers of the State Govt. There were former Attorney General, former Justice of High Court, former Lt. Governor and Governors of Reserve Bank, besides Vice-Chancellors, Professors, Directors of national laboratories, Scientists, Managers, Lawyers and Principals from Industry and Commerce. The composite character of the Study Teams and the working groups was intended to ensure an integrated, balanced and realistic approach to their investigations and recommendations on problems of Public Administration.

Check Your Progress 2

- Note: i). Use the space below for your answers.
ii) Check your answers with those given at the end of the unit.

Write a note on the reform studies undertaken in India since Independence.

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Why was Administrative Reforms Commission (ARC) set up in the country.

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What are the different types of reforms that can be brought about in administration?

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1.7 MAJOR RECOMMENDATIONS OF ARC

Administrative Reforms Commission had submitted 20 Reports containing 581 broad recommendations broken down further into more or less equal number of sub-recommendations covering in all 9 main areas (out of 10) entrusted to the Commission (one area, Agricultural Administration was left out of ARCs consideration as a separate Commission on Agriculture had been already appointed).

It is not feasible to refer to all the recommendations, even the major ones, in all these diverse areas contained in all these reports. We will only deal with those ARC recommendations which have direct bearing on administrative reforms.

Administrative Reforms

Department of Administrative Reforms should confine itself mainly to : (a) studies on administrative reforms of foundational character; (b) building up O & M expertise in Ministries/Departments and training the personnel of their O & M units in modern techniques of management; and (c) advice and guidance to these O & M units in effecting administrative improvements and reforms.

A special call on perspective reforms' should be set up in the central reforms agency.

In the methods of work, staffing pattern and organisational structure, the central reforms agency should be research oriented.

The Department of Administrative Reforms should be placed directly under Deputy Prime Minister.

It is necessary to develop strong, autonomous, professional institutions which will promote original thinking on administrative reforms and innovations.

A council on administrative reforms should be set up to advise the central reforms agency on the planning of its programmes of work, to review progress, to help induct fresh thinking into its working and to coordinate the activities of the

- different professional organisations engaged in research on problems of public management. The council should consist of eight members drawn from Members of Parliament, experienced administrators, eminent scholars interested in Public Administration.
- Not more than two Ministers should be involved in the decision-making process in any Ministry.
 - Reconstituted standing Cabinet Committees should between them, cover all 'important activities of the govt'. Every standing committee of the Cabinet should be supported by a committee of Secretaries.
 - Role of the Cabinet Secretary should not be limited to that of a coordinator. He should act as the principal staff adviser of the PM, the Cabinet & committees on important policy matters.
 - All major decisions should be briefly reduced to writing particularly where policy of the Govt. is not clear or where Minister differs from the Secretary on a important issue.
 - A separate Department of Personnel should be set up with full time Secretary who should work under the general guidance of Cabinet Secretary.
 - A functional field should be carved out for the I.A.S. (e.g. Land Revenue Administration, Magisterial functions and regulatory work in the states).
 - The posts in the civil services should be grouped into 20-25 grades. All class I posts be assigned to 9 common scales divided into three levels — junior, middle and senior.
 - For all services, advance projection should be made of the requirements of personnel for five years at a time.
 - The upper age limit for competitive examinations should be 25 years and number of chances restricted to two.
 - Govt. should formulate a clear-cut and farsighted National Policy on Civil Service Training.
 - Civil Service Tribunals should be set up to function as the final appellate authorities in regard to major penalty orders.
 - There should be one authority dealing with complaints against administrative acts of Ministers or Secretaries to Govt. at the centre and the states. This authority should be designated "Lok Pal", whereas the authorities at the centre and in the states empowered to deal with complaints against other officials may be designated "Lok Ayukta". Lok Pal (tenure: 5 years) should be appointed by the President on the advice of PM, tendered after consultation with the Chief Justice of India and leader of the opposition. Lok Pal will have the status of Chief Justice of India.

