



EIILM UNIVERSITY
S I K K I M

INDIAN ADMINISTRATION

SYLLABUS

Historical Context

Administrative System at the Advent of British Rule, British Administration: 1757-1858, Reforms in British Administration: 1858 to 1919, Administrative System under 1935 Act, Continuity and Change in Indian Administration: Post 1947

Central Administration

Constitutional Framework, Central Secretariat: Organization and Functions, Prime Minister's Office and Cabinet Secretariat, Union Public Service Commission/Selection Commission, Planning Process, All India and Central Services

State Administration

Constitutional Profile of State Administration, State Secretariat: Organization and Functions, Patterns of Relationship Between the Secretariat and Directorates, State Services and Public Service Commission

Field and Local Administration

Field Administration, District Collector, Police Administration, Municipal Administration, Panchayati Raj and Local Government

Citizen and Administration

Socio-Cultural Factors and Administration, Redressal of Public Grievances, Administrative Tribunals
Judicial Administration

Emerging Issues

Centre-State Administrative Relationship, Decentralization Debate Pressure Groups, Relationship Between Political and Permanent Executives, Pressure Groups, Generalists and Specialists, Administrative Reforms

Suggested Readings:

1. Indian Administration: An Historical Account by Shriram Maheshwari
2. Ramesh Kumar Arora, Rajni Goyal, Indian Public Administration: Institutions And Issues, Wishwa Prakashan
3. Vaman Govind Kale, Indian Administration, Kessinger Publishing
4. Prabhu Datta Sharma, Indian Administration: Retrospect and Prospect, Rawat Publications

CHAPTER 1

HISTORICAL CONTEXT

STRUCTURE

- Learning objectives
- Administrative system at the advent of British rule
- British administration: 1757-1858
- Reforms in British administration: 1858 to 1919
- Administrative system under 1935 act
- Continuity and change in Indian administration: post 1947
- Review questions

LEARNING OBJECTIVES

After learning this unit, you should be able to:

- Understand the administrative system prior to the Mughals;
- Explain the Mughal administration which was through and large inherited through the East India Company;
- Trace the roots of some of the present day administrative practices and institutions;
- Understand the significant landmarks in the British East India Company administration from 1757-1857;
- Understand the reforms in British administration in India from 1858 to 1935;
- Understand the administrative structure under the Government of India Act 1935.
- Understand the stability and change in Indian Administration after Independence; and
- Highlight the main directions of Indian administration in post-1947 India.

ADMINISTRATIVE SYSTEM AT THE ADVENT OF BRITISH RULE

MAURYAN AND GUPTA ADMINISTRATION

As mentioned earlier, Indian administration can be traced to the Indus Valley Civilization which is about 5000 years old that forms the basis of our civilization 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, written sometime from 321 to 296 B.C., examines statecraft, gives an account of State administration, and reflects the rule of the Mauryan kings. Arthashastra, a treatise through Kautilya, a Brahmin Minister under Chandragupta Maurya, is written in Sanskrit. It discusses theories and principles for effective governance.

It comprises fifteen books dealing extensively with the powers and obligations of the king; major organs of the state including the King, the Ministers, the Janapada [territory with people settled on it], the Durga, the Treasury, and the Army; Revenue administration; and personnel administration. A thorough analysis of the Arthshastra brings to light the following principles of Public Administration: welfare orientation; unity of command; division of work; coordination; planning, budgeting and accounting; decentralization; recruitment based on qualifications laid down for each post; paid civil service; hierarchy; and delegation of authority.

In the Mauryan administration, the State had to perform two kinds of functions. The constituent (component) functions related to maintenance of law and order, security of person and property and defense against aggression. The ministrant (welfare) functions had to do with provision of welfare services. All these functions were accepted out through highly organized 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 kind" of organisation. Provinces were divided into districts and districts into villages with a whole lot of officials in charge at several stages. There was city government too and two kinds of courts corresponding to the modern civil and criminal courts. All the administrative work was distributed in the middle of a number of departments, a very significant department being the special tax department, supervised through an efficient and highly organized bureaucracy who was complemented through the army and the secret police.

The king was all-powerful and everything was done in his name. He was assisted through the 'parishad' and the 'sabha'. The administrative system was a secure combination of military force and bureaucratic despotism.

Outstanding characteristics of Mauryan administration was that the State, through a new class of officials, recognized as 'dharma mahamantras' accepted out the policy of moral regeneration of the people. Ashoka, the great Mauryan King, set up a new department described the Ministry of Morals.

The Guptas sustained the legacy of the Mauryans in several respects. The divine character of the king was upheld and the king controlled all the stages 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 described 'nagarapatis' and even town councils. The king had the help of several functionaries to share the burden of administration. Separately from the confidential adviser, there were civil and military officials, feudatories, district officers and several others.

MAJOR FEATURES 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 centralized autarchy'. The king symbolized the state and was the source and centre of all power agencies. The Moghuls did succeed in structure up a 'monolithic administration'. When compared to the Mauryas, the Moghuls moved in the direction of greater centralization. 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 recognized merit and accepted Hindu intelligentsia in the higher civil service. Its only drawback was that it was 'land-based'. It means it was mainly concerned with revenue functions and was a 'highly urbanized institutions'.

Role of the King

Administration was personalized. It has aptly been described as paternalistic. The whole administrative machinery revolved around the king who was viewed as a 'father figure' or a 'despot' through his people. Mainly 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 the source of all authority and the fountain-head of justice. The administrative system was highly centralized and personalized. Hence, when Aurangzeb showed himself as a religious bigot and indulged in religious persecution of the worst type, 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 therefore set into motion, forces of disintegration.

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 people. They wielded much awe and respect in the middle of 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 sure 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 soldiers. Each grade accepted a definite rate of pay, out of which its holder had to give a quota of horses, elephants, etc. State service was not through hereditary succession, nor was it specialised.

Officers received their salaries either in cash or through jagirs for a temporary period. The officers 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 use of the masses and gave undue power and independence to the holders of jagirs. These evils were hard to check when the Emperor was weak.

Army

The army necessity is understood largely in conditions 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 mainly significant unit, the infantry, made up of townsmen and peasants and artillery with guns and navy.

The Moghul army was 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 splendor of the army proved to be its undoing. The army on the move was like a vast moving city, with all its

paraphernalia of elephants, camels, harem, bazars, workshops, etc. Soon indiscipline set in and the inevitable deterioration was fully manifest at the time of Jahangir. No longer capable of swift action, the Marathas, under Shivaji, could score over the Moghuls in battles.

Police

In the rural areas, policing was undertaken through the village headman and his subordinate watchmen. This system sustained well into the 19th century. In the cities and towns police duties were entrusted to Kotwals. In the middle of their several 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 create an inventory of property of deceased or missing persons. Though, 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.

STRUCTURE OF THE MOGHUL ADMINISTRATIVE SYSTEM

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 Shahjahan 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 recognized 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 beside with their subordinates were in touch with him. He signed all types of documents and put his seal authenticating government transactions. The Moghuls had several diwans. Under the high diwan, that is, diwan-e-ala, there was the 'diwan-e-tan' in charge of salaries and 'diwan-e-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 significant farmers.

In the middle of other officials there was the 'Khan-e-sama' or the high

steward in charge of royal expenditure, the 'diwan-e-buyutat' who was the understudy of the 'Khan-e-sama', the 'Mir-e-Bakshi', the paymaster-general of the empire and the 'Sadr-e-sudur', the head of the ecclesiastical department. Separately from the major officials of the central government, there were many others of minor importance who kept the system going. The administrative pattern was based on regulations, traditions and practices.

Provincial Administration

Given the centralized and personalized character of Moghul administration, provincial authorities were only administrative agencies of the Centre. The Empire was divided into 'subas' or provinces. At the head of the province was the 'Subedar' or Governor. He was appointed through 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 realized tributes from the local chiefs under him. He also controlled the local Zamindars and contained their political influence.

The provincial diwan was selected through the imperial diwan. Though after that 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 'tehsildars' 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 incorporated 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 conditions of their 'mansabs'. The 'Sadr' and the 'Qazi' were the two officers at the provincial stage 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.

District and Local Administration

The 'Suba' or province was divided into 'Sarkars' which were of two kinds. There were those ruled through officers appointed through 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 concerning policy and conduct. He was also in charge of a military force and saw to it that rebellions were put down and crimes investigated.

Separately 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', and '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', which were created to facilitate and improve the realization 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.

REVENUE ADMINISTRATION

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 recognized as a principle of political economy from times 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 through lawgivers as one-twelfth, one-eighth or even one-fourth. Though, about one-sixth was realized. While in the 14th century, the State took half, Akbar kept it at one-third.

Kinds of Land Tenurial Systems

There were three kinds of land tenurial systems in India. The Zamindari system was prevalent in Bengal and was extended through 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 that held their Mahal (estate) in joint proprietorship and not on an individual basis. The Ryotwari system, seen in North India and the Deccan, did absent with all types of intermediaries flanked by 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 sustained to be vested in the State.

Administration of Land Revenue

Land tenures were pretty complex and varied from place to place. These could be understood through the following three groups.

- Non-proprietary tenures were held through peasant cultivators who worked as tenants and rent-payers. They held land on several circumstances and got a share of the produce in cash or type. Though in theory they could be evicted through the proprietor, yet custom recognized their right to continue as tenants as long as they paid rent.
- The superior proprietary tenures were held through a mixed group. They were descendants or representatives of ancient chiefs and nobles, military chiefs or even middlemen described 'assignees'. They also incorporated hereditary officers and local influential that acted as temporary or permanent owners of the government share of the produce or rent so long as they paid a sure 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 several kinds of assignees shaped the feudal structure of society. They often farmed out their lands and this system of revenue farming was oppressive to the cultivators.
- The subordinate proprietary tenures were in flanked by the earlier two. Their subsistence came to light as a result of the painstaking researches of Holt Mackenzie and Sir Charles Metcalfe. In the North West Provinces, these shaped a large part of the proprietary community and their counterparts were found in Punjab, Bengal, Bihar and Orissa.

Since the bulk of the State's income originated from land revenue, administration of revenue was much critical. The machinery for collection was elaborate and hierarchical. Separately 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 victimized. They were the worst sufferers in the system because of undue extortion. The only gain for them was a sure amount of security as they could not be evicted from their holdings for default of payment.

Significant Revenue Reforms

Significant revenue reforms were introduced throughout the reign of Akbar when Todar Mal was appointed the Diwan-e-Ashraf. Todar Mal recognized a standard system of revenue collection, with major highlights as 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 centralized administration. Akbar is credited with having scientifically organized his land revenue system. It sustained till the 18th century though it slowly lost its vigor and was injurious to the interests of the peasants.

Modus Operandi of Revenue Collection

Mention has been made of the modus operandi of revenue collection. The Empire was divided into 'subas', which were subdivided into 'sarkars' and 'sarkars' into 'parganas'. The 'amalguzar' was the chief revenue collector in charge of a district and was assisted through a large subordinate staff. In the middle of other officials, mention necessarily be made of the 'Qanungo' who kept revenue records, the 'Bitikchi' or accountant and the 'Potdar' or district treasurer.

ADMINISTRATION OF JUSTICE

Administration of Civil Justice

The Moghul State, being a Muslim State was based on Quranic law. The judges followed the Quranic precepts, the 'Fatwas' or previous interpretations of the Holy Law through 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 kinds of tribunals. There was the Chief 'Qazi' with subordinate 'Qazi' 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 through 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 sheltered through 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.

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:

- Crimes against God;
- Crimes against the sovereign;
- Crimes against private individuals.

Punishment of Crimes was on the following principles:

- ‘Huda’ or punishment specified through Quranic law which incorporated death, flogging, etc.;
- ‘Qisas’, or retaliation due as a right of man; and
- ‘Tazir’ or punishment inflicted at the discretion of the judge, but not defined through law. It incorporated admonition, exposure to public insult and even exile and scourging.

Through modern standards of justice, punishments were severe and barbarous. Whipping to death was common. Persons were flayed alive for treason and conspiracy against the State. In the reign of Aurangzeb, no Muslim could be convicted on proof 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 sustained to wield a measure of autonomy.

At a later stage, one finds that attempts were made through the Britishers to improve administration of criminal justice. 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.

Briefly, the principles of the Public Administration throughout the Mughal period could be listed as: Centralisation; personalized administration; civil service; dissimilar stages of administration; division of work; bureaucracy having military character; revenue administration based on well laid down principles; administration based on fear of force; administration based on regulations, traditions, and practices; and inadequate unity of command (one could find gaps through illustrations like the position of provincial Diwan, who was directly under the Imperial Diwan and not under the Governor, and the position of Faujdars, who were though under the Governors, yet could have direct communication with the imperial government).

BRITISH ADMINISTRATION: 1757-1858

THE NATURE OF ADMINISTRATION

Feature Characteristics of the East India Company

The East India Company, recognized on 31st December 1600, was a monopoly, mercantile Company, which was granted through the British crown the right to trade in the eastern parts. A trading station, with a number of factors was described 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, writers, factors and merchants.

Recruitment of officials, their nomenclature, conditions and circumstances of service were governed through rules and practices appropriate to commercial business. Usually, 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 the early years of Company rules, officials were regularly moved around, from one district to another. They had no training on the job and learnt the hard way through 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 recognized to be corrupt.

The system of governance was commercial in character. It was basically government through 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 communal rule and responsibility remained. It was also a government through Boards. But the Board of Revenue had the longest history and the mainly distinguished record of work. Later, there was also the Railway Board. The Board made possible counseling, discussion, deliberation and even legislative and judicial activities. Questions of policy and principle, conduct and action were settled in the Board.

It was a government through record. When transactions were commercial, records were brief and manageable. But political dealings made record keeping cumbersome and voluminous. Notes, minutes, dispatches 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 through officials in the governmental hierarchy. With the Company headquarters in far absent England, record keeping helped check absolutism and uncontrolled power. The East India Company mismanaged administration of acquired territories in India. One instance of it is through 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 worked 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 use of the worst type 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.

The Regulating Act of 1773

This Act deserves special mention because it was the first action on the part of the British Government to regulate the affairs of the Company in India. The Company, through a Charter, had only been given trading rights through the British Crown. When it acquired territories in India and slowly but surely converted itself into a ruling body, the Parliament could not accept and regularize this development. Moreover, it was whispered that whatever lands the Company acquired were in the name of and on behalf of the King. So, the administration of these territories had to be controlled through the Crown.

Again, merchants and traders could hardly equal the task of administration. This was proved through the rising stage of corruption and mismanagement of territorial acquisitions. While the shareholders of the Company were looking for better dividends because the Company was playing a double role of trading and ruling, the Company was creating big losses and had to be bailed out. To tide over a critical period when finances were low because of Indian wars and rising demand for increased dividends, the Company asked the British Parliament for a loan of £ 1,400,000. This gave Parliament a long-awaited chance to assert its right to control the political affairs of the East India Company. They granted the loan on condition that administration in India would be according to directions of the British Parliament. Hence, the Regulating Act of 1773 was passed.

Changes Introduced through the Regulating Act in England

The Court of Proprietors of the Company was reformed. Formerly, a shareholder, holding a stock of £ 500 and over, became a member of the Court of Proprietors. The Regulating Act raised it to the minimum to £ 1000. This made the Court of Proprietors a compact, better organized body to discharge both its duties and responsibilities. Changes were also made in the Board of Directors. It was now to consist of 24 members elected through the Court of Proprietors every 4 years, 6 directors retiring every year - instead of all the

Directors being elected every year as before. This gave the Board some stability and facilitated better management.

Changes Introduced through the Regulating Act in India

The Governor of Bengal was now designated as the Governor-General of Bengal and Governors of other provinces in India were subordinate to him. The Governor-General was to be assisted through a council of four members sent from England. Decisions were to be taken through majority vote and the Governor-General Warren Hastings had a casting vote. The British territories in India came to be controlled from Bengal and that in turn was subject to control from England.

The Regulating Act set up the Supreme Court at Calcutta with Lord Chief Justice and three judges. This was the Supreme Court of Judicature, the highest court in British India. It had power to exercise civil, criminal, admiralty and ecclesiastical jurisdiction. It had jurisdiction over British subjects and Company's servants. But its relations with the existing courts were not defined.

Effects of the Regulating Act

The changes in the Company's organisation in England made it more effective managing body at headquarters. The Act created a centralized administration in India, creation the Bombay and Madras Governors subordinate to the Governor-General of Bengal. There was a felt need for a uniform policy for the whole of British India, therefore, avoiding much wasteful expenditure. The creation of the Supreme Court made for better justice to British subjects.

The Regulating Act brought in a system of checks and balances. It made the Governors subordinate to the Governor-General, the Governor-General subordinate to his Council and the Supreme Court effective in its control over the Governor-General in Council. The Regulating Act laid the foundation of a Central administration and instituted a system of Parliamentary control. It marked the beginning of the Company's transformation from a trading body to a Corporation of a new type, entirely administrative in its object and subordinate to Parliament.

Defects of the Regulating Act

Though the Act was expected to regulate and centralize administration to give better justice and bring in a system of checks and balances, it was found

to have serious drawbacks in practice. For instance, it had the following defects relating to the Supreme Court:

- The ambiguity of jurisdiction flanked by the Supreme Council, and the Governor-General in Council was a drawback in the Act of 1773. The Regulating Act entrusted the whole civil and military administration of the diwani provinces to the Governor-General and Council. But the Supreme Court was also authorized 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 disagreement flanked by 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 through Parliament.
- The Regulations passed through the Governor-General in Council had to be registered through the Supreme Court before they were executed as law. Court's refusal to do it could amount to hamper the smooth working of the administration and there was no explanation provided to this effect.
- 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 through the Indians.
- The Provincial and other Courts were not recognized. All these defects did much harm. The British Government corrected these defects through the Amending Act of 1781.