31.8 ORGANISATION AND METHODS DIVISION

Setting up of O & M Division

In India, the need for having a permanent organisation charged with the responsibility of paying continuous attention to the improvement of efficiency in the administrative machinery was keenly felt during the post-war years. The administrative machinery had been already put to severe strain during the War and the multiplicity of tasks which came in the wake of Independence gave rise to serious doubts about its capacities and competence. In 1947, A.D. Gorwala recommended the setting up of a Directorate of Methods Organisation and Training as an agency for improving the competence of young administrators. A year later, the Economy Committee spelt out this idea in a specific recommendation for the creation of a separate organisation to exercise strict control over the procedures and personnel of all Ministries with a view to finding out whether officers at all levels were fully discharging the functions expected of them and to suggest improvements in the organisations and methods of work. In 1952, the First Five Year Plan recommended that the Central Government should have an Organisation and Methods Division (O & M Division) which should work in close cooperation with the personnel sections in the different Ministries. Subsequently, in the year 1953 Paul H. Appleby in his famous report 'Survey of Public Administration in India' emphasised the need for "establishment of a central office charged with the responsibility for giving both extensive and intensive leadership in respect of structures, management and

cedures." In March 1954, the O & M Division came into existence and was located in the Cabinet Secretariat. The rationale for this location was obvious. The Cabinet Secretariat apart from being a coordinating agency occupied a pivotal position. It functioned directly under the Prime Minister and was thus eminently suited to secure co-operation from all Ministries and integrate their individual efforts or administrative improvement into a concerted endeavour for raising the level of efficiency of the machinery of Government as a whole.

Functioning of O & M Division

The O & M in India has successfully carried out programmes of studies into ways and means of scientific management of records, simplification of departmental rules, like the Public Works Account code, of Reports, Returns and Statements compiled by governmental agencies and also the organised industries, work studies resulting in simplification of procedures and methods of work done in house-keeping sections in Ministries (which taken together represent nearly 30% of the Central Secretariat), studies of specific problems of inter-Ministerial significance like the requirements of clerical and class IV personnel in the secretariat. It also worked out illustrative models of delegation of financial and administrative powers at various levels of public sector undertaking to match authority with responsibility, which will speed up the decision-making process and eliminate delays inherent in the centralisation of powers at top rear-top levels. The O & M Division can at best provide a specialised service by studying problems of common interest to a number of different departments or by conducting comprehensive reviews. Within the organisation each Ministry, Department or executive agency must build up its own efficiency (O & M) unit and invest it with competence, responsibility and authority to study problems of administration. In June 1962, the Government of India took a bold step by delegating very large financial powers, which were hitherto centralised in the Ministry of Finance, in the matter of incurring expenditure on numerous important items including works and staff within the framework of budgetary allotment. The scheme visualised setting up of internal work study cells by strengthening and extending the scope of activities of departmental O & M Units as an essential prerequisite to efficient internal control and economy of expenditure by the secretaries of the departments. The Central O & M Division was to assist the Ministries in converting their O & M Units into O & M cum-Work Study cells by providing intensive training to their O & M staff in the technique and practice of work study. If the O & M is to play a useful role and make a significant contribution, its work should not be restricted merely to matters of office procedures and methods. The O & M should be suitably equipped to consider analytically questions of organisations and structures of departments and Ministries and be permitted to offer advice at the highest levels of Government.

Administrative efficiency is not merely a matter of mechanical procedures, job description, flowcharts and standardised economies. These are but minor gadgets. Real efficiency goes much deeper down. It must be built into the structure of Government.