The drawbacks relating to the Governor General in Council incorporated:

- 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 through 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 flanked by 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 through saying, the matter was urgent and decisions could not be delayed. In this way, the thought of unity and uniformity sought through 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 thoughts rather than administrative need.

The Amending Act of 1781

This Act amended the jurisdiction of the Supreme Court. It was deprived of its right to action arising in the collection of revenue. Landholders, farmers or other persons linked in land revenue work were not sheltered through the Supreme Court. In the same way, no person, just through 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. The Amending Act recognized the appellate jurisdiction of the Governor-General and Council and confirmed their judicial authority to entertain all such pleas and appeals as they had done all beside as a Court of record.

The Governor-General and Council were further invested with "power and authority, from time to time, to frame regulations for the provincial courts and councils". Their legislation under this Act, was not to be subject to registration in the Supreme Court of Judicature, but was required to be finally approved through the Crown.

CONSTITUTIONAL CHANGES FROM 1784-1834

Pitt's India Act 1784

The shortcomings of the Regulating Act soon became manifest. To remedy these defects was not easy because it involved a complete separation of commercial and political functions of the Company which was viewed with disfavor in England.

The urge for a change was very strong and it could not be suppressed for long. In 1783, a bill was introduced through Dundas, but it failed. In the same year, Fox introduced two bills but these were rejected in the House of Lords. When William Pitt came to head the Government he was determined to introduce a bill on India and see it through. At the first attempt, it was defeated through 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

recognized as the Board of Control. It consisted of one Secretary of State, the Chancellor of the Exchequer and four Privy Councilors appointed through the king and holding office throughout his 'pleasure. Three of the six shaped a quorum and the President possessed a casting vote in case opinion was equally divided. The Secretary of State was to preside over the meetings of the Board, which in his absence, done was through 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 mainly of their powers. They could no longer revoke or modify a decision taken through the Directors with the approval of the Board of Council. 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 Commander-in-chief of the three Presidencies. The arrangement made through 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. 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 other Presidencies in all matters. The whole 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. Usually, in matters of war and peace, the Governor General in Council was to

be guided through 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.

The Amending Act of 1786

The 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 judgment 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 under dispute. If the Governor-General or Governor finally chose to act in his own way, he was personally to bear the responsibility of the measure adopted without the concurrence of the Council.

THE CENTRAL SECRETARIAT

In 1784, the Central Secretariat had three main branches: General, Revenue and Commercial. Judicial branch was later recognized in 1793. Flanked by 1793 and 1834, the Central Secretariat worked through four branches. Of these, the civil section of the General branch was under the immediate control of the Supreme Board which consisted of the Governor General in Council and it was administered through Secretaries to Government in several departments.

The Departments of Secretaries to Government

Before 1756, all transactions of business were handled through one general department with the help of a Secretary and a few Assistants. Due to pressure of business and exigencies of war, the General Department had to be reorganized to secure efficiency and despatch. Accordingly, a plan was drawn up to have two Departments, that is, the Public Department which dealt with the affairs of trade, shipping, revenues, accounts and other matters of a public nature and the Secret Department which dealt with military plans and operations and all transactions with country powers. Separate records should be maintained for each. The two departments had to be jointly supervised through a Secretary and an Assistant Secretary, with a sub-Secretary attached to each Department. There were eight Assistants for the Public Department and seven for the Secret Department. Their specific duties were defined. The

President and Council at Fort William accepted this plan and implemented it in 1764.

In 1774, the Governor-General and Council took over the whole civil and military government of Bengal under the Regulating Act. With augment in the volume of administrative work and the supervision of military operations against the Marathas and Mysore, the Public and Secret Departments had a Secretary each. The post of Assistant Secretary was abolished and a sub-secretary was attached to each of the two departments. The duties of each were specified again and the Secret Department was removed to a separate house so that its records and papers were not 'exposed to improper inspection'.

Foreign Department

The affairs of foreign nations in India were part of the business of the Secret Department. These were now separated and vested in a Foreign Department, which was recognized in 1783 and placed under the charge of the Secretary to Government in the Secret Department.

Military Department

Matter relating to military expenditure, ranks, pensions and other claims of a military nature were previously dealt with through the Government in its General or Public Department. Warren Hastings, in 1776, suggested that military matters spread over dissimilar departments should be brought together under a new Military Department. This was done in 1777.

Revenue Department

When the Company acquired Diwani provinces in 1765, the collection of revenue was left to Indian officers who acted as mediators for the British. This arrangement sustained till 1769 when the Governor-General and Council appointed Supervisors in all districts to acquire knowledge of revenue possessions and report on abuses in the current system. But since their powers were limited and they failed in their duties, a new management was created. There was to be a Controlling Council of Revenue at Murshidabad and another at Patna. Since these lacked co-ordination, a Controlling Committee of Revenue was set up in 1771 at Calcutta with powers to inspect, control and direct revenue affairs.

In 1772, the Company decided to stand forth as diwan and carry out all revenue administration through its own men. So a Committee of Route was shaped which worked beside with the Controlling Committee of Revenue.

Finally in 1772, it was decided to have a Revenue Department at Calcutta in place of these several bodies. The Department had a Secretary, an Assistant Secretary, and a sub-secretary, a Persian Translator, an Accountant-General and many Assistants.

In addition to Department 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:

- The Committee of Revenue shaped in 1781 to take care of revenue, justice and police.
- The Board of Ordinance, shaped in 1775 to manage military stores.
- The Board of Trade shaped 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 was renamed as Secret Political Department. The Foreign Department was designated as Secret and Foreign Department. A new Secret and Military Department was set up with Edward Rav as the Secretary of all the three departments. The old Military Department was reconstituted in 1786 as the Military Department of Inspection and was separate 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 sustained after 1787.

Changes in the Secretariat from 1787-1808

Cornwallis reorganized the Secretariat. A Secretary-General was appointed for the Public, Secret and Revenue Departments while each sustained to have a sub-secretary. This arrangement preserved the independence of each department while uniting all under the Secretary-General. Cornwallis also recognized a separate Judicial Department with proceedings kept under two separate heads, civil and criminal. Wellesley reconstituted the Secretariat and the changes he effected proved to be of a permanent nature. Through now there were four groups of Departments. They were:

- The Secret, Political and Foreign Departments.
- The Revenue and Judicial Departments.
- The Public Department including Commercial branch.
- 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 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 augment of salaries as well. He also opened new Departments since new territories were acquired through the Company. Wellesley, in sum, raised the status of the Secretaries to Government through raising their salaries and augmenting their responsibilities to contain research and planning.

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 through them rather than act on his own views and principles. Minto added two new Departments Financial and Colonial. The Financial business of Government was separated from the Public Department in 1810 and recognized as a separate Financial Department. The Colonial Department was intended to manage the affairs of Mauritius and Java which had come under the Company.

Reconstruction of Departments in 1815

The organisation of the Secretariat was again revised in 1815 in conventionality with a plan proposed through the Governor-General. This was partly in conventionality with the necessities 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 through the Court of Directors and was necessitated through the policy laid down through the Parliament and the home authorities. According, a new Territorial Department was created.

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 several 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 mannered through the Secretary to Government in the Secret and Political Departments, was essentially connected 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 incorporated the Treasury which handled money, supervised the financial possessions 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.

THE ADMINISTRATION OF REVENUE

Land revenue was the mainly significant source of income for the Government and revenue settlement was one of the mainly 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 possessions and social traditions of the people and the methods of revenue administration followed in the past. On the basis of facts therefore composed, they had to frame appropriate regulation for imposition of revenue and appropriate machinery for its collection.

The Imperial Grant of the Diwani

The Company got the grant of Diwani, that is, 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 antagonize or alienate the natives, they preferred civil administration to continue in the hands of the Nawab or his minister. 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 through the Nawab's men without their permission. These piecemeal measures did not go far in solving the vital troubles 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. Though, the Supervisors did do some good work in reconstructing revenue records.

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

Formation of the Board or Council of Revenue

With the collection of revenue 'given over to Collectors, the Committee of Route favoured the discontinuance of the Controlling Committee of Revenue at Calcutta. Control had to be exercised through the Supreme Council. In 1772, so, the Committee of Route recommended the formation of the whole Supreme Council into a Board or Council of Revenue. This Board first met on 13 October 1772, when the Controlling Committee of Revenue at Calcutta also came to an end. The Committee of Route 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 through the native diwans.

District Administration and the District Collector

The position of the District Officer was the foundation on which British rule in India rested. District administration through the mediators of the Central Government has been a vital characteristic of our Governmental system since times immemorial. The Mauryan Empire was divided into a number of provinces and each province was further divided into districts. Villages were governed through 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 sustained to be a significant area of administration even under the British.

In 1772, Warren Hastings placed a district under a Collector who was a British. Two years later this arrangement was abandoned and again picked up in 1781. Through 1786, the district came to occupy a central place in the scheme of local administration. In 1829, some districts were grouped together and shaped a Division which was under a Commissioner of Revenue and Route. 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 usually 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, and had to hear complaints against that assessment. The temptation would be to justify in his judicial capability what he had done as a Revenue Officer. Accordingly, in 1793, a new Regulation was adopted through the Governor General in Council through which Collectors would not try the revenue cases any longer. In each district, there were two significant 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 functions as the Civil Judge.

In 1831, there was a further change in the duties of District officers. Until this time, Collector composed 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. These 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 organized police force at his command nor trained assistants to help him. Lawlessness became a rife and in 1836, Lord Auckland appointed a Committee described Bird Committee 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 described Collectors. This was effected and put into operation through 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 enunciated and the principle of unity of authority in District administration advocated.

In fact, there were three officers in a district, flanked by 1838 and 1859

namely the District Magistrate, District Collector and District Judge. In 1859, there was a reunion of officers of Collector and District Magistrate and henceforth they were held through one and the same officer. Later, the British came firmly to consider 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.

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 through a Board of Revenue which came to assume tremendous importance both in revenue collection and general administration for almost 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 the 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 significant 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 through the covenanted 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 growths - one jurisdictional and the other functional in character. Jurisdictionally, the extent of territories under its control increased progressively till 1807, when it sheltered Bengal, Bihar, Orissa, Banaras as

well as the conquered Provinces. It was followed through a procedure of decentralization which was first marked through the establishment of the Board of Commissioners for the ceded and conquered Provinces. This procedure sustained until two district Boards of Revenue came to be recognized 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 through 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 through the Board as a whole. This was done for the sake of speedy conduct of business, economy, and the want of trained men.

ROLE OF DIVISIONAL COMMISSIONERS

The territorial jurisdiction of the Board of Revenue was unmanageable. So in 1822, 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. Despite this arrangement, each Board found that it was unable to manage the territory under its jurisdiction. Conduct of business was slow and corruption was on the increase. The major problem was that of aloofness flanked by the Board of Revenue at the Presidency and the Collectors in the districts. The need was felt for effective local supervision, especially in the ceded and conquered Provinces.

Holt Mackenzie felt the solution lay in appointing local commissioners. William Butterworth Bailey improved on this arrangement through suggesting that these Commissioners of Revenue be given the duties and powers exercised through the Courts of Route and Superintendents of Police. Accordingly, a new plan was adopted on 1st January 1829. Under this new regulation, all British owned land was to be divided into 20 divisions excluding the territory of Delhi which was under a separate Commissioner and stood on a slightly dissimilar footing. The Governor General in Council could transfer any district from one division to another and augment or reduce the number of Commissioners according to administrative needs.

The Divisional Commissioners were to exercise the duties, powers and authority vested in the Boards of Revenue and Courts of Wards. In the

exercise of their powers they were subject to the control and direction of a Sadar or Head Board of Revenue stationed at the Presidency and guided through the orders of Government.

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 mediators of revenue took over control though they did not have the right to do so. Though, they prevented a situation of anarchy. Hastings had the following four objectives when he sought to improve criminal administration:

- To reconstitute the criminal courts.
- To establish an efficient machinery of supervision and control.
- To offset the inadequacies of Muslim criminal law.
- 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 covenanted servants acting primarily as judges of the Courts of diwani adalat. They were 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 through 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 Europeanized and functionalized 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 route, 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 route was under two covenanted civil servants

who were designated Judges of the Court of Route. They were assisted through a qazi and a mufti as law officers. The police duties of the Magistrate sustained. He was to apprehend criminals and peace breakers and have them tried before the Judges of Route. Cornwallis introduced measures to reform the administration of police in 1792. These had three characteristics:

- Landholders and fanners who maintained thanedars and chowkidars were divested of their whole police authority.
- Districts were divided into thanas or police jurisdictions. At the head of each was an officer of Government described darojga of police.
- Duty of rural police like chowkidars 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 through administrative and political thoughts. Administratively, police administration at the hands of the zamindars was unsound in principle. There was much, use and personal revenge. Politically, the thanedari 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 recognized for gang robbery. Thugs operated in the Upper Provinces. Several more 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 create common cause against the darogas of Police. A gap developed flanked by 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. The administration of police suffered in addition from the union of the Magistracy with the office of the Judge.

Flanked by 1793 and 1813, many measures of reforms were intended to:

- Seek the cooperation of zamindars,
- Remove the inadequacy of the stipendiary police,
- To impart efficiency and speed to criminal administration, and
- To modify Muslim criminal law as well as the recognized mode of trial.

Responsible 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 thought 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. Separately from a general augment in the establishment of the stipendiary force, provisions were made to meet local exigencies. Also, not only was there an augment in the powers of the Magistrates, Joint and Assistant Magistrates were appointed. Above all, modifications were introduced in criminal law.

The necessity of decentralizing the powers of superior courts arose mainly because of augment in the bulk of crime. Magistrate's powers were increased, courts of route appointed and later on in their place, divisional commissioners assigned tasks. Through and large in administration of criminal justice and police, an attempt was to have an effectual administration of justice and liberalize criminal law through reducing severity of punishment, through having trial through jury and bringing dangerous social customs under purview of law. In short, the effort was to create the law conform to principles of liberalism and natural justice.

THE CIVIL SERVICE

With responsibilities of ruling territorial possessions in India, the British Governors and Councilors needed assistants in the Central offices and in districts. They also had to revise the manners and customs of the people, collect necessary facts and create timely recommendations. To begin with, the men to fill this significant 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 mainly 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 sustained to send every year fresh batch of writers without realizing that a revolutionary change had taken place in the Company's role and functions and, so, better equipped men were required. None of the

Acts of Parliament flanked by 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 mannered through only Indians, a mixed agency or exclusively through the British, Cornwallis provided the answer through deciding on the policy of complete Europeanization. All higher

positions in Government service were filled through 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 through seniority. Duties of dissimilar departments were defined. Salaries were proportionate to responsibility.

Wellesley realized 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 give 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 three years. The three year course provided for instruction in liberal arts, classical and Modern History and Literature, Law of Nations, Ethics and Jurisprudence. The syllabus also incorporated Indian languages, dissimilar 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 seven years it sustained 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 after that 50 years the ICS was the product of the Haileybury College. The syllabus drawn up through 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 recognized for their corporate outlook and spirit 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 examinations to Haileybury College. Yet it did not achieve the expected results. The men who came out to India were not of the stage of competence demanded through 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 necessity provide place to open competitive examination. In the middle of 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 flanked by ages 18 and 23 and the examination should be in subjects of liberal revise.

It necessity be noted that the Civil Service recognized a great reputation for itself as a mainly 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.

REFORMS IN BRITISH ADMINISTRATION: 1858 TO 1919

THE WAR OF INDEPENDENCE AND AFTER

The outbreak of 1857, described through Dr. Pattabhi Sitaramayya as the First War of Independence, was a shock to the British government and its bureaucracy. Economic use, 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 careful and calculated policy of association and cooperation. The Act of 1858 ended the Company rule and the system of Double Government through Board of Control in England and the Court of Directors of the company introduced through 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 through a council of fifteen members to create 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 de-facto government of India. He had overriding powers over, the Council in deliberations, appointments and the supremacy of Home government over the Government of India as firmly recognized. The enlightened Indian opinion always criticized the constitution and functioning of this council.

The several changes introduced through the Act of 1858 were formally announced through 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 honor. This would pacify them and would create them act as a reactionary block against any progressive force raising its head against the British rule.

THE INDIAN COUNCILS ACTS

The Need for Policy of Association

The war of 1857 was an eye opener for the British rulers. Ruling such vast colony from aloofness 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, so, became necessary unless one was prepared for the perilous experiment of continuing to legislate for millions of people with few means of knowing except through a rebellion, whether the law suits them or not. Also there was much inadequate representation for provincial governments on the Central Council. Beside with the administrative need for larger association, the British government wanted to distinguish flanked by Executive and law creation functions and stop the legislative council moving towards a 'petty Parliament'. Industrial capitalism needs enlightened section as an associate and representation becomes the sign of development of the society.

The Indian Councils Act 1861

The advance made through 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 through six to twelve nominated members for a two-year term. Half of these were to be non-officials, both European and 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 through 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 through the legislature and his Ordinances had the validity of an Act. The thought was that the legislature should conduct its 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 mainly merciful rule over conquered millions is despotism and the mainly tyrannical is that of the lowest 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 flanked by 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, whispered that India was not in a sufficiently advanced state to aspire for a representative government.

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 create 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 creation councils more popular. Also the Government of India felt that it would strengthen its position vis-à-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 therefore 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:

- The expansion of Presidency councils and enlarging their functions;
- Providing representation to significant interest;
- Representation to Muslims in proportion to their population;

- Reservation of a few seats to be filled through nomination as a safeguard against any inequality in the results of elections.

The provincial councils would be of two tiers. 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 through 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 through 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 cause, 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 flanked by the official views of the council as 'pocket legislature' and the educated Indian view as embryo Parliaments. 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 the native element in Indian society to take part in the work of the government'.

THE NATIONAL MOVEMENT AND ADMINISTRATIVE REFORMS

The National Movement and Constitutional Reforms

While the British recognized a regular system of government in India from 1857 to 1947, the slow pace of constitutional experiments showed uneasy compromises, the British Statesmen were creation with the exigencies in the Indian situation. The policy of apparent association, so, went hand in hand with the policy of oppression, and constitutional advances were always barbed with restrictive circumstances 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 throughout severe famine, abolition of cotton import duty to serve British textile interest... 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 were objected through the whites. Equally eye opening were the attempts to keep Indians out of higher jobs, especially the Indian Civil Service. All these clearly indicated the imperialist belief in white man's supremacy.

The Indian National movement organized itself in the Indian National Congress (1885). Initially influenced through the Western educated upper middle class, it aimed at securing reforms through peaceful and constitutional means. The British rulers also felt that this would remove misunderstanding about the intentions of the government and would save the empire. The moderates had faith in the British sense of justice and fair play. Their aim was gradual reforms with constitutional means. The Congress programme tossed flanked by extremists and liberals till it became a mass movement, in the real sense and demanded nothing short of 'Purna Swaraj'.

Demands for Administrative Reforms

The early Congress requested the British Government to reform administration through creation of a broad based and representative. Several issues that rose throughout its early stage revealed that the National Congress was concerned with wider interests and larger sections of the people. It advocated reduction in 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 the political field, it advocated the abolition of Indian Executive Council and reforms in the Legislative Councils recognized 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 therefore wanted to be representative of all classes and interests that were Indian. It was a motivating 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 through the British government - the line of apparent association and adoption of the divide and rule principle.

THE MORLEY MINTO REFORMS 1909

The Main Provisions

The Indian Councils Act (1909) considerably 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 to 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 through in the provincial councils, the non-officials shaped 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 Councilors 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). Some other significant characteristics of the Act of 1909 incorporated: right of separate electorate to the Muslims; the Secretary of the state for India was empowered to augment the number of the Executive Councils of Madras and Bombay from two to four; two Indians were nominated to the Council of the Secretary of state for Indian affairs; and empowering Governor-General to nominate one Indian Member to his Executive Council, etc.

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 circumstances. 'The safety and welfare of this country necessity depend upon the supremacy of the British administration and that supremacy can in no circumstances be delegated to any type of representative assembly' (Lord Minto).

The reforms introduced Indians to the legislative culture- developing opinions out of the interaction of dissimilar interests. This is the essence of Parliamentary institutions. The transfer of Parliamentary responsibility now became the logical after that. 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 through the Moderates, said that the scheme was a 'large and liberal installment of reforms'. Morley had discussed these reform proposals with Gokhale, the liberal leader.

But the rules and regulations made under the Act and the implications of sure provisions defeated the liberal spirit. The indirect system of elections inspired little interest and offered less political education. The representation of dissimilar functional interests affected the team spirit of the non-officials. The mainly 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 apparent 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 Hindus 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 had 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 through the official mandate and had little freedom in legislative participation.

Pointer to Further Reforms

The policy of change with caution was bound to fail. As the reforms did not give 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 rising

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

THE ADMINISTRATIVE STRUCTURE

Reorganization 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 departments, their reorganization and setting procedures for smooth conduct of department business naturally became inevitable.

Departmental organisation not only creates administration smooth but also 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 recognized with the development of irrigation and railways. In the course of time three main departments were recognized. 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 recognized 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 flanked by Curzon and Kitchner over the military administration in 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 departments reflects the rising- volume of work attended through them.

It is throughout 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 significant. Only urgent papers would go directly to the Governor-General. Finally, in 1862 the portfolio system came into operation. The sharing 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 to minimize official pedantry; the emphasis was on discouraging excessive noting and encouraging personal communication.

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 through the Directors. Young Englishmen took writer ship as a career and they entered into a covenant to serve the company faithfully and honestly. They were, so, described as 'Covenanted Servants'. The uncovenanted personnel were not a part of regular graded service. Also the security of service was limited. The distinction flanked by the two was, though, getting blurred over a period. With the Act of 1833, the disciplinary control of the Government of India was recognized over civil servants. The significant issues in the development of civil service were the age of recruitment, division of service flanked by 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 or 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.

Financial Administration

A centralized 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 stage and brought all financial operations under the review of the Government of India. It realized 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 decentralized 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 through raising local taxes. Obviously provincial budgets were required to be submitted to the Government of India for approval.

Police Administration

The law and order was earlier a community function and was administered through a non-official force controlled through individual zamindars. Lord Cornwallis introduced the daroga system in 1792, replacing zamindari thanedars under the direct control of the district head and on its payroll. At the village stage, village patels performed the functions, both revenue and police. With the experiment in Sindh through Sir Charles Napier, a separate self-contained expert police force came into subsistence. 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 through the Inspector General of Police. He was assisted in his work at the district stage through 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.

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 possessions to administer locally significant services and also to give local interest and care in the management of their funds. Municipal Acts were accordingly passed in several provinces with elective local bodies coming into subsistence. The first local government, the Madras Corporation was recognized in 1687. In a course of time, other Presidency towns also shaped local governments. Lord Ripon's resolution in 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 of 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 give for the new educated middle class an opportunity for association and thereby check rigid bureaucracy.

THE MONTAGUE-CHELMSFORD REFORMS 1919

The Preamble of the Government of India Act 1919

It is the declared policy of the Parliament to give for the rising association of Indians in every branch of Indian administration and for the gradual development of self governing institutions with a view to the progressive realization 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 diarchy. 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 vital contention was that where the Government of India and the Central legislature were in agreement, the Home Government would not interfere. Main characteristics of the 1919 Act incorporated:

- The Council Of the Secretary of state to have eight to twelve members with three Indian Members and at least one-half of them to have spent a minimum of ten years in India;
- The Secretary of the state to follow the advice rendered through the Council;
- The Secretary of state was not allowed to interfere in the administrative matters of the provinces concerning 'Transferred subjects';
- To carryout their administrative affairs, the Governors were given 'Instrument of Instructions' as a guide;
- Other than Muslims, the minorities including Sikhs, Anglo-Indians, Christians and Europeans were given right of separate electorate; etc.

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 whole administration and these were very effective powers. In theory, the Government of India was ruled through 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 accepted a great deal of power and influence. He could overrule the decisions of his Executive Council. He was 'the executive'. The executive councilors were virtually his nominees, he had full control over

foreign and political department (department dealing with princely States in India). Every bill passed through the Central or Provincial Legislature needed his assent, in sure cases his prior ascent. He could put any bill on the statute, also restore cuts. He has used his powers to override the legislature.

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 European therefore encouraging separatist tendencies in the Indian people. The Governor General therefore had too several powers and was not responsible to the Legislature.

Machinery of Dyarchy at the Provinces

The division of subjects into Central and Provincial (Federalism) and the further division at the provincial stage flanked by Reserved and Transferred subjects was a novel characteristic of the Mont-Ford Reforms. Dyarchy means double government at the provinces. The 'Reserved' subjects in charge of councilors, 'nominated' through the Governor and transferred subjects in charge of councilors - Ministers 'appointed' through him. The reserved subjects were really 'key' departments while transferred subjects were felt 'safe' even if placed in the Indian hands. The councilor in charge of reserved subject was not 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.

The Balance Sheet of Reforms

The experiment of diarchy 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, so, evolve those conventions and practice 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 sheltered as reserved and partly transferred, e.g., irrigation was reserved but agriculture which very much depended on also the concept of joint responsibility of the council. The division of Council flanked by councilors 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 'jointly' kept. 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 accepted out throughout this period. Approximately 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.

ADMINISTRATIVE SYSTEM UNDER 1935 ACT

PRELUDE TO THE REFORMS

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 responsibility of government of India. The Commission was to be appointed in 1929 as per the provisions of the Act. But for several 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, so, decided to boycott the Commission at every stage and in every form. The slogan 'Simon Go Back' had 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 through the police. The Commission, though, completed its work. The recommendations of the report were further examined through 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, though, 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 acceptance of the report. Otherwise, some of the recommendations of the Simon Commission would have hastened the procedure of fully responsible government in the provinces as well as at the centre.

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, so, described at Delhi in February 1928 and it came out with a report within six months (August, 1928) recognized 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 sharing of power was on federal basis with residual powers retained with the Centre. It recommended setting up a defense committee with advisory functions. It also provided Fundamental Rights in the constitution. The Report suggested reorganization of provinces (creation of Sindh, and raising the status of North West Boundary province) so as to help Muslims have majority in four provinces. It recommended princely states to hasten the introduction of similar changes.

Response

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 ministers, 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 through the Nehru Report. Obviously, the Report had favoured Dominion status not as an ultimate goal but the after that immediate step in constitutional reforms. The Simon Commission's recommendations were discussed in three Round Table 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 (August 1932) which accorded separate electorates on communal basis thereby perpetuating communal tensions and encouraging separatist tendencies. The Poona Pact (September 1932) flanked by Mahatma Gandhi and B.R. 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 finalized the sub-committee recommendations. The three conferences collectively shaped the

mainly significant constitutional reforms in the Indian history—the Government of India Act 1935.

THE GOVERNMENT OF INDIA ACT 1935

Main Characteristics

The White Paper and the Joint Select Committee report shaping the Government of India Act 1935 dropped and altered several 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 realization 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 stage but introduced it at the Central stage. It also introduced 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 stage of government. This was a novel experiment.

Comments

Looking at the provisions of the Government of India Act 1935 it appears that the Joint Select Committee moved absent from some of the recommendations of the Round Table Conferences and the White Paper, for instance, 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 create it clear that the Act provided a Federal form, but lacked Federal spirit.

ADMINISTRATIVE SYSTEM AT THE CENTRE

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 would 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 directly 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 creation ministers responsible to the Council too. The subjects allotted to the Federal Provincial governments were detailed in the Three list system. Muslim representatives wanted the United States of America model with strong provincial governments. The Liberals favoured the Canadian model with strong Centre through keeping with it the residuary powers. At the Round Tables, Lord Sankey, the Chairman of the Federal Structure Committee, so, suggested the model of three list system detailing powers of both the Centre and the provincial governments and doing it exhaustively so as to leave very little powers in the residuary area. The subjects of common interest for the whole country and which demanded a uniform treatment Were sheltered through the Federal list. These incorporated 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 sheltered 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, that is, dividing governmental administration into reserved and transferred subjects and treating them differentially, was introduced at the Centre. The Act therefore 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 accepted the essential characteristics of Federation - a written constitution, division of subjects flanked by 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 creation in independent India.

Failure of the All India Federation

The proposed All India Federation did not materialize. It was conceptually inadequate and structurally defective. It could convince nobody - the Indian 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 through courtesy. It therefore 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 judgment and special responsibility to the Governor-General. This made the 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 dissimilar organs and stages. 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 sharing 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 sure 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 characteristics were missing. Atlee described, so, the keynote of act as 'mistrust and distrust'. The line of thinking now changed and Congress felt that the thrash about for self-government could not further be accepted within a constitutional frame but need to be accepted 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 therefore becomes clear.

PROVINCIAL AUTONOMY

Legislature and Executive at the Provinces

The 1935 Act discontinued the application of dyarchy introduced at the provincial stage under the Act of 1919 as the experiment failed miserably. The distinction flanked by 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 the three-list system and provided a federal relationship with the Centre. But the All India Federation did not materialize 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 mechanism and legislature. It meant duality of power in ministers and the Governor at the provincial stage.

General show that the legal meaning to these phrases had significance in practice. The Governor-General was the final authority in case of disagreement flanked by the Centre and provinces over the concurrent list. Several 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 provide direction, issue instructions to the Governor concerning the manner in which executive authority could be exercised in sure matters. Also in all matters where the Governor acted in his discretion or in his individual judgment, he was bound through the instructions of the Governor-General. On the face of it, several of these provisions would be 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 our 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 judgment to discharge his special responsibilities was very comprehensive. He had special powers with regard to Police Department and Services besides the power of creation 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 stage of literacy and other Monetary-qualifications like payment of income tax, etc. The voters therefore constituted hardly 27 per cent 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 create democracy broad based. The legislative and financial powers too were restricted because of the ordinary and extraordinary powers of the Governor.

The Working of Provincial Autonomy

In the elections, Congress obtained clear majority in six provinces. In three provinces, Bengal, Assam and North-West Boundary provinces, it was the

single largest party. Only in the Punjab and Sindh, it could not come secure to power. Congress victory in North-West Boundary provinces was more important giving it the real national representative character. After getting 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 sheltered 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 troubles and made clear the reality of Governor's overriding authority, for instance, release of political détentés in U.P. and resignation of the Congress ministries in October 1939 on the issue of unilateral declaration through the British Government of India's joining the World War II on the side of the Allies.

The Gains

Whatever the powers, the record of provincial ministers 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 recognized good parliamentary conventions. The working of provincial autonomy therefore furthered the cause of nationalism.

THE ADMINISTRATIVE STRUCTURE

Organisation of Departments

In the reorganization of departments, natural grouping of subjects and administrative branches was the main consideration. The workload of the department also was a factor in reorganization. The whole administration was organized into eleven departments. Council of Agricultural Research was recognized in 1929. In 1937, the Foreign and Political Department was divided into two departments. Likewise, Department of Industries and Labour was bifurcated into two separate departments. In 1942, there was reorganization in Food Department and also three separate Departments of Education, Health and Agriculture were recognized. Though, departmental reshuffling was not always rational but influenced through economy thoughts 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 procedure. The Maxell Committee (1937) looked into the Minister-Secretary relationship in the context of administrative stability. Gorawala Committee (1951) looked into the question of administrative integrity while Appleby Committee (1953) focused on training needs of officials especially the middle stage officials and the need to establish Organisation and Method Department for continuous appraisal of administration structures and processes.

The Public Service

The 1935 Act classified services as superior and other services. The Indian Civil Service, Indian Police and Indian Medical (Civil) Services were classified as superior services and controlled through the Secretary of State. These sustained 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, Idealization of Services was realized. The profile of service that developed was that of a generalist associated with the formulation of policies and their implementation.

Administration of Finance

The financial arrangements under the Government of India Act 1935 were based on the recommendations of the Niemeyer Committee. Revenue sources followed the list system. As such receipts from provincial subjects shaped the main income source for provinces. Provinces were given some additional sources of revenue too; for instance, 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 possessions. 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 recognized in April 1935. Financial control over expenditure was exercised through the Public Accounts Committee of the legislature. The centralized machinery of finance has been a characteristic 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.

Administration of Justice

The Government of India Act 1935 recognized 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 sustained as the highest court of appeal for India (it designates 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 recognized 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 emphasize order in the politically activated atmosphere.

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 nationwide 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 centralized. The defunct panchayats, so, became a sink of localism and a den of narrow mindedness (Ambedkar). The Decentralization 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.

TOWARDS THE NEW CONSTITUTION

The Deadlock

The Government of India Act 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 materialize; the Governor General in Council exercised the executive authority on behalf of His Majesty. Even though the Federation did not come into subsistence,

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 several representatives of communities and Princely States. Participation in the Advisory Consultative Group suggested through 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 through the Governors was no solution to this situation. So, 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 therefore became a 'lost ideal'.

Political growths 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.

The Procedure of Change

Change is a continuous - discontinuous procedure. 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 accepted through the British government. The legacy of British rule is, so, natural and obvious.

The Legacy of British Rule

The Free India inherited governmental machinery, as developed through 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' accepted was as if passed on to the new government. The government is everywhere - One cannot 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 a significant

legacy. India is a federal state with significant unitary characteristics. The 1935 Act which influenced its structure was unitary with strong federal characteristics.

The British administration was district-centered. It was headed through a generalist head with an overriding authority. The district head not merely represented government at the district stage; he was in fact government at the district stage. 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 gives 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. Beside 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 flanked by dissimilar 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, and regard for its values has also taken firm root in the soil. The boycott of courts was not as strong as the boycott of legislature. Several of the leaders in the early freedom thrash about were from law profession who respected this tradition. The debates in the constituent assembly concerning judicial system also reflect this characteristic. Considering several reforms leading to independence it looks that the thread of British legacy runs through and reflects a degree of stability in the procedure of change in later year.

CONTINUITY AND CHANGE IN INDIAN ADMINISTRATION: POST 1947

STABILITY IN INDIAN ADMINISTRATION

There has been stability in the Indian Administration after 1947 from the pattern that existed before independence. At the same time the political

background and the psychological atmosphere and the objectives of administration have changed totally after independence. The mainly significant cause for this stability was the sudden and peaceful transfer of power from the British rulers to the Indian people. Another cause was that millions of refugees migrated flanked by 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. Mainly of the cadres in Administration got depleted as mainly of the Muslims and European Civil Servants resigned and left the country. So there were neither the possessions 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 sustained after independence.

Though, free India adopted its own Constitution within three years after Independence. The objectives and nature of this Constitution are altogether dissimilar 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, amendments 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 through the Constitution. An independent judiciary protects these rights and freedom. The Constitution contains the ideal of welfare, socialist State. A federal political system based on the Union (Central) Government and State Governments is set up through the Constitution. Local Governments, urban and rural, looking after the civic and also developmental functions, are provided for through the Constitution. Public Service Commissions at the Union and the State stages ensuring the selection of meritorious public services are recognized through 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 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 recognized parliamentary democracy in the country. Before independence the country had legislature at the Centre and in the Provinces. These did not possess full powers and authority as under the present Constitution. Throughout 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 characteristic of administrative stability after independence.