Merger of O & M Division with the Department of Administrative Reforms

When, in 1964 the Department of Administrative Reforms was set up under the Ministry of Home Affairs as a nodal organisation to continuously undertake studies on administrative systems including machinery of the Government methods of work and Personnel policies, the O & M Division which was with the Cabinet Secretariat was merged with the Department of Administrative Reforms. It became a nucleus of structural and organisational studies in the Department of Administrative Reforms. Later, the O & M Division was also expanded and reinforced in the Department of Administrative Reforms for, it had now to undertake a large number of applied horizontal research, apart from making applied investigative studies in the organisational adequacy of several offices under the different Ministries. The leadership was provided by the Head of the Administrative Reforms Department who functioned under the overall guidance of the Home Secretary.

31.9 THE ROLE OF THE MINISTRY OF PERSONNEL, TRAINING, ADMINISTRATIVE REFORMS, PUBLIC GRIEVANCES, PENSIONS AND PENSIONERS' WELFARE

Need for Effective Personnel Policy

In the field of Central Government personnel, the Ministries of Home Affairs (Services and Establishments Wings) and Finance (Establishment Division) all along had joint management responsibilities, with Union Public Service Commission playing an important advisory role. The Establishment Officer to the Govt. of India, functioning under the Cabinet Secretary, was another official agent for performing some high level personnel-placement-task. All this made for improper division of responsibility and lack of a unified central direction.

Estimates Committee on Central Personnel Agency

To plug this organisational loophole, the Estimates Committee (of the Third Lok Sabha) in its 93rd Report (April, 1966) observed that "the ever expanding role of the Government, in a welfare state with its natural concomitant of a large civil service, calls for effective personnel control through a single agency". This unified agency should be under the control of the Cabinet Secretary and made responsible for regulating the terms and conditions in respect of services as a whole, replacing the earlier dual control of the Home Ministry and the Finance Ministry.

Study Team (of ARC) on Central Personnel Agency

The Study Team of the Administrative Reforms Commission on Machinery of the Government of India and its Procedures of Work, has also made a similar recommendation. The Study Team has pointed out that "the fashioning of an effective central personnel agency and the allocation to it of all functions of an overall character in the field of personnel administration is one of the most important reforms required in the machinery of the Government of India". It visualised that the Central Personnel Agency (CPA) should come into being in a Department of Personnel with a full-time and wholly independent Secretary as its head.

ARCs Recommendations on Department of Personnel

The Administrative Reforms Commission (ARC) has generally agreed with the recommendations of the Study Team. ARCs own recommendations insofar as the Department of Personnel is concerned are :

"A separate Department of Personnel should be set up, with a full Secretary in charge who should work under the general guidance of the Cabinet Secretary.

This Department should have the following functions and responsibilities :

Formulation of personnel policies on all matters common to the Central and All India Services, and inspection and review of their implementation;

Talent hunting, development of personnel for "senior management" and processing of appointment to senior posts;

Manpower planning, training and career-development; foreign assistance programme in personnel administration;

Research in personnel administration;

Discipline and welfare of staff and machinery for redress of their grievances;

Liaison with the Union Public Service Commission, State Governments, professional institutions, etc; and

Staffing of the middle-level positions in the Central Secretariat (of Under Secretaries and Deputy Secretaries) with the assistance of and on the advice of the Establishment Board.

The Department of Personnel should not itself administer any service cadre. The administrative control of different service cadres should rest with individual

The administration of the IAS, IPS and the centralised aspects of the Central Secretariat Service should be the responsibility of the Ministry of Home Affairs.

The management of the Indian Economic Service and of the Indian Statistical Service should be transferred to the Department of Economic Affairs.

The Cabinet Secretary should by convention be regarded as Secretary General of the new Department of Personnel, without being formally so designated. He should be actively involved in the development of and selection for 'senior management' but not in appointments below that level.

The new Department of Personnel should be placed directly under the Prime Minister".