DEPARTMENTAL ORGANISATIONS

The pre-independence era saw the administrative organisations of the Central and the State (then described '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 sustained as before.

At independence on 15 August 1947, the following eighteen departments (redesignated as 'Ministries') functioned under the Government of India:

- External Affairs and Commonwealth Relations,
- Defence,
- Finance,
- Home,
- States,
- Legislative (Law),
- Commerce,
- Industries and Supplies,
- Railways,
- Transport,
- Communications,
- Labour,
- Agriculture,
- Food,
- Education,
- Health,
- Information and Broadcasting,
- 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 handled through British Government), to eighteen in 1947 indicated an enormous augment in the administrative activity. These nine decades of the British rule witnessed the beginning of the elementary social services like primary education, health and medicine, agricultural research, fiscal incentives for industries, etc. Legislative activity had commenced. The two World Wars introduced price and physical controls over the essential supplies including food, cloth, petrol and kerosene, etc., besides growth in armed services, war industries and supplies. In 1921, the number of departments stood at nine, which were increased to twelve in 1937. After 1919

the main administrative activities in agriculture, education, health, and labour were mannered through the provincial governments, due to decentralization under the 1919 and 1935 Government of India Acts.

The following are the typical present-day secretariat departments in the State governments:

- General Administration,
- Home,
- Revenue and Forests
- Agriculture, Food and Cooperation,
- Education and Social Welfare,
- Urban Development and Public Health,
- Finance,
- Structures and Communication,
- Irrigation and Power,
- Law and Judiciary,
- Industries and Labour,
- Rural Development.

Though the volume and diversity 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 and medicine and related matters. The administrative work both at the Centre and State stages 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 kinds of knowledge and skills required in the middle of the administrative personnel have also become more complex. The new economic social welfare, scientific and technical activities assumed through the state in India account for their diversity and complexity. The rising international and defense responsibilities of the Indian state have also partly contributed to the strengthening and speeding up of this procedure. The low stages of literacy and awareness of numerous people have also added to the responsibilities and tasks of the administration.

Usually, the ministries at the central stage will be having one or more departments, depending on the need for specialization. For instance, the Ministry of Personnel, Public Grievances and Pension, as the name suggests, has three departments. The number of Ministries and their constituent departments go on rising on both political and administrative grounds. Need to accommodate several ministries leads to proliferation of Ministries and Departments. Also, specialization asks for creation of new ministries and departments. Science and technology, Atomic Energy, Non Conventional

Energy are such instances of new needs. In short conditions, the Ministry of Social Justice and Empowerment exemplify the need for new administrative set up to deal with social justice and empowerment. The new economic activities undertaken through the Union Government are reflected in the departments of coal, power and non conventional energy sources in the Ministry of Energy, departments of chemicals and 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 and Mines. Nationalized banks are looked after through the Finance Ministry. Concerns for the development of Science and Technology are imbibed through the Ministries of Science and Technology and Department 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 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 and Sports and Women and Child Development mark the compulsions of a social awakening in the middle of 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-creation in those areas.

In conditions 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 sustained. Red-tapism and delay still haunt the administration. Pre-independence manuals prepared throughout the colonial rule still govern in mainly of the older departments with modification here and there.

The Chief Secretary of provincial administration before 1947 continues today; but at the Centre, the Cabinet Secretary, de facto head of

administration, is an innovation. Another recent development is the growth of independent regulatory agencies like TRAI in telecommunication, SEBI in shares and stock exchanges, etc. These agencies have been set up to lend a degree of independence, absent from normal executive departments, to quasi-judicial arbitration, rate fixation and disagreement resolution functions of the government.

THE PUBLIC SERVICES: STRUCTURE

The post-independence administration in India was fairly stable due to the sustained tenures 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 incorporated the medical, engineering, forest, educational and others. The Indian Civil Services was the mainly pivotal and prized of these services. Its members occupied positions in the executive councils of the Governor General of India and the provincial Governors. Mainly of the posts of Secretaries to the departments in the Central and provincial governments and of heads of executive departments were held through them. ICS men were district collectors and magistrates/deputy commissioners. Before independence, the officers of the ICS and other All India Services were appointed through the Secretary of State for India. After independence, under the India Independence Act, 1947, the ICS and other officers in All India Services, who sustained in office, became officers in the service of the Government of India. At independence about two hundred and fifty European ICS officers retired, while about fifty of them opted to be in office here. Vallabhbhai Patel, India's Home Minister realized the dire need of the Indian members of the ICS continuing in service here after 1947. He assured to honor the existing conditions and security of their tenure. They did contribute to the stability and stability of the Indian administration.

After independence the Indian Civil Services was replaced through the Indian Administrative Services. A larger number of the officers in the IAS and the Indian Police Service (that replaced the Imperial Police Service) 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 ICS 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 relates to 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 personnel belonging to the Central Services work in the several departments of the Central Government. They are organized 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 Services, Central Health Service, Central Secretariat Service, Indian Audit and Account 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 several functional departments of the Central Government, but after independence, dissimilar services (cadres) were shaped. Statistical Service, Economic Service, Information Service and Foreign Service were some of the new cadres shaped to cater to the emergent needs of the Central Government. The Indian Foreign Service attracts intelligent young graduates beside with the Indian Administrative Service; the entrants to it reach the highest position of Ambassadors to foreign countries. Some of these are: Forest Service, Agricultural Service, Animal Husbandry, Prohibition and Excise, Judicial, Police, Jail, Medical, Public Health, Educational, Engineering, 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, to a long extent, the attributes of political impartiality, selection on merit and integrity like in the ICS and other services before independence. The public services in free India are committed to the objectives of the Constitution. The local bodies and cooperatives have their own personnel.

PUBLIC SERVICE COMMISSIONS

To ensure impartial selection of meritorious civil servants, a Public Service Commission in India; was recognized 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 in single commission for all of them. Through 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, so, a model and precedent before it in the Public Service Commissions set up earlier at the Centre and in some of the provinces. Though, 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 defense and awards on pension are also referred for advice to them.

The Chairman and members of these Commissions are appointed through the President in the cases of the Union Commission and through the Governor in the case of a State Commission (obviously in consultation with the council of ministers). 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 Parliament or respective State legislatures for discussion through the members. The governments concerned have to provide reasons for the non-acceptance of the Commission's recommendations.

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. It does not that throughout the British rule the development and welfare characteristic 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.

Health and medical facilities at an elementary stage 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 the state policy. These principles provide guidance to the government in creation laws and administering them. Therefore, the following are the mainly significant in the middle of these Directive Principles. The State is to strive to minimize the inequalities in income and to eliminate inequalities in status, facilities and opportunities in the middle of 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 through 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 capability and development of the state, the right to work, education and public assistance in old age, unemployment, etc., is secured. Humane circumstances 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 up to the age of 14 years would be provided. The welfare of the scheduled caste and scheduled tribes and other weaker sections would be advanced. Though, these directives cannot be enforced through resort to courts or 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 through the Planning Commission set up in March 1950, aimed at the rapid all round economic development of the possessions 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 dissimilar sectors including industry, agriculture, electricity, minerals, transport and communication, education, health, etc. The administration at dissimilar stages, Central, State and local, is geared to the realization 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 through the administration at these stages. 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 (Sergeant Plan) and health (Bhore Plan) had been prepared through the Central Government on the eve of independence but it was left to the governments of free India to implement these.

Rapid all round industrial development posed a challenge to the administration in free India. To attain industrial self-sufficiency, vital and heavy industries like steel, machine-structure, heavy electrical machinery, extraction and processing of minerals were recognized. The execution of the Industrial Policy Resolution of 1948 and 1956 required industrial development through the growth of 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 described for the recruitment and training of the managerial and technical personnel in the public enterprises. The realization 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. The preference, since the 1990s has been for a larger side of the private sector and gradual 'divestment' of government shares in public enterprises. Loss-creation enterprises are slowly being closed down or privatized.

The development administration in the rural areas has been faced with much more hard tasks than the administration of the public enterprises. Rising agricultural production, helping raise the milk yield of the much 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 realized through 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 through entrusting some of these tasks or their characteristics to their political and administrative institutions. Fruits of development have also to reach the poor farmers and rural laborers. -

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 conditions of the Directive Principles and also Fundamental Rights mentioned in the Constitution. Not that the achievements of the administration in regard to the above tasks were consistently satisfactory in dissimilar regions or dissimilar functions, but the administration of free India has been engaged in the performance of these tasks, in response to the new social demands after independence.

ADMINISTRATIVE IMPLICATIONS OF FEDERALISM

Federalism integrates a nation through distributing governmental functions and powers flanked by the federal, that is, the 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 mainly 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, though, princely autocracies, handling all domestic subjects. Treaties existed flanked by 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, so, be said that the federal principle was absent even in the relations flanked by the British government and the princely States.

The Constitution has divided the country's administration into two spheres, administration of the Union, that is, 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 administer 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, so, 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 aloofness 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, that is, inter-state highways, and river valleys, etc.), local government, etc., are examples of the former. Agriculture and animal husbandry, Health and medicine, social welfare, are illustration of the latter. The States administer (that is, levy,- collect and use) the taxes on agricultural income, estate and succession duties in respect of agricultural land, taxes on land and structures, electricity duties, vehicle and profession taxes, etc. Some of these, for instance, octroi, property tax, etc., are given over to the local bodies for levy collection and use through 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 nationwide 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 and coinage, foreign and INTER-STATE trade and 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, possessions. These are taxes on income other than agricultural income, customs, excise duties on manufactured and produced commodities (with some exception), 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 and social planning, transfer of property and contracts relating to other than agricultural land, population control and family planning, trade unions and 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 rising Rational 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 and heads of the State governments are appointed through the President of India. They are, for all practical purposes, formal heads. 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 through the Chief Minister.

The Parliament adopts many laws every year; a large number of these are administered through the State administration as the Union does not have its own personnel in the States. The Union Government gives financial assistance to the States as the former possesses larger financial possessions and latter fall short of these due to their rising development functions. The States call for the help of the Union forces throughout disturbed times. On account of planning, even in regard to the State subjects, consultations are held flanked by the Union and the State administrations concerning 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 harmonies 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 titled in favor of the Union, but this was inevitable from the point of view of national security and development.

POLITICAL INVOLVEMENT AND POPULAR PARTICIPATION IN ADMINISTRATION

The involvement of the political parties, groups and workers in the administrative processes of decision creation and implementation is implicit in a democratic political system. Policy-creation 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-creation 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 direction 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 through and large a rule of the bureaucracy. Under the Dyarchy laid down through 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 through 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 mainly of the time throughout 1920-47 except brief interludes of 1937-39 and 1946-47. Under the provincial autonomy laid down through the 1935 Act, so, 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 absent from the sphere of political accountability even under the 1919 and 1935 Act. 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 several occasions for get in touch with the governments.

Lobbies or pressure and interest groups do operate in the Indian democratic system. Now, the industrialists, exporters and importers, the sugar cooperatives are some examples of the lobbies who do exercise influence on policy-creation and decision-creation of the Union government and administration. Likewise, at the State administration stage big farmers, builders, trade unions, motor transport owners, traders, are some of the pressure and interest groups influencing the decision-creation. The political

parties also take up their causes and seek to change the government policies and decisions. The opposition parties organize demonstrations, public meetings, resort to 'gheraos' and lead delegations to the ministers and other dignitaries in the government.

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

Particularly, throughout the tours of the ministers people and their representatives wait on them and present their demands and grievances. Due 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 many such issues are raised in the citizens' and their representatives' meetings with the ministers and the administrative officials. Throughout 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 mainly important channel of the participation of the rural people in the rural development administration. Community development was the earlier stage of this popular participation. But it was dominated through the officials, so it could not evoke adequate participation of villagers in rural development. So, panchayati raj was introduced in late fifties through 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 introduced progressive measures relating to the panchayati raj. The 73rd constitutional amendment has given a further boost to popular participation in rural areas. Much still needs to be done to create it more meaningful and beneficial in conditions of rising 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 organisations in scrupulous can help in the implementation of the women's and children's welfare and development programmes and schemes. These organisations can be a liaison flanked by the administrative agencies and the people.

REVIEW QUESTIONS

- Explain the Mansabdari System.
- Enumerate the special characteristics of Mughal administration.
- Describe the structure of Central Secretariat as it took shape in its formative years.
- Explain the characteristics of divisional and district administration throughout the days of the East India Company.
- Explain the characteristics of Indian Councils Acts.
- Explain the prelude to the Government of India Act 1935.
- Explain the structure of public services on the comparative background of the British administration in India.

CHAPTER 2

CENTRAL ADMINISTRATION

STRUCTURE

- Learning objectives
- Constitutional framework
- Central secretariat: organization and functions
- Prime minister's office and cabinet secretariat
- Union public service commission
- Planning process
- All India and central services
- Review questions

LEARNING OBJECTIVES

After learning this Unit you should be able to:

- Understand the constitutional framework of India;
- Throw light on the vital characteristics of our Constitution;

- Explain the meaning, role and functions of the Central Secretariat;
- 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;
- Explain the development of UPSC over the years into its present form;
- Analyze the importance and meaning of planning and discuss its development in India;
- Explain the historical development, importance and need of the All India Services; and
- Through light on the classification, recruitment and training of the Central Civil Services.

CONSTITUTIONAL FRAMEWORK

VITAL CHARACTERISTICS

Written Constitution

Constitution can be of two kinds, written or unwritten. Unwritten constitutions are those where mainly of the provisions are not laid down in a codified manner but are based on conventions and traditions of the land e.g., Britain has an unwritten constitution. On the other hand, the written constitutions are those where mainly 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 mainly lengthy and detailed constitutional document in the world. It has borrowed mainly of its provisions from all the recognized constitutions in such a way that they suit the existing circumstances 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. Thought of the Directive Principles of State Policy was taken from the Constitution of Eire Republic of Ireland. Provisions concerning emergencies were added in the light of the Constitution of German Reich and the Government of India Act, 1935.

Our Constitution is very lengthy because it had embodied the modified results of judicial decisions in other countries to minimize uncertainty. We have detailed provisions in our Constitution concerning judiciary, the Public Services, the Public Service Commission, relations flanked by Union and the States and the like. Another cause for our Constitution being lengthy is the vastness of the country and the peculiar troubles existing in the country.

Value Premises

Like other constitution in world the constitution of India also contains a Preamble, which reflects the aims and aspiration of the people of India. The vital philosophy of our constitution is also reflects in the Preamble. It is true that it is not enforceable in the course of law. But the Supreme Court has taken the help of the Preamble in many decisions. The Preamble runs as follows:

- “We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:
 - Justice, social, economic and political;
 - Liberty of thought, expression, belief, faith and worship;
 - Equality of status and of opportunity, and to promote in the middle of them all;
 - Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;
 - In our constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and provide to ourselves this constitution.”

Therefore the Preamble sets out the system of government and its objectives, the ideas and values. It is the responsibility of the administration to enforce the constitution, and to make an environment in which the application of the ideals enshrined in the Preamble may be possible.

Parliamentary Democracy

Another significant characteristic 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 makes a strong centre and vests the constituent and residual powers of legislation in central legislature described Parliament. The reasons behind adoption of a parliamentary democracy are two: Firstly, our past experience is working with parliamentary system throughout the British rule and secondly, the parliamentary system of government harmonizes 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, so, unlike in a presidential system, conflicts are less likely to arise flanked by them.

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 designates that it possesses all the essential characteristics 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 many 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 mediators 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 subsistence from the Constitution. Every power - executive, legislative or judicial, whether it belongs to the federation or to the component states, is subordinate to and controlled through 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 dissimilar organs which violate the provisions of the Constitution. Another significant characteristic of a federal state is that there is a division of powers flanked by the federal government and the governments of the component states.

All these characteristics are present in the Indian political system. The Constitution of India can be both federal and unitary according to necessities and circumstances. It is framed to work as a federal system throughout 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 emergency in the country automatically transforms a federal state into a unitary state.

Fundamental Rights

The constitution guarantees the fundamental rights to Indian citizens. They are contained in part III of the constitution from articles 12 to 35. The framers of the constitution drew inspiration from the constitution of USA in this regard. The Parliament can repeal or curtail these rights only through amending the constitution in accordance with the procedures mentioned in the constitution itself. The Supreme Court is also made responsible for the protection of these rights i.e. the aggrieved person can directly go to Supreme Court for the enforcement of these rights. Though these rights are justifiable they are not absolute and hence the government can impose reasonable restrictions on them. Though, whether such restrictions are reasonable or not is to be decided through the Courts.

Directive Principles of State Policy

The Directive Principles of State Policy are contained in the part of the constitution from article 36 to 51. These principles are borrowed from the constitution of Ireland. These principles are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in creation laws. The Directive Principles are non justifiable i.e. they cannot be enforced in the court of law for their violation.

Fundamental Duties

These Fundamental Duties were added through the 42nd Constitutional Amendment of 1976. There are 10 duties which are specified in the article 51A of part 4A of the constitution. Like the Directive Principles these are also non justifiable. The constitution does not give for their directive enforcement. Moreover, there is no legal sanction against their violation.

Unique Combination of Rigidity and Flexibility

In a federal system the Constitution is usually rigid. The rigidity of the Constitution depends upon two factors. First, it depends on the degree of difficulty in the amending procedure. 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 through the state legislatures and even then ratification through only half of them is needed.

The rest of the Constitution may be amended through a simple majority of the Union Parliament as is required for general legislation. Some instance where ratification through States is not needed is:

- Changes in the names, boundaries, area of the states and amalgamation and separation of states (Article 4),
- Abolition or creation of the second chamber of a state legislature (Article 169),
- 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 through legislation. The flexibility of the Constitution can also be seen from the fact that in fifty one years, the Constitution has already been amended eight five times.

Independence of Judiciary

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

The Supreme Court performs three significant functions.

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

Power of judicial review is yet another characteristic 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 through the judiciary through several 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 recognized through laws. Judiciary also has the power to interpret the Constitution and to determine the relationship of the dissimilar organs in the Constitution.

A unique characteristic of our constitution is that constitutional status has been accorded to the local government as a third stratum of government. Through the 73rd Constitution Amendment Act, 1992 Panchayats in the rural areas, and through the 74th Constitution Amendment Act, 1992 three kinds of Municipalities in the urban areas have been introduced. It will be discussed in detail in Block 4. Another significant characteristic of the constitution is that there is a special chapter dealing with civil services. This designates a

prominent place attached to services. The framers of the constitution constitute an independent body like Public Service Commission for the recruitment of civil servants. They went further and made special provisions (Article 311) dealing with the protection of the civil servants. This is foreign to other constitutions.

POWERS OF CENTRAL GOVERNMENT

Having discussed the special characteristics of the Indian Constitution which have an impact on the federal balance, we shall now turn to the division of powers flanked by the Centre and the States which forms the core of the doctrine of federalism. The sharing of legislative powers flanked by 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 comprises in the middle of its ninety nine items like defense, 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 contain the legal system, trade and industry and economic and social planning. In respect of Concurrent items the laws passed through Central Parliament prevail over those passed through State legislatures.

The residual powers lie with the Union and in disagreement flanked by Union and State, the Union law prevails. Therefore, the Constitution gives vast powers to the Central Government as compared to the State governments. Throughout emergency, the Parliament can create 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 through the Governor, or on his own, feels that the government of the State cannot be accepted 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 through a two third majority can ask the Parliament to create laws on the items in State list for a temporary period.

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 through the Council of Ministers headed through the Prime Minister. The Union legislature is described Parliament. It consists of the President and the two Houses. The Lower House is described the House of People or 'Lok Sabha'. Whole responsibility of enactment of laws rests with the Prime Minister who heads the Council of Ministers. The Constitution gives 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 through the President, the other Ministers are appointed through the President on the advice of the Prime Minister (Article 75(1)).

The number of members of the Council of Ministers is now specified in the Constitution. As per the constitution (Ninety-first Amendment) Act, 2003 the total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People (Lok Sabha). All the Ministers do not belong to the same rank. They are classified under three ranks.

- Cabinet Ministers
- Ministers of State
- Deputy Ministers

Therefore, the Council of Ministers is a composite body, consisting of dissimilar categories. The rank of the dissimilar ministers is determined through the Prime Minister. He also allocates portfolios in the middle of 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 through the Constitution is actually exercised through Council of Ministers with the Prime Minister as their head.

Our Constitution is based on the concept of communal responsibility. The Council of Ministers is collectively responsible to the lower house of the Parliament. The essence of communal responsibility is that once a decision is taken through 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 creates all the government policies.

CONSTITUTIONAL AUTHORITIES AND COMMISSIONS

The Constitution gives for the creation of the following Authorities and Commissions:

- The Comptroller and Auditor General of India (Articles 148- 15 1).
- The Election Commission (Article 324).
- The Union Public Service Commission (Article 3 15-323).
- The Attorney-General for India (Article 76).
- The Special Officer for Linguistic Minorities (Article 350 B).
- The Finance Commission (Article 280-28 1).
- The Official Language Commission (Article 344).
- The Committee of Parliament to Look at the Report of the Language Commission [Article 344(4)].
- The State Public Service Commission (Articles 3 15-323).
- The Advocate-General for the State (Article 165).
- Administrative Tribunals (Article 323 A).
- National Commission for Schedule Castes (Article 338).
- National Commission for Scheduled Tribes (Article,338 A).
- Constitutional Authorities

Comptroller and Auditor-General of India

With the enactment of the Constitution in 1950, the Auditor General¹ of India was redesignated as Comptroller and Auditor General of India (CAG). The CAG is appointed through the President through 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.

CONSTITUTIONAL COMMISSIONS _

Finance Commission

Articles 270, 273, 275 and 280 give for the constitution of a Finance Commission to recommend to the President measures relating to the sharing of financial possessions flanked by the Union and the States. The sharing flanked by the union and the states of the net proceeds of taxes which are to be or may be, divided flanked by them, and the allocation flanked by the States of respective shares of such proceeds. It also determines the principles, which should govern the grant-in-aid of the revenues of the States, out of the Consolidated Fund of India and any other matter referred to the Commission

through President in the interests of sound finance. The Twelfth Finance Commission is expected to be constituted in the current year. The constitution of the Finance Commission is laid down in Article 280. The Commission is constituted through the President every five years. It consists of a Chairman and four members to be appointed through the President. The Chairman necessarily is a person having experience in public affairs, and the other four member's necessity is appointed from amongst the following:

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

CENTRAL SECRETARIAT: ORGANIZATION AND FUNCTIONS

Central Secretariat refers to several offices and departments which are run through secretaries to the Union Government. There are dissimilar kinds of Government offices in the administrative structure of India which vary in their nature and range of functions. Right at the top of all this is the Secretariat. The main function of the secretary is to advise the minister in the policy and administration matters. In order to enable him to discharge his function properly, it is necessary that he should be equipped with an office. This office is the Central Secretariat.

The Constitution of India reposes the executive authority of the Indian union in the President of the country. All executive action of the Union government is taken in his name. Though, the Indian President is a mere constitutional and formal head and there is a Council of Ministers with the Indian Prime Minister at its head to aid and advise the President in the exercise of his functions. In other words, the real executive authority is vested in the cabinet of which the Prime Minister is the dominant head. The ministers cannot work all alone and need assistance. For purposes of administration, so, the government of India is divided into ministries and departments which together constitute the 'Central Secretariat.' To implement the policies enunciated through the ministers in consultation with the Secretariat, there are attached offices, subordinate offices and other field agencies.

The word Secretariat means the secretary's office. The three essential components of the government at the centre are: (i) the minister, (ii) the secretary, and (iii) the executive head.

The mainly significant function of the minister is to decide upon policy; of the secretary to give the material through which to reach such decisions and to oversee the implementation of such decisions; and of the executive head to carry the decisions into effect. The first two functionaries, namely, the minister and the secretary are served through the secretariat organization described a ministry or department. Orders and instructions issued through the secretariat are measured as orders of the government of India. The central secretariat, therefore, occupies a key position in the administrative hierarchy. Literally speaking, the secretariat is nothing but a conglomeration of several ministries/departments of the Central Government.

The secretariat works as a single unit with communal responsibility as in the case of the council of ministers. Under rules, each secretariat department is required to consult any other department that may be interested or concerned before disposing of a case. Secretaries, therefore, are secretaries to the union government as a whole and not to any scrupulous minister. A secretariat officer of and above the rank of an under secretary signs on behalf of the President of India, that is, the whole central government. The Prime Minister is free to send for any secretary for consultation.

STRUCTURE OF CENTRAL SECRETARIAT

The Central Secretariat is a collection of several ministries and departments. But the Cabinet Secretariat, which is in reality a ministry comprising more than one department, is still recognized as the secretariat. A ministry is the charge allotted to ministers. This may contain one or more departments depending upon administrative convenience, each under the charge of a secretary. A department on the other hand is an organizational unit consisting of a secretary to government together with a part of the central secretariat under his administrative control on which the responsibility of performing specific functions has been conferred. Therefore technically, a department should be recognized with a secretary's charge and a ministry with a minister's charge. Though, this distinction is not always maintained. Therefore, if a ministry has more than one department within itself, it may have more than one secretary in which case there will raise the need for creation one secretary superior to other secretaries who will represent the ministry.

A ministry is responsible for the formation of the government policy within its sphere of responsibility as well as for the execution of that policy. Therefore in conditions of internal organisation, a ministry is divided into the following segments within an officer in charge of each of them to expedite matters:

- Department- Secretary/Additional/Special Secretary
- Wing- Joint/Additional Secretary.
- Division- Under Secretary.
- Section- Section Officer

The lowest of such units is the section in charge of a Section Officer and consists of a number of assistants, clerks, "Daftaries," 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 recognized as the Branch Officer. Two branches ordinarily form a division which is normally headed through a deputy secretary. When the volume of work in a ministry exceeds the manageable charge of a secretary, one or more wings are recognized with a joint secretary in charge of each wing. At the top of the hierarchy comes the department which is headed through the secretary himself or in some cases through an additional/ special secretary. In some cases, a department may be as autonomous as a ministry and equivalent to it in rank.

The functions and role of such officers are:

- Secretary: A secretary is the administrative head of a ministry or department, as the case may be. He is the principal adviser to the minister on all matters of policy and administration within his ministry/department before the parliamentary committee on public accounts.
- Special Secretary: There is no clear or well-defined principle or rule underlying the appointment and rank and pay of a special secretary. Though, there are a few posts of special secretaries for which pay is determined in each case on merit.
- Additional Secretary: The officer after that in hierarchy to the secretary was the deputy secretary but in course of time new stages of joint/additional or special secretaries were shaped. These posts may have been created originally to relieve the overburdened secretary of some portion of his workload; but more often than not these posts have been created to reward some senior joint secretary through raising both his salary and rank.
- Joint Secretary: Where the volume of work in a ministry exceeds the manageable charge of one or more wings, the joint secretary is vested with the maximum measure of independent functioning and responsibility in respect of all business falling within his wing, subject, though, to the general responsibility of the secretary for the administration of the ministry as a whole.
- Director: This post is comparatively a new addition and was created in 1960. It is not much dissimilar in conditions of responsibilities from that of a deputy secretary.

- **Deputy Secretary:** A deputy secretary is an officer who acts on behalf of the secretary. He holds charge of a secretariat division and is responsible for the disposal of government business dealt with under his charge.
- **Under Secretary:** An under secretary is in charge of a branch in a ministry and exercise control both in regard to the despatch of business and the maintenance of discipline.
- **Officer on Special Duty:** This is an old device to accommodate sure persons or to meet unexpected emergency but has been found useful to practicing administrators. The post is not indicative of any status.
- **Office:** The permanent office of the Secretariat is an essential component of its functioning. It is very significant that an officer should be able to rely on his office to supply him with such materials as he may need and to assist him in preserving stability of administration. The office consists of section officers, assistants, upper division clerks and lower division clerks, typists, stenographers and Class IV (Gr. D).

RULES OF PROCEDURE

Rules of Procedure refer to the principle which governs the work of the Cabinet and its several committees. This was approved through the Cabinet in the year 1947. There are three methods of disposal of cases through the cabinet, namely - through discussion in cabinet; through circulation for expression of opinion; and through discussion in a committee of the cabinet for two or more ministers nominated through the Indian Prime Minister. Some of the vital rules of procedure which is followed through the Indian Cabinet are mentioned below.

No invitation for the cabinet meeting is sent to any Cabinet Minister; the notice of the meeting serves the purpose. Invitations are, though, sent to the Ministers of State who are in independent charge of the ministries/departments when the matter relating to their ministries/departments is to be measured through the cabinet. A minister of this category is also invited when his ministry/department has expressed specific views on the proposals of another ministry placed before the cabinet.

All arrangements for the meetings are made through the cabinet secretary and other senior officials of the cabinet secretariat. Secretaries and senior officials of other ministries remain in attendance at the meeting when an item relating to their ministry is on the agenda. They are described inside the meeting room when so desired through their ministry or the Prime Minister.

The minutes of the meetings are drafted through the officials of the cabinet secretariat present at the cabinet meeting. They are submitted to the Prime Minister for approval within twenty-four hours of the meeting. After the Prime Minister has approved the minutes, they are circulated to the Cabinet Ministers of India, Ministers of State in independent charge of ministries and the Secretaries concerned. If any amendment in the minutes is suggested through Minister present at the meeting it is submitted to the Prime Minister for consideration and orders. If the Prime Minister accepts the amendment, revised minutes are circulated.

At the conclusion of each cabinet meeting, the cabinet secretary briefs the press on those significant decisions taken that can be disclosed to the press. Similar briefing is given whenever necessary in the case of significant decisions taken in a cabinet committee. These are some of the vital rules of procedure followed through the Indian Cabinet.

DEVELOPMENT OF CENTRAL SECRETARIAT

Development of Central Secretariat was a long procedure in the creation, beginning in the pre-independent era. To begin with, the secretariat in India was nothing but the office of the Governor-General recognized in colloquial Hindustani as *Lat Saheb Ka Daftar* (Office of the Lord). The Central Secretariat was recognized at Fort William in West Bengal. It was required to furnish the requisite information for the formulation of policy and to carry out the orders of the British East India Company's Government. Before 1756, the President and the Council at Fort William transacted all their business in one general department with the help of a Secretary and a few assistants. On the arrival of packets from England the Secretary laid them before the Council for orders and the instructions which, when issued, were conveyed for execution to the authorities concerned. Lord Cornwallis took some steps towards organizing and strengthening the secretariat. His main contribution was to make the office of the Secretary-General (later to be recognized as the Chief Secretary) in whom was concentrated all powers and responsibility. Lord Wellesley too took a keen interest in reorganizing the secretariat, and his reform proved to be a turning point in the development of the Central secretariat. Under his scheme the work of the secretariat increased considerably in both bulk and responsibility.

At the secure of the eighteenth century the supreme government consisted of a Governor-General and three Councilors, and the Secretariat of four departments. Each of them was under a Secretary, and there was a Chief Secretary in overall control of them. In 1919, the total strength of the secretariat was 29 to which could be added 17 more officers of the two boards.

This number remained unchanged till the outbreak of the Second World War in 1939. The reforms of 1919 brought about a major change in the procedure of governance. Whereas the secretariat had for so long been functioning as a tribunal of reference and general supervision, the role of the Secretariat now changed from a merely policy formulating, supervising and coordinating agency to that of an executive agency as well. The inauguration of provincial autonomy in 1937 gave further impetus to this trend.

The outbreak of the Second World War accelerated the above procedure. It threw new and heavy burdens on the Government of India and approximately overnight new functions had to be assumed like civil defense mobilization of men and materials for war, food and civil supplies. Since there were no recognized executive agencies to undertake these new tasks and as the bulk of senior civil service officers in the field and provinces had already been drawn to the secretariat, the Secretariat itself had to undertake these tasks and in doing so trespassed outside the sphere of policy-creation into that of executive administration. Another factor which helped the new trend was the fact that there was no settled policy with regard to this new range of functions and the business of improving policies at dissimilar points could only be performed in the secretariat.

The Second World War, therefore, witnessed rapid expansion of the administrative machinery and big changes in its structuring and functions. The strength of the Governor-General's Council was increased from 7 to 14 and the number of secretariat departments rose to as several as 19. In consequence, there was a four-fold augment of the central secretariat and the total official strength rose to about two hundred. Post-war there was felt the need for re-organize the administrative machinery and gear it towards performing new tasks. This task was left to the successor Government of the newly independent nation.

The Government of India was still grappling with the post-war troubles of demobilization and reconstruction, when came independence, accompanied through the partition of the country. The combination of the several issues at hand and the need to effectively administer the country led to a marked augment in the number of departments, offices, officers, and clerks. This augment in the requirement of personnel in the secretariat and its offices posed a serious problem of securing adequate personnel of the right caliber and quality. Additional personnel had to be found immediately to cope with the rising workload. Recruitment standards consequently declined and officers could not be given adequate training. At the same time, unprecedented vacuum in the high ranks of the civil service led to quick and out of turn promotions. It is for this cause that the senior officers of the secretariat, being aware of the relative lack of maturity and experience on the part of the junior officer's in-charge of attached and subordinate offices, sustained to keep a

secure eye on the working of the offices and in several cases even assumed the functions of these offices. This trend has sustained ever since.

FUNCTIONS AND ROLE OF SECRETARIES

Function and role of Secretaries is essentially to assist and advise the ministers in creation several policy decisions. They are the ones who give the material and aid required to reach the decisions of the several ministers and they also oversee the implementation of such decisions. They assist the ministers in- creation and modifying policies from time to time; framing legislation, rules and regulations; sectoral planning and program formulation; budgeting and control of expenditure; according administrative and financial approval to operational plans and programmes and their subsequent modifications; supervision and control over the execution of policies and programmes through field agencies, and evaluation of the results; co-ordination and interpretation of policies, assisting other branches of the government and maintaining contacts with state administrations; initiating measures to develop greater organizational competence; discharging their responsibilities to the parliament.

In fact, it can be said that the Central Secretariat is the chief executive instrument of the Union Government. It is responsible for administering the Central subjects, coordinating the activities of national importance and assisting in the formulation of foreign, economic and financial policies. Therefore on the one hand the Secretariat is the policy-formulating, co-ordinating and supervisory agency, and, on the other, it is the principal executive agency of the Government. For instance, the Railway Board, which constitutes the railway ministry, is also the higher operating agency. In fact, when any new activity starts in the secretariat and it gets beyond sure proportions, it is handed over to a field agency created for the purpose. The fact of the matter is that in the history of Indian administration there has never existed a rigid demarcation flanked by the secretariat and field functions.

Owing to a number of factors the secretariat in India has had to concern itself even with details of administration. For one thing, India, being a parliamentary democracy, the secretariat has to collect a lot of information from several sources and agencies to be made accessible to parliament, particularly through way of replies to questions. Also, the people approach the ministers directly for redress of their individual or group grievances. The Ministers also want to do their best to redress such grievances, therefore adding to the work of the secretariat. Moreover, since our polity is a federal one, the task of coordinating the functioning of state governments has to be done through the union government secretariat. Mainly importantly, the

responsibility for carrying out the proclaimed national goals and faithful implementation of the Constitution of India rests particularly on the Union Government.