Department of Personnel — Structure and Functions

The Department of Personnel has been carved out in August, 1970 as a separate entity from the Ministry of Home Affairs, under an independent Secretary. Located initially in Cabinet Secretariat and functioning under the Prime Minister, who is assisted by a Minister of State in the Department of Personnel, the department has six wings, namely :

- Policy and Planning Wing,
- Training Wing,
- All India Services Wing,
- Establishment Wing,
- Vigilance Wing, and
- Establishment Officer Wing

The Department of Personnel inherited, almost in total all the service-functions from the Ministry of Home Affairs. The Policy and Planning Wing has been entrusted with the task of formulating and giving shape to the policy and planning activities in the field of personnel administration in the Government of India. The Wing is formed for a perspective planning — approach to personnel management and for all foundational-cum-applied research on overall aspects of personnel administration in the govt. The Training Wing also is something of a clearing house for all training activities of the Government of India, to discharge both 'leadership' and 'service' functions in this area. The expansion of training facilities in the Govt. of India on-entry and subsequent refresher programmes for employees who have been in the government service for sometime, the short capsule courses on quantitative techniques on modern decision-making, and the changing styles of training methodology and course curriculum are some of the significant achievements of the Central Training Division. All other Wings have been in operation since long.

The Re-structured Ministry of Personnel, Training, Administrative Reforms, Public Grievances, Pensions and Pensioners' Welfare

The Department of Personnel has been functioning as the nodal agency for discharging all the major functions in the field of personnel management under the Govt. of India. It is not just involved in policy formulation but also oversees the implementation of these policies through the various departments and offices of the Govt. of India. It provides leadership and guidance to the various ministries which are engaged in framing of rules and regulations for the effective management of the service cadres. All this is attended to, with more or less success and effectiveness, by this Department. As far as its location is concerned, it had changed its jurisdictional linkage several times — from Cabinet Secretariat to Home Ministry to being independent directly under the Prime Minister. This Department has been converted into a full-fledged ministry under the Ministry of Personnel Training, Administrative Reforms, Public Grievances, Pensions and Pensioners' Welfare, with three independent Departments under it, namely : Department of Personnel and Training, Department of Administrative Reforms and Public Grievances, and Department of Pensions and Pensioners' Welfare. It is not as if all new functions were added while restructuring the departments in the Ministry but a new emphasis was given to certain exploiting functions and the thrust areas were clearly identified. Public grievances and pensioner' problems became two important issues needing the critical attention and hence they were clearly spelt out while carving out the new departments under the

Ministry. So far, these new departments have been doing well in bringing clientele satisfaction to a great extent.

31.10 CONCLUSION

Administrative Reform is a process as it can be broken down into different phases beginning from perceiving of problems to the implementation of policies for bringing about reforms. According to Gerald E. Caiden, administrative reform includes the following phases or steps.

- i) awareness of need for administrative change
- ii) formulation of goals and objective, strategy and tactics
- iii) implementation of reform
- iv) evaluation of reform in terms of reformer's objectives.

Administrative reforms become essential when administration is unable to satisfy its personnel, is not able to solve citizen's grievances, is not able to ascertain the problems around it and is unable to think about proper methods to deal with the activities going on in the organisation.

For bringing about effective reforms, it is very essential that they are monitored and evaluated properly. Thus plans and programmes have to be formulated, implemented, monitored and evaluated in the like manner if administrative reforms have to be brought about.

Check Your Progress 3

- Note :
- i) Use the space below for your answers.
 - ii) Check your answers with those given at the end of the unit.

- 1) Explain the functions of O & M Division.

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- 2) Discuss the major recommendations of the ARC regarding administrative reforms.

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31.11 LET US SUM UP

Thus, in this unit we have discussed the meaning of administrative reforms. The different types of administrative reforms have also been dealt with. The unit highlighted the importance of reforms and the ways to bring out reforms. Institutions or divisions or ministries engaged in the work of administrative reforms have been clearly analysed. The unit also made an attempt to discuss the recommendations of ARC on administrative reforms.

31.12 KEY WORDS

A.D. Gorwala's Report on Public Administration (1951) : A.D. Gorwala in his report suggested that to reform administration there should be among other things a clear distinction between formulation of policy and its execution, ministries should not interfere in the work of the heads of the departments, there should be more coordination at the secretariat level, relationship between ministers and secretaries should be harmonious. Whitley Councils must be established, psychological tests should replace viva-voce tests, techniques of selection must be improved. IAS Training School must be organised.