Therefore, due to a combination of all these reasons, the functions and responsibilities of the authority have naturally followed. The superior position of the secretariat is recognized through the secretariat personnel being given higher grades of salaries than their counterparts working in field agencies and field officers being entitled to special pay on their joining the secretariat. Therefore the Secretariat plays a rather significant role and enjoys a prestigious position in Indian administration.

PRIME MINISTER'S OFFICE AND CABINET SECRETARIAT

PRIME MINISTER'S OFFICE

The Prime Minister's Office (PMO) consists of the immediate staff of the Prime Minister of India, as well as multiple stages of support staff reporting to the Prime Minister. The PMO is headed through the Principal Secretary, currently Pulok Chatterji. The PMO was originally described the Prime Minister's Secretariat until 1977, when it was renamed throughout the Morarji Desai administration. It is part of the Government of India located in the South Block of the Secretariat Structure.

Function

The PMO gives secretarial assistance to the Prime Minister. The PMO comprises the anti-corruption unit and the public wing dealing with grievances. The office houses the Prime Minister and few selected officers of Indian Civil Service who work with him to manage and coordinate government and his office. The Prime Minister through his office coordinates with all ministers in the central union cabinet, minister of independent charges and governors and ministers of state government.

The South Block is one of the two secretariat blocks (the other is recognized as North Block) that flank Rashtrapati Bhavan - the residence of the President of India. The PMO gives secretarial assistance to the Prime Minister. It is headed through the Principal Secretary to Prime Minister. The PMO comprises the anti-corruption unit and the public wing dealing with grievances.

The subject-matter of files required to be submitted to the Prime Minister depends on whether he is holding direct charge of the Ministry or whether there is a Cabinet Minister or Minister of State (Independent Charge) in charge of the Ministry. In the case of the latter, mainly matters are dealt with through

the Cabinet Minister / Minister of State-in-charge. Only significant policy issues, which the Minister concerned feels should be submitted to the Prime Minister for orders or information, are received in the PMO.

In cases where the Prime Minister is the Minister-in-charge, all matters requiring Ministerial approval not delegated to the Minister of State / Deputy Minister, if any, are submitted for orders. The Prime Minister has traditionally been the Minister-in-charge of the Departments of Space, Atomic Energy, and Ministry of Personnel, Public Grievances and Pensions. Since the Prime Minister is Chairman of the Planning Commission, relevant files are forwarded to the PMO for his comments and clearance.

Some of the significant matters that require the Prime Minister's personal attention contain the following:

- Significant defense-related issues;
- Decorations, both civilian and defense, where Presidential approval is required;
- All significant policy issues;
- Proposals for appointment of Indian Heads of Missions abroad and requests for grant of agreement for foreign Heads of Missions posted to India;
- All significant decisions relating to the Cabinet Secretariat;
- Appointments to State Administrative Tribunals and the Central Administrative Tribunal, UPSC, Election Commission, Appointment of members of statutory/constitutional Committees, Commissions attached to several Ministries;
- All policy matters relating to the administration of the Civil Services and administrative reforms;
- Special Packages announced through the Prime Minister for States are monitored in the PMO and periodical reports submitted to Prime Minister; and
- All judicial appointments for which Presidential approval is required.
- Parliament Questions: Parliament Questions relating to the Ministries and Departments of which Prime Minister is the Minister-in-charge are answered through a MOS nominated for the purpose or through Prime Minister himself.
- PM's Funds: The Prime Minister's National Relief Fund (PMNRF) and the National Defence Fund (NDF) are operated directly from the PMO.

Location

The Prime Minister's Office (PMO) in South Block, overlooking the grandeur of Rashtrapati Bhawan. It is sandwiched flanked by the cabinet secretariat on one side and the ministries of external affairs and defense on the other. The 20-room PMO is equipped to give both infrastructural and manpower support to the nation's chief executive. Hi-tech accessories and sophisticated communication devices were installed to monitor domestic and

international growths.

CABINET SECRETARIAT

Origin

Before the adoption of the portfolio system in the Government of India, all governmental business was disposed of through the Governor-General-in-Council, the Council functioning as a joint consultative board. As the amount and complexity of business of the Government increased, the work of the several departments was distributed amongst the members of the Council only the more significant cases being dealt with through the Governor-General or the Council collectively.

This procedure was legalized through the Councils Act of 1861 throughout the time of Lord Canning, leading to the introduction of the portfolio system and the inception of the Executive Council of the Governor-General. The Secretariat of the Executive Council was headed through the Private Secretary to the Viceroy, but he did not attend the Council meetings. Lord Willingdon first started the practice of having his Private Secretary through his side at these meetings. Later, this practice sustained and in November, 1935, the Viceroy's Private Secretary was given the additional designation of Secretary to the Executive Council.

The constitution of the Interim Government in September 1946 brought a change in the name, though little in functions, of this Office. The Executive Council's Secretariat was then designated as Cabinet Secretariat. It seems, though, at least in retrospect, that Independence brought a sort of change in the functions of the Cabinet Secretariat. It no longer remained concerned with only the passive work of circulating papers to Ministers and Ministries but developed into an organisation for effecting coordination flanked by the Ministries.

Functions

The Cabinet Secretariat is under the direct charge of the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board. In the Government of India (Allocation of Business) Rules, 1961 "Cabinet Secretariat" finds a place in the First Schedule to the Rules. The subjects allotted to this Secretariat are:-

- Secretarial assistance to Cabinet and Cabinet Committees.
- Rules of Business.

The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and the Government of India (Allocation of Business) Rules 1961, facilitating smooth transaction of business in Ministries/Departments of the Government through

ensuring adherence to these rules. The Secretariat assists in decision-creation in Government through ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/Departments and evolving consensus through the instrumentality of the standing/*ad hoc* Committees of Secretaries. Through this mechanism new policy initiatives are also promoted.

The Cabinet Secretariat ensures that the President, the Vice President and Ministers are kept informed of the major activities of all Ministries/Departments through means of monthly summary of their activities. Management of major crisis situations in the country and coordinating activities of several Ministries in such a situation is also one of the functions of the Cabinet Secretariat.

Support to Cabinet Committees

The secretarial assistance provided through Cabinet Secretariat to the Cabinet and Cabinet committees, comprises

- Convening of the meetings of the Cabinet on the orders of the Prime Minister.
- Preparation and circulation of the agenda.
- Circulating papers related to the cases on the agenda.
- Preparing a record of discussions taken.
- Circulation of the record after obtaining the approval of the Prime Minister.
- Watching implementation of the decisions taken through the Cabinet.

The Cabinet Secretariat is the custodian of the papers of the Cabinet meetings.

Promotion of Inter-Ministerial Coordination

In the middle of the inter-Ministerial matters, the coordination is required for:

- Removing difficulties.
- Removing differences.
- Overcoming delays.
- Coordination in administrative action.
- Coordination of policies.

While each Ministry is responsible for acting on its own for expeditious implementation of Government policies, plans and programmes, where inter-Ministerial cooperation is involved, they often seek the assistance of the Cabinet Secretariat. The inter-Ministerial troubles are dealt with in the meetings of the Committees of Secretaries (COS). Committees are constituted for discussing specific matters and proposals emanating from several Secretaries to the Government and meetings are held under the chairmanship

of the Cabinet Secretary. These committees have been able to break bottlenecks or secure mutually supporting inter-Ministerial action.

The discussions of the COS takes place on the basis of a paper formulated through the principal Department concerned and the Department with a dissimilar point of view, if any, providing a supplementary note. The decisions or recommendations of the COS are unanimous. These proceedings are also circulated to and are followed up through the departments. There are other significant functions which it discharges, viz.

- Monitoring.
- Coordination.
- Promoting new policy initiatives.

The Cabinet Secretariat is seen as a useful mechanism through the departments for promoting inter-Ministerial coordination since the Cabinet Secretary is also the head of the civil services. The Secretaries felt it necessary to keep the Cabinet Secretary informed of growths from time to time. The Transaction of Business Rules also requires them to keep the Cabinet Secretary informed of growths from time to time, especially if there are any departures from these rules.

DEVELOPMENT

After independence, in 1949 an Economic Committee of the Cabinet was set up with its Secretariat at Ministry of Finance. In 1950 this was transferred to Cabinet Secretariat and designated as Economic Wing and ultimately merged with the Secretariat in 1955. In 1954, the Organisation and Methods Division was recognized under the Cabinet Secretariat which was later transferred to Ministry of Home Affairs throughout 1964.

In 1957, the Defence Committee of the Cabinet was constituted under Cabinet Secretariat for which officers were drawn from the Defence services. This wing was transferred throughout 1991 to the Ministry of Defence. Department of Statistics was created in 1961 under Cabinet Secretariat which was transferred to Ministry of Planning in Feb. 1973. Department of Special Economic Coordination was set up under Cabinet Secretariat in 1962 and later transferred to Ministry of Economic Defence Coordination and at present the Department does not exist. The Intelligence Wing was set up to give secretarial assistance to the Joint Intelligence Committee in 1965.

The Bureau of Public Enterprises was brought under the Cabinet Secretariat for short duration from Jan. 1966 to June, 1966 and later transfer to Deptt. of Economic Affairs under Ministry of Finance and later throughout 1985 to the Deptt. of Public Enterprises under Ministry of Industry.

In June, 1970 three departments namely:

- Department of Electronics
- Department of Scientific and Industrial Research and

- Department of Personnel

Cabinet Secretariat and in July, 1970 Directorate General of Revenue Intelligence-cum-Directorate of Enforcement was set up under Deptt. of Cabinet Affairs under Cabinet Secretariat and later this directorate was shifted to Department of Personnel in August, 1970.

Department of Scientific and Industrial Research became independent department in May, 1971. The Department of Electronics became independent department in 1971 and the Department of Personnel became independent. Department of Personnel and Administrative Reforms were transferred to the Ministry of Home Affairs from the Cabinet Secretariat. At present it is a part of Ministry of Personnel, Public Grievances and Pension with a bifurcation as Department of Personnel and training and Department of Administrative Reforms and Public Grievances. Department of Ocean Development was created in July 1981 under Cabinet Secretariat and became independent department in Feb. 1982. The Directorate of Public Grievances was set up in the Cabinet Secretariat in March, 1988. This Directorate entertains grievances from the public.

National Authority, Chemical Weapons Convention (NA, CWC)

National Authority, Chemical Weapons Convention (CWC) was set up through a resolution of Cabinet Secretariat dated 5th May 1997 to fulfill the obligations enunciated in the Chemical Weapons Convention initially signed through 130 countries in a conference which concluded on 14th January 1993 for the purpose prohibiting of the development, production, execution, transfer, use and stockpiling of all chemical weapons through Member-States is a non-discriminatory procedure. To fulfill its obligations, each State Party has to designate or establish a National Authority to serve as the national focal point for effective liaison with Organization for Prohibition of the Chemical Weapons and other State Parties and hence the NA, CWC under the administrative control of the Cabinet Secretariat was set up.

The National Authority is headed through the Chairperson who is in the rank of Additional Secretary to the Government of India and is supported through an appropriate Technical Secretariat to look after the several functions. A High Stage Steering Committee under the Chairmanship of the Cabinet Secretary with Secretary (Chemical and Petrochemicals), Foreign Secretary, Secretary, Defence Research & Development, Defence Secretary and Chairman, National Authority as its other members would oversee the functions of the National Authority. The National Authority, CWC is responsible for implementation of CWC Act, liaison with CWC and other State parties, Collection of data fulfilling of declaration obligations, negotiating facility agreements, coordinating OPCW inspections, providing appropriate facilities for training national inspectors and industry personnel, ensuring protection of confidential business information, checking

declarations for consistency, accuracy and completeness, registration of entitles engaged in activities related to CWC etc.

UNION PUBLIC SERVICE COMMISSION

The Union Public Service Commission (UPSC) is India's central agency authorized to conduct the Civil Services Examination, Engineering Services Examination, Combined Defence Services Examination, National Defence Academy Examination, Naval Academy Examination and Combined Medical Services Examination, Special Class Railway Apprentice, Indian Economic Service/Indian Statistical Service Examination, Geologists' Examination, Central Armed Police Forces(AC). The agency's charter is granted through the Constitution of India. Articles 315 to 323 of Part XIV of the constitution, titled *Services Under the Union and the States*, give for a Public Service Commission for the Union and for each state.

HISTORY

The Royal Commission on the Superior Civil Services in India under the Chairmanship of Lord Lee, which submitted its Report in 1924, recommended the setting up of the Public Service Commission. This led to the establishment of the first Public Service Commission on October 1, 1926 under the Chairmanship of Sir Ross Barker. The limited advisory function accorded to the Public Service Commission and the sustained stress on this characteristic through the leaders of our freedom movement resulted in the setting up of a Federal Public Service Commission under the Government of India Act, 1935. The Federal Public Service Commission became the Union Public Service Commission after Independence and it was given a Constitutional status with promulgation of Constitution of India on January 26, 1950.

ADMINISTRATION AND CONTROL

The Commission consists of a Chairman and ten Members. The conditions and circumstances of service of Chairman and Members of the Commission are governed through the Union Public Service Commission (Members) Regulations, 1969. The Chairman and other members of the UPSC (Union Public Service Commission) are appointed through the President of India. At least half of the members of the Commission are Civil Servants (working or retired) with minimum ten years of experience either in Central or State service.

The Commission is serviced through a Secretariat headed through a Secretary with two Additional Secretaries, a number of Joint Secretaries, Deputy Secretaries and other supporting staff.

Members of the UPSC

Every member holds office for a term of six years or until he attains the age of sixty-five years, whichever is earlier. He can submit his resignation at any time to the President of India. He may be removed from his office through the President of India on the ground of misbehavior (only if an inquiry of such misbehavior is made and upheld through Supreme Court) or if he is adjudged insolvent, or engages throughout his term of office in any paid employment outside the duties of his office, or in the opinion of the President unfit to continue in office through cause of infirmity of mind or body.

U.P.S.C. is amongst the few institutions which function with both autonomy and freedom beside with the country's higher judiciary and lately the Election Commission. As of July 30, 2012, the Commission consists of a Chairman and 10 members. The names of the members in order of appointment to the post are:

- Shri Prashanta Kumar Mishra
- Shri Vijay Singh (ex-Defence Secretary)
- Smt. Rajni Razdan
- Dr. Venkatarami Reddy Y
- Smt. Alka Sirohi
- Prof. David R. Syiemlieh
- Shri Manbir Singh (ex-IFS)
- Shri Amar Pratap Singh (Former CBI Director)
- Shri Vivek Kumar Shukla (Former VC of BHU)

Recruitment Rules

In accordance with the provisions contained in Article 320 of the Constitution read with the provisions of Union Public Service Commission (Exemption from Consultation) Regulations 1958, Recruitment Rules of all Groups 'A' and Group 'B' posts in several Ministries/Departments of Government of India are required to be framed in Consultation with the Commission. Consultation with the Commission is also necessary for framing/amending Recruitment Rules for sure categories of posts under the Employees State Insurance Corporation, The Delhi Municipal Corporation, The New Delhi Municipal Council, Employees Provident Fund Organisation etc. under the relevant Acts made through Parliament in pursuance of the provisions of Article 321.a

Gender issue in application form

While the notification of UPSC claims "Government strives to have a workforce which reflects gender balance and women candidates are encouraged to apply ", the application form accessible online doesn't have the option for "others" under the category of sex. This was highlighted through an

RTI appeal filed through a Madurai-based 23-year-transgender, Swapna.

Reports

The UPSC annually submits a report of its work to the President of India. Further it is sent to each house of Parliament for discussion. The commission submits an annual report on the work done through it to the president. The president places the report of the commission before the parliament beside with a memorandum with regard to the cases where the advice of the commission was not accepted and the reasons for such non-acceptance.

PLANNING PROCESS

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 possessions for the fulfillment of specific objectives. Planned economy would mean an economic system in which the government controls and regulates production, sharing, prices, etc., through deciding on acts, purposes, and strategies for development beforehand. The term planning has been widely defined and in mainly cases the definition accepted the same viewpoint. 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 procedure of determining the objectives of administrative effort and of devising the means, calculated to achieve them”. According to Urwick, “Planning is fundamentally an intellectual procedure, 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 antithesis of speculative tendency.” Seckler-Hudson defined it as “the procedure of devising a basis for a course of future action”. Therefore, planning is ‘thinking ahead’ or thinking before doing. It is an intellectual procedure of determination of course of action undertaken in a conscious manner. In short, planning is the conscious procedure of selecting and developing the best course of action to accomplish defined objective. Planning is therefore the exercise of foresight and network of action for defined goals.

NEED FOR PLANNING

The growth of human knowledge and its extending control over the environment made human beings realise the rising 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 stage plan a policy manning the future of a nation, or seeking the survival of humanity. Every characteristic of governmental action is relating the future of a nation, or seeking the survival of humanity. Every characteristic 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 scrupulous relating to capital formation, has in several developing countries become the accepted practice under which the responsible government agencies necessity look ahead, determine their long range objectives and agree upon sure priorities in the light of the probable demands of the several sectors of the economy. The programmes of the individual government agencies are usually coordinated through a central planning office in the light of overall accessible financial possessions.

KINDS OF PLANNING

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

- **Overall Planning:** The overall planning commonly described socio-economic planning is more comprehensive. It is more than laying down a few economic targets here and a few physical targets there. It is an overall effort to achieve an all round development of the country. This kind was first adopted through Stalin in USSR and being used in Russia since then. Mainly of the third world countries are adopting this kind. Four years and seven year plans are manifestations of this kind.
- **Limited Planning:** Limited planning does not centralize all the socio-economic activities at one focal point. The state opting for this kind 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,
- **Administrative Planning:** Government planning is nothing but administrative planning. The administrative planning is mainly concerned with administrative programmes. It seeks to give 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 provide a detailed shape to the policy plan, to create objectives clearer and more workable.

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

- **Policy Planning:** Policy planning is concerned with developing broad general outlines of government in power.
- **Administrative Planning:** According to Pfeiffer it seeks 'to give a broad framework for action through 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 through the chief executive in consultations with the departmental heads to provide effect to the policy planning and to create objective clearer and more workable for the public officials.
- **Programme Planning:** According to Millett, it is 'concerned with the preparation of the specific purposes to be realized and the procedures to be employed through 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 possessions in man and money needed to give them, the general procedures required and the organisation structure necessary to use these possessions to the best advantage. It is a detailed plan for implementing the programmes in a scrupulous department.
- **Operation Planning:** According to Pfeiffer, it is 'concerned with the systematic analysis of an authorized 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 through the divisional and sectional heads who lay down specific procedures and how those have to be used to save time, accelerate production and augment net output. The dissimilar units are assigned specific functions and their performance measured in conditions of time, quantity and quality of production and overall product. It is, in fact, a 'workshop-stage' of the programme planning.

Besides the above kinds of planning, many new kinds of planning have appeared in the recent years recognized as perspective planning, rolling plan, short range or long-range planning, and district planning or grass root planning.

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 troubles arising 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 through 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 industrialization 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 motivating 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 through adopting a resolution which recommended to the Congress Ministry the appointment of a committee of experts to consider urgent and vital troubles the solution of which was necessary to any scheme of national re-construction and social planning. Following this resolution, a Planning Committee was constituted through Subhash Chandra Bose, the then President of the Indian National Congress under the Chairmanship of Jawaharlal Nehru. Later in 1944, the government recognized 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 through Jawaharlal Nehru. These pre-Independence efforts at planning tend to bring out a sure unity of approach to the troubles of national reconstruction in as much as each of these plans mooted not only had sure 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 give foundations for sustained economic growth; for rising opportunities for gainful employment, for promoting greater equality in incomes and wealth and raising living standards and working circumstances for the masses. Even the Directive Principles of State Policy carries the same spirit of balanced economic development. The Constitution of India comprises the subject of social and economic planning in the concurrent list. The legal basis for national planning for the country as a whole, so, 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 recognized through a Cabinet resolution of March 15, 1950. The National Development Council was later constituted in 1952.

PLANNING MACHINERY AT CENTRAL STAGE

The Planning Commission is the machinery for planning at the central stage. The Planning Commission is essentially a non-political advisory body which creates recommendations to the government. It has no sanction of its own. Care has been taken to organize it neither as a pure research institute, out of touch with the several political, economic or administrative troubles 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. Now we are in the Tenth Plan procedure.

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 secure relationship with the Central Government. But over the years the Commission got involved in a number of administrative matters and also gathered to itself sure 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 member of the Commission. The Planning Commission was reconstituted in August 1967 on the lines suggested through the ARC except that the Prime Minister sustained to be the Chairman of the Commission and the Union Finance Minister, its part-time member. In addition to full-time members, which vary from three to eight, other Ministers of Central Government have also been appointed as Members for sure specific reasons linked with the portfolios. The appointment of Ministerial Members and Full Members varies according to the party, which comes to power at the center.

Members of the Planning Commission

The composition of the Planning Commission as in 2004 is as follows:

- Prime Minister - Chairman;
- Deputy Chairman;
- Minister of State (Planning);
- Seven Full time Members; and

- Member-Secretary.

The Planning Commission functions through many divisions and sections, each headed through 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 scrupulous divisions, although the Commission functions as a composite body and tenders advice jointly on all-significant matters.

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 it a great deal in its coordinating functions at the political stage.

Role of Planning Commission

The Planning Commission has been assigned a lot of functions:

- The Commission creates an assessment of the material, capital and human possessions of the country, including technical personnel and investigate the possibilities of augmenting such of these possessions as are found to be deficient in relation to the nation's necessities;
- It formulates a plan for the mainly effective and balanced utilization of the country's possessions;
- On a determination of priorities, the Commission defines the stages in which the plan should be accepted out and propose the allocation of possessions for the due completion of each stage;
- It designates the factors which are tending to refund economic development and to determine the condition for the successful execution of the plan;
- It also determines the nature of machinery which would be necessary for securing the successful implementation of each stage of the plan in all its characteristics;
- It appraises 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;
- Moreover, it creates such interim or ancillary recommendations as might be appropriate on the prevailing economic circumstances, and current policies.

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

- Public cooperation in national development
- Hill Area Development Programme
- Perspective planning

- Directorate planning and
- National Informatics Centre (NIC)

It is, therefore, that the Planning Commission was recognized as a staff agency to prepare national plan for economic development of the country.

Internal Organisation

The Office of the Planning Commission consists of three kinds of divisions (1) General Division, (2) Subject Division and (3) Services Division. The work of the first two kinds of divisions is primarily technical, of the third administrative or secretarial. The General Divisions are concerned with sure special characteristics of the whole economy. These are:

- Economic Divisions: Financial Resource Division, Development Policy
- Division, International Economics Division and Socio-Economic Research Unit;
- Perspective Planning Division;
- Labour, Employment and Manpower Division;
- Statistics and Surveys Division;
- State Plans Division, including multi-stage planning. Border Area Development Programme, Hill Area Development and North Eastern Region (NER);
- Project Appraisal and Management Division;
- Monitoring and Information Division;
- Plan Coordination Division; and
- National Informatics, Yojana Bhawan Unit.

In the middle of the General Divisions, the perspective Planning Division gives general guidance for work on long-term development which is undertaken in detail in dissimilar divisions. Coordination of work within the planning is undertaken through the Plan Coordination Division. Subject divisions are concerned with sure specified fields of development. Some Subject Divisions are:

- Agriculture Division
- Backward Classes Division
- Communication & Information Division
- Development Policy Division
- Education Division
- Environment & Forest Division
- Financial Possessions Division
- Health, Nutrition & Family Welfare Division

- Housing, Urban Development & Water Supply Division
- Industry & Minerals Division
- International Economic Division
- Labour, Employment and Manpower Division
- Multi-stage Planning Division
- Monitoring Division
- Perspective Planning Division
- Plan Coordination Division
- Power & Energy Division
- Programme Evaluation Organisation
- Project Appraisal & Management Division
- Rural Development Division
- Science & Technology Division
- Social Development & Women's Programme Division
- Social Welfare Division
- State Plans Division
- Transport Division
- Village & Small Enterprises Division
- Water Possessions Division
- Administration & Services Division
- Other Units
 - Border Area Development Programmes
 - Socio-Economic Research Unit
 - Western Ghat Development

The Subject Divisions of the Planning Commission maintain secure get in touch with their counterparts in the several Ministries and the State Governments. They are responsible for collecting, processing and analyzing all relevant information required for the formulation, processing and evaluation of the policies and programmes incorporated 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 1st September 1988. Consequently, a new technical division, viz., 'Energy Policy Division', has been setup 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 14th March 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. Separately 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.

Committee on Plan Projects

An analysis of the Second Five Year Plan designates 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 standardizing the practices and procedures of execution in order to ensure realistic estimation of costs; to achieve vital economy based on scientific development of the techniques from the inception of the projects; and to set unnorms and standards for evaluation. It was against such background that the COPP was recognized in 1956 for exploring the possibility of achieving economy constant with efficiency in the projects incorporated 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 significant functions entrusted to the COPP were to:

- Organize investigation, including inspection in the field of significant projects, both at the Centre and in the States, through specially selected teams.
- Initiate studies with the objectives of evolving an appropriate form of organisation, methods, standards and techniques for achieving economy, avoiding waste and ensuring efficient execution of projects.
- Promote the development of appropriate machinery for continuous efficiency audit in individual projects and in agencies responsible for their execution.
- Secure the implementation of suggestions made in reports submitted to it and to create the results of studies and investigations usually accessible and
- 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.

Programme Evaluation Organisation

Evaluation has been an essential characteristic of formulation and execution of development plans and programmes, since the beginning of the plan procedure. 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 rigorous area development schemes. But in recent years the organizational sphere of work and activities has been extended and diversified to cover evaluation studies of Plan/Programmes/Schemes in a diversity of sectors, viz., Agriculture, Cooperation, Rural Industries, Health, Family Welfare, Rural Development, Public Sharing, Tribal Development, etc.

The Programme Evaluation Organisation evaluates projects and programmes periodically and undertakes ex-post evaluation of a few selected major projects in dissimilar 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 service 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.

ROLE OF NATIONAL DEVELOPMENT COUNCIL (NDC)

The NDC is headed through 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 a significant position. The meetings of NDC are held at least twice a year. The role of the NDC is discussed briefly:

- It acts as a type of bridge flanked by the Union Government, the Planning Commission and the State Governments.
- NDC prescribes guidelines for the formulation of National Plan including the assessment of possessions for the Plan.
- NDC considers the National Plan as formulated through the Planning Commission.

- NDC considers significant questions of social and economic policy affecting national development.
- 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 plan including measures to secure the active participation and cooperation of the people, improve the efficiency of the administrative services, ensure the fullest development of the less advanced regions and sections of the community and, through sacrifice, borne equally through all the citizens, build up possessions for national development.

The NDC gives its advice at several stages of the formulation of the Plan and it is only after its approval has been obtained that a Plan is presented to the Parliament for its consideration. The Council has been largely responsible for giving Indian plan a national character and for ensuring unanimity in approach and uniformity in working.

TROUBLES OF CENTRALISED PLANNING

Ever since 1951, when the First Five Year Plan went into operation, right through the formulation of the Seventh Five Year Plan in recent years, India has been following national policy of central planning for controlled and unified development. This has given rise to a number of troubles in administration:

- Whether planning should come from above or below?
- To what extent should the society be subject to planning and how the people should be associated in the formulation and execution of plans?
- What modification should be made in the relationship flanked by the Centre and the States which have separate powers in a federal constitution so as to create centralized planning effective?
- Who should constitute the members of the planning body?
- If the planning body is set up outside the normal executive organisation of the government, as the Planning Commission in this country is, should its advisory services be arranged in the existing organisation or should it have an administration of its own for this purpose?
- To what extent should the Planning Commission concern itself with the details of the Plan?
- What should be the Planning Commission's responsibility in reviewing the progress of the Plan and what reports is the Planning Commission entitled to ask from the executive authorities?

- What is the mechanism for dove-tailing the work of the planning machinery in the states with that of the centre, etc.?

Although some of these troubles have been taken care of in the initial establishment of the Planning Commission and its subsequent reorganizations, it necessity be confessed that the administrative organisation for planning has grown haphazardly without any systematic examination of these troubles. The result is that Planning Commission today is a mammoth organisation, approximately 'a parallel government' in the words of Pandit Nehru. It is to be noted that the Planning Commission and the National Development Council are not constitutional bodies. Now we have a constitutionally mandated District Planning Committee in every District, for further reading vide the planning procedure.

ALL INDIA AND CENTRAL SERVICES

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 approximately in all departments of the central Government. These Services were, though, 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 through 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 significant 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 hard to adjust themselves to the reform era introducing every limited responsible government under the Government of India Act of 1919. The Lee Commission in 1924 recommended the abolition of sure 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 Structure Branch of the Indian Service of Engineers. It, though, 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 rising Idealization 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 through 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 emphasized through the British India delegation in their Joint Memorandum. It stated that further recruitment through 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 through the authorities in India. The Joint Committee, though, only partly accepted such demands, and recommended the continuance of ICS, IP and IMS (Civil). This recommendation was embodied in Section 224 of the Act of 1935. Therefore, at the time of transfer of power in 1947 recruitment was open only to two all India services, namely the ICS and the IP, the recruitment to the IMS had been suspended. The mainly significant and the highest ranking of all such services was the Indian Civil Service commonly recognized as the ICS which owing to its very high remuneration and enormous authority and prestige, constituted the 'steel frame' of the British Government of 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 through 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 (IAS) and the Indian Police Service (IPS), which were to replace the old ICS and IP.

CONSTITUTION OF ALL INDIA SERVICES

The Constitution also gives for the all India cadre of Civil Services. It adopts specifically the IAS and the IPS cadres which had already been created earlier (Article 312-2). It empowers the Union Parliament to make 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 through not less than two-thirds of the members present and voting (Article 312-1). Since the Council of States is composed of the representatives of dissimilar States, its support will ensure the consent of the States to the creation of new Services. The Constitution also authorizes the Parliament to regulate through law the recruitment and the circumstances of services of persons appointed to these Services. Accordingly, the All India Service Act was passed through the Parliament in October 1951.

Since the inauguration of the Constitution, only one, namely, the Indian Forest Service, has been setup.

In 1951 All India Services Act was passed. Through virtue of powers conferred through 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 some places had become redundant. The rules that were in force before commencement of the Act were also allowed to continue. Therefore, there came into subsistence two sets of rules regulating the circumstances of All India Services. The old rules made through the Secretary of State; or the Governor General in Council, which regulated the circumstances of service of ICS and IP officers, and the new rules made under the 1951 Act were applicable to the officers of the Indian Administrative and Police Services.

Indian Administrative Service

The Indian Administrative Service (IAS) 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 through the States. But the disciplinary control and imposition of penalties rest with the Central Government which is guided, in this respect, through the advice of the Union Public Service Commission. On appointment, the officers are posted to dissimilar State cadres. The strength of each State cadre, though, is so fixed as to contain 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 circumstances 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; several have more than one such spell. The practice of rotating senior officers in and out of the Secretariat position is recognized in official parlance as the tenure system.

Another distinctive characteristic 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 diversity of duties and functions; for instance, maintenance of law and order, collection of revenue, regulation of trade, commerce and industry, welfare activities development and extension work, etc. In brief, the IAS is planned to serve all the purposes formerly

served through the ICS except providing officers for the judiciary. Therefore, this Service is a type of generalist service, and its officers are liable for posting in approximately any branch of the administration.

Indian Police Service

The Indian Police Service is an original all India Service (it had pre-independence origins) which differs from its compeer - the IAS in two ways: (i) mainly of the officers in this service work only in the state since there are only a few police posts at the Centre and (ii) its pay scale and status are lower than those of the IAS. The officers of the IPS are recruited from the same unified All India Civil Service examination which recruits all members of the IAS, IFS and other Central Civil Services. Recruits to the IPS are first given a five months foundational training and later special training at the Sardar Patel National Police Academy, Hyderabad. The subjects of revise and the training is drill, handling of weapons, etc., which have a direct bearing on the normal work of a police officer. The syllabus of training comprises studies of crime psychology, scientific aids in discovery of crime, methods of combating corruption and emergency relief. After completing a year's training, the probationer passes an examination mannered through the UPSC. 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 several subordinate officers. 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 supervised through the Ministry of Home Affairs, though the general policies relating to its personnel are determined through the Department of Personnel and Administrative Reforms.

Indian Forest Service

The Indian Forest Service is the only all India Service that has been set up after independence. It became operational through 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 the IPS. Its recruits are chosen from an exclusive examination mannered through 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 generalized civil service, but is specialised and functional. It is supervised through the Department of Personnel and Administrative Reforms which is in charge of creation rules of recruitment,

discipline and circumstances of service concerning all India Services.

After selection the appointees undergo a foundational course lasting three months beside 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 Dehradun 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 all 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 dissimilar Office in the same cadre. The outer parameter of the operational area is a state or union territory.

IMPORTANCE OF INDIAN ADMINISTRATIVE SERVICE

We will now discuss the separate 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 adjacent to the ideal of joint action, co-operation and co-ordination, flanked by the two stages 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 mediators 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 through providing separate and independent Union and State services and yet facilities coordination and cooperation, and, if necessary, joint action flanked by the two stages of government through creating a common cadre of officers at the top stage. It also avoids the possibility of the best brains preferring Federal service to State service, leaving the latter to be manned through the second or the third best. As it is, the all-India services, being recruited through the Union Government on an all-India basis, attracts the best persons who are then posted to dissimilar states. Such service cadres, therefore, are a means for carrying a wider stock of talent to States. No better way of strengthening the State services can perhaps be suggested. Again, constant transfers of such officers from the States to the Centre and back creates them aware of and conversant with the administrative troubles at both stages of the Government. Such officers, so, can be the best mediators for carrying out administrative coordination flanked by the federal

and State administration.

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 through the Central Government on the basis of a competitive examination annually mannered through the Union Public Service Commission (UPSC). The examination is a combined one - for a number of services like the IFS, IAS, IPS and the Central Services Class I and II. To appear at the examination, a candidate necessity be flanked by the age of 21. and 30. 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' through the Union Public Service Commission in the form of a personal interview. The former aims at judging the stage of intelligence and academic learning and the latter attempts to create a measure of the qualities of personality and character. The examination system is modeled on the British 'general' kind rather than the American 'specialised' kind.

There is a provision for relaxation of age upto a maximum of five years for SC/ST candidates and three years for candidates belonging to OBC category. The number of permissible attempts to appear in the examination has been restricted to four, with relaxation for OBC candidates (seven attempts) and SC/ST candidates (no limit). Prior to 1979 a single competitive examination used to be held. There were three compulsory papers: Essay, General knowledge and General English - each carrying 150 marks. But of a number of optional papers three papers of 200 marks each, and two additional subjects (for IAS and IFS only) out of another list of subjects each carrying 200 marks were to be offered. The candidates who qualified in the written examination were described for interview, which accepted 300 marks. The candidates who failed to secure a minimum of 33% of qualifying marks in the interview were declared unsuccessful, and it was abolished in 1958. The interview marks were added to the marks obtained in the written papers. After this, the Commission recommended the list of selected candidates in order of merit to the government.