Industrial Management Pool : Industrial Management Pool was created by Govt. of India in 1956 to act as a reservoir for the continuous supply of trained personnel needed for variety of jobs in public undertakings.

Paul H. Appleby's Report on Public Administration in India (1953) : Though Paul H. Appleby rated the Govt. of India among the dozen or so most advanced governments of the world, he criticised the system of recruitment through advertisements by UPSC. He was critical of the absence of delegation in the Ministry of Finance and lack of coordination among the ministries. He made certain suggestions to improve administration like development of academic graduate programmes in Public Administration, consolidating administrative responsibility for carrying on of community projects, diversifying criteria for selection, making recruitment more action oriented, filling the administrative hierarchy by increasing the number of higher levels etc.

Special Reorganisation Unit : In 1952, a Special Reorganisation Unit was established to review the staff requirements of ministries and to recommend changes to ensure efficiency and economy in administration. Its aims were study of organisation set up, analysis of operations, work simplification and evaluation of standards of performance.

31.13 SOME USEFUL BOOKS

Administrative Reforms Commission, 1968. Report on the Machinery of Government of India and its Procedures of Work; The Manager of Publications : Delhi

Bhambhri C.P. 1985. *Public Administration*, Educational Publishers : Meerut.

Bhattacharya Mohit, 1987. *Public Administration : Structure, Process and Behaviour*, The World Press Private Ltd. : Calcutta.

Maheshwari, S.R. 1986. *Indian Administration*, Orient Longman Limited : New Delhi.

31.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points :

- It is artificially stimulated
- It is a transformatory process
- It cannot take place by itself
- It is a calculated and manipulated change
- Through reform old order is replaced by a new order.

2) Your answer must include the following points :

- Reform is essential so that society is able to adopt fresh innovative culture, new knowledge and technology
- Reform is needed for elimination of old ills
- For solving administrative problems.

Check Your Progress 2

- 1) Your answer must include the following points :
 - N. Gopalaswamy Ayyangar Report (1949)
 - A.D. Gorwala's Report on Public Administration (1951)
 - Paul H. Appleby's Reports on Survey of Public Administration and Reorganisation of India's Administrative System
 - Estimates Committee Report on Reorganisation of a Secretariat and Department of Govt. of India (1951)
 - Setting up of agencies for reform under first five year plan
 - Setting up of agencies for reform under second five year plan
 - Second Central Pay Commission's recommendations.
- 2) Your answer must include the following points :
 - To make a comprehensive study of administrative problems
 - To look into the matters pertaining to procedures of work and machinery of Govt. of India
 - To give recommendations for making the machinery of planning, financial administration, economic administration more effective to look into the fields of personnel administration, district administration, administration at the state level, centre-state relations and problems regarding citizens grievances.
- 3) Your answer must include the following points :
 - Legal reforms
 - Structural organisational reforms
 - Attitudinal reforms
 - Political reforms

Check Your Progress 3

- 1) Your answer must include the following points :
 - Carrying out programmes of studies into ways and means of scientific management of records etc.
 - To conduct work studies resulting in simplification of procedures and methods of work
 - To develop methods to speed up decision-making process and eliminate delays
 - To assist the ministries in converting their O & M units into O & M-cum-work study cells by providing training to their staff.
- 2) Your answer must include the following points :
 - According to ARC, Department of Administrative Reforms should confine to building up O & M expertise in ministries
 - Advice and guide their O & M units
 - A special cell on 'perspective reforms' should be set up
 - Develop strong institutions for promoting original thinking in administrative reforms
 - A council on administrative reforms should be set up
 - Cabinet Secretary should act as principal staff advisor of the PM
 - Setting up of institution of 'Lok Pal' and 'Lok Ayukta'.