The above system of recruitment in the All India Services was criticized from a number of view points, and the UPSC decided to review the system thoroughly. For this purpose a Committee on Recruitment and Selection Methods under the Chairmanship of Prof. D.S: Kothari was appointed through the UPSC, in 1974. The Committee submitted its report in 1976 and made the following recommendations:

- To hold a Preliminary examination to screen the candidates for the Main examination;
- To hold the Main examination to select candidates for entry to the LBS National Academy for a foundation course of about nine months;
- To hold a post-training test of 400 marks to be mannered through the UPSC on completion of the foundation course, the purpose being to assess personal qualities and attributes relevant to the civil services;
- To assign candidates to a scrupulous service on the basis of the total marks obtained in the Main examination and the Post-Training Text at LBS Academy, taking into account the candidate's preferences for the services;
- To allow the candidates to answer all papers, except the language paper, in any language listed in the Eighth Schedule of the Constitution, or in English.

The Kothari Committee's recommendations concerning the examination scheme (preliminary and main) were accepted through the government, and it was implemented through the UPSC in 1979.

Satish Chandra Committee

The UPSC set up another Committee in 1988 under the Chairmanship of the former UGC Chairman Satish Chandra to review and evaluate the system of selection to the higher Civil Services and to create suggestions for further improvement. The Committee submitted its Report in 1993 and the government is slowly implementing some of the recommendations with effect from the Civil Service Examination of 1993. The main recommendations as accepted through the government are:.

- The practice of holding a common examination should continue;
- An essay paper should be introduced from 1993 examination, and the candidates should be allowed to answer this paper in any one of the languages incorporated in the Eighth Schedule or in English;
- The marks for the personality test should be raised from 250 marks to 300;
- From the list of optional subjects sure languages like French, German, Arabic, Pali should be excluded;
- For both Preliminary and Main Examinations Medial Science should be incorporated as an optional subject;
- Allotment of services should be on the basis of the candidate's rank and preferences;
- LBS Academy of Administration should be developed into a high stage professional institution;

- Adequate infrastructural facilities and proper faculty support should be provided to the training institutions;
- The UGC may review the scheme of conducting coaching classes for students belonging to the minority communities to enable them to compete in several competitive examinations.

Training of All India Service 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 thought 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 create their contribution. They should, further, acquaint themselves with the machinery of Government and the broad principles of Public Administration... The foundational course is also planned to cover such matters as aims and obligations of the Civil Service, and the ethics of the profession. Foundational course also develops in the middle of recruits to dissimilar 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 IAS leave for their respective training institutions for institutional training, but the IAS probationers stay at the Academy to undergo a further course of institutional training.

From 1969, the Government has introduced a new pattern of training described the 'sandwich' course, for the Indian Administrative Service. The new entrants to IAS undergo two spells of training at the Academy with an interval of about a year which is utilized for foundational course. After completion of the foundational course and spell of institutional training at the Academy, the probationer, as he is described, 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 troubles the probationer has either encountered or observed in the course of practical training in the State. This part of the training is, therefore, more problem-oriented. At the end of the second spell of training at the Academy, the IAS probationer has to sit for a UPSC examination before being given the charge of a sub-division in a district.

Cadre Management

Management of public services in India was until 1970 shared flanked by

the Ministry of Home Affairs and the Ministry of Finance. The responsibility of the former pertained to general circumstances of service other than those having a financial bearing, while the latter was ultimately responsible for laying down circumstances 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 circumstances of service as well. Besides, it looked after the following matters:

- Implementation of reservations for scheduled castes and scheduled tribes in several services,
- Re-employment of displaced or retrenched employees and also persons who join the army throughout the national emergency,
- Setting up of whitley machinery for joint consultation and compulsory arbitration of unresolved differences flanked by 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 supervised through the Ministry of Home Affairs.

NEED FOR ALL INDIA SERVICES

Commenting on the need for the setting up of all India Services, in a speech before the Constituent Assembly, B.R. Ambedkar, the Chairman of the Constitution — Drafting Committee, said: “... It is recognized that in every country there are sure posts in its administrative setup which might be described 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 caliber of the civil servants who are appointed to these posts... The Constitution gives that, there shall be All India Services, the members of which alone could be appointed to these strategic posts throughout the Union.” Ambedkar, therefore, emphasized the contribution such a Service could create in bringing about greater efficiency in the administration of the Union as well as the States. Secondly, there are others

who emphasized the cohesive characteristic 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, therefore, 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 subsistence in the State of a sure 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 cooperation of officers, who, in the last analysis, are Union Government's employees, than on the officers of the State Government proper.

CENTRAL SERVICES

Unlike the all India services, the Central Civil Services are under the exclusive control of the Central Government, its member positions only in the Central Government. The Civil Services of the Central Government comprise recognized services recognized as central civil service as well as civil posts created outside the recognized services, which constitute the general central service. Both the recognized 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. It 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 an important variation flanked by the two. Officers of all India services are employed to serve under the central as well as the state governments. Further, the members of IAS 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. So, the distinction can be said to be justified.

Recruitment

Recruitment to the Central Services Class I and II are made through the Union Public Service Commission on the basis of the unified all India Civil Service Examination.

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 as much as the courses of revision have a direct bearing on the work which a member of the scrupulous civil service has to perform. A recruit to the Central Service is also given practical training or training on the job throughout 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 vital 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 circumstances of service (of administrative nature) and the Ministry of Finance which is concerned with the pay scales and other financial characteristics of circumstances of service like fixation of pay, grant of increments, pension and gratuity, contribution to provident fund, etc.

The Indian Foreign Service

The Indian Foreign Service (IFS) comes under Central Civil Service - 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. In the middle of the Central Civil Services it is the topmost in prestige, status, pay and emoluments and its recruits are asked to serve in Indian mission and embassies abroad. It is supervised through the Ministry of External Affairs. Also, involved in the management of the IFS are the Department of Personnel which determines the circumstances of service and the Ministry of Finance which is concerned with the pay scales and other financial characteristics of circumstances 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 allowance 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 grade serving in India, (c) representational expenditure, i.e., expenditure which while optional for a private individual is obligatory for a member of the service resident, through virtue of his official position.

The recruit of the IFS 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 and get in touch with practical work, he also undergoes a period of secretariat training. Training programme for IFS, though, puts emphasis upon

the revise of language (Hindi and a foreign language) and of subjects, the knowledge of which is measured essential to a member of the IFS.

REVIEW QUESTIONS

- Discuss the powers are distributed flanked by the Central Government and State Governments.
- Explain the meaning, role and functions of the Central Secretariat.
- Describe the development of the Cabinet Secretariat in India, its organization and functions.
- Describe the role and functions of the Cabinet Secretary and the Cabinet Committees.
- Describe the several kinds of functions of UPSC.
- Discuss the role of National Development Council.
- Discuss the recruitment and training methods of the All India Service.

CHAPTER 3

STATE ADMINISTRATION

STRUCTURE

- Learning objectives
- Constitutional profile of state administration
- State secretariat: organisation and functions
- Patterns of relationship between the secretariat and directorates
- State services and public service commission
- Review questions

LEARNING OBJECTIVES

After reading this chapter, you should be able to:

- Understand the Constitutional provisions concerning the functioning of the state government;
- Understand the meaning, significance and role of the State Secretariat;
- Discuss the meaning, significance and role of Directorates;
- Understand the factors which make tensions in the Secretariat-Directorate relationship;
- Understand the constituents of civil service at the state stage and the criteria and system of classification of state services; and

- Throw light on the system of recruitment to state services.

CONSTITUTIONAL PROFILE OF STATE ADMINISTRATION

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 sharing of legislative powers flanked by the Union and the states (Article 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. Likewise, List II or the State List comprises subjects over which the state has exclusive powers of legislation. There is yet another List (List III) recognized as the Concurrent List that comprises subjects over which both the Union and states have powers to legislate. The residual powers are vested in the Union. We would now briefly discuss List II and List III, which enumerate the subjects over which the states have jurisdiction either exclusively or concurrently with the Union.

State List

The State List comprises 61 items over which states have exclusive jurisdiction. Some of the significant 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 stage. These subjects are usually under the exclusive jurisdiction of the states, but under the following circumstances, the Parliament can legislate on these matters.

- In national interest, Council of States through a resolution of 2/3rd of its members present and voting may authorize the Parliament to legislate on a state subject. Such authorization may be for one year at a time, but can be renewed through a fresh resolution;
- Under a proclamation of emergency, the Parliament may legislate on a state subject;
- With the consent of two or more states, the Parliament may legislate on a state subject with respect to the consenting states;
- 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; and
- When a proclamation is issued through the President on the failure of Constitutional machinery in any state, he may declare that the powers of the state legislature shall be exercised through or under the authority of Parliament.

Concurrent List

The Concurrent List comprises 47 items over which the Union and state legislatures have concurrent jurisdiction. The significant 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 the Union Legislature. It means that in case of repugnancy flanked by the Union and a state law relating to the same subject, the former prevails. If, though, 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 through subsequent legislation.

Any dispute about the interpretation of the entries in the three lists is to be decided through the Courts. Following principles have been followed in such interpretation:

- In case of overlapping of a subject flanked by the three lists, predominance is to be given to the Union Legislature;
- Each entry is given the widest importance that its words are capable of,
- In order to determine whether a scrupulous enactment falls under one entry or another, its 'pith and substance' is measured.

Sharing of Executive Power

In general, the sharing of executive powers follows the sharing of the legislative powers. It means that the state government has executive powers in respect of subjects in the State List. Though, the executive power in respect of subjects in the Concurrent List ordinarily remains with the state governments except in the following cases:

- Where a law of Parliament relating to such subjects vests some executive functions in the Union, e.g., in Industrial Disputes Act, 1947.
- Where provisions of Constitution itself vest some executive functions upon the Union, e.g., implementation of an international treaty or obligation.

Moreover, the Union has the power to provide directions to the state governments in the exercise of their executive powers in the following cases:

- In Normal Times, the State Governments have to ensure:
 - Compliance with Union laws
 - Exercise of executive power of the state does not interfere with the exercise of the executive power of the Union

- Construction and maintenance of the means of communication of national or military importance through the state
- Protection of railways in the state
- Implementation of schemes for the welfare of Scheduled Castes and Scheduled Tribes
- The administration of a state is accepted on in accordance with the provisions of the Constitution.
- In Emergencies
 - The state government functions under the complete control of the Union Government
 - The President may assume to himself all or any executive powers of the state on proclamation of failure of Constitutional machinery in a state.
- Throughout a Financial Emergency
 - The President can provide directions to the state government to observe canons of financial propriety
 - The President may reduce salaries and allowances of employees
 - Money bills and other financial bills could to be reserved for consideration of the President.

ROLE OF THE GOVERNOR

Our Constitution gives for the Parliamentary form of government at the Union as well as the state stages. The Governor is the Constitutional head of the state and acts on the advice of the Council of Ministers headed through the Chief Minister. He is appointed through the President for a term of five years and holds office throughout 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 several executive, legislative, judicial and emergency powers. For instance, the Governor appoints the Chief Minister and on his advice the Council of Ministers. He creates several other appointments like those of members of the State Public Service Commission, Advocate General, Senior Civil Servant, etc. In fact, the whole executive work of the state is accepted 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 through the Legislature have to be assented to through him before becoming the law. He can withhold his assent to the Bill passed through the Legislature and send it back for reconsideration. If it is again passed with or without modification, the

Governor has to provide his assent. He may also reserve any Bill passed through 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 even 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. As far as the emergency powers of the Governor are concerned, whenever the Governor is satisfied that a situation has arisen in his state whereby the administration of the state cannot be accepted on in accordance with the provisions of 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 through 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, so, have much discretion in the exercise of his powers as long as a stable Ministry enjoying the confidence of the Assembly is in office. Though, this is not always the case. The Governor may then be described upon to exercise his discretion. It is this exercise of discretion that has made the Governor's office the mainly controversial Constitutional office of the country. Major controversies have arisen in the following kinds of cases in the past:

- **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. Troubles arise when no political party has an absolute majority in the legislature. Here the discretion of the Governor comes into play. For instance, 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, though, not followed in West Bengal in 1970. The CPM led through 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 Legislative Assembly and proving his majority on the floor of the House. The Governor ultimately did not invite him to form the government. The opponents of Congress criticized this on the ground that this was done at the behest of the Congress government which was in Office at the

Centre at that time. Therefore, dissimilar criteria have been followed through dissimilar Governors even in similar circumstances.

- **Dismissal of a Ministry:** A Chief Minister and his Ministry hold office throughout the pleasure of the Governor, which is not subject to any scrutiny. Though, the Governor has to exercise his discretion judiciously. There is a general feeling that the Governors have not done so. For instance, the Governor of West Bengal, Mr. Dharma Veera dismissed the Ajoy Mukhejee Ministry in 1967 on the grounds that he did not call a meeting of the Assembly within the time specified through the Governor for proving the majority. The action was severely criticized through several 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 refuses to do so. The opposition interpreted it as a deliberate attempt on the part of the Governor for 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.
- **Dissolution of the Assembly:** In British Parliamentary Democracy, the king is guided through the advice of the Prime Minister in the matter of dissolution of the House of Commons. Likewise, the Governor should be guided through the advice of the Chief Minister in the matter of dissolution of the Assembly. Unluckily, such a convention has not been recognized in India. For instance, in 1967 the Chief Minister of Punjab, Mr. Gurnam Singh advised the Governor to dissolve the Assembly. His advice was not accepted through the Governor on the grounds 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. In 2003, the Chief Minister of U.P. Ms. Mayawati advised the Governor to dissolve the Assembly but the Governor did not accept the advice on the ground that party in power had lost the majority. The opposition parties have alleged that here again the Governors have tended to act according to the wishes of the Central Government.
- **Use of Emergency Powers:** 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 accepted on according to the provisions of the Constitution. The first non-Congress state government of the country was thrown out through the President on the basis of this report, which was severely criticized through 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 accepted 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

Therefore, 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 throughout the pleasure of the President has tended to emphasize 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 through the Prime Minister, the Governor has to indirectly act according to the wishes of the leader of the ruling party at the Centre. This has been resented through the opposition parties and has also been criticized through eminent jurists. It has been argued that provisions concerning 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 through the framers of Constitution, after a good deal of debate, with a view to guard against the fissiparous tendencies present in our polity. Though, it is said that through appointing pliable Governors, the ruling. There have been instances where Governors have been removed due to a change of guard at the Centre. The political parties do not find it hard to remove the Governors that belong to opposition parties in the states.

STATE LEGISLATURE

Legislation gives the framework for policy formulation and arms the government with powers to implement the policies. At the state stage, the function of providing the necessary legislative framework is performed through State Legislature. Our Constitution gives that every state shall have at least one house, viz., the Legislative Assembly comprising 60 to 500 members chosen through direct election on the basis of adult suffrage from territorial

constituencies. In addition, any state can make a second house, viz., Legislative Council if it so desires. This can be done through a resolution of the Assembly passed through 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 through an Act of Parliament. Through the same procedure, 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, 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 40. The composition of Council membership is as follows:

- 1/3 elected through members of local bodies
- 1/12 elected through Electorate of graduates of 3 years standing
- 1/12 elected through teachers of 3 years' experience in secondary school or above
- 1/3 elected through MLAs from non-members of the Assembly
- 1/6 nominated through the Governor

Election is to be in accordance with the principle of proportional representation through means of the single transferable vote. Duration of the Assembly is five years unless dissolved earlier through the Governor. Its term may be extended through Parliament throughout Emergency upto a period of six months beyond the expiry of the proclamation of Emergency through the President. The Legislative Council is a continuing or permanent body with 1/3 of its members retiring every second year.

LEGISLATIVE PROCEDURE IN A BICAMERAL LEGISLATURE

Concerning a Money Bill

- A Money Bill can originate only in the Legislative Assembly and not in the Council
- The Council cannot reject or modify this Bill passed through the Assembly. It can only create recommendations, which may or may not be accepted through the Assembly. The Bill as passed through the Assembly with or without modification, is presented to the Governor for assent. If the Council does not return the Bill within 14 days, it can straightaway be presented to the Governor for his assent

Therefore, the will of the Assembly ultimately prevails. The Council can at best delay its passage.

Concerning any Bill other than a Money Bill

- Such a Bill can originate in either House
- If a Bill is passed through the Assembly, the Council may reject the Bill, modify it; or may not pass it for three months. If the Bill is again passed through the Assembly with or without modification, the Council, on its second journey, may only delay it through one month
- If a Bill originates in the Council and is rejected through the Assembly, the matter ends.

Therefore, in every way, the supremacy of the Assembly is recognized; more so, in case of Money Bills. The dispute flanked by two houses is always resolved according to the will of the Assembly. This is in contrast to the Union Legislature where a dispute flanked by the two Houses is resolved through a joint sitting. This is almost certainly in recognition of the fact that the Upper House in Union Legislature is representative of the states.

Governor's Veto

When a Bill, passed through State Legislature, is presented to the Governor for his assent:

- The Governor may assent to the Bill, in which case it would become law
- He may withhold assent, in which case it does not become law
- He may, in case of a Bill other than a Money Bill, return the Bill with a message
- The Governor may reserve a Bill for the consideration of the President.

Options (i) and (ii) do not involve use of discretion through the Governor. He may not withhold assent without the advice of the Council of Ministers. Though, in case of options (iii) and (iv), the Governor may act as per 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 (iv), though, gives the Governor and the President a real veto on a Bill passed through the State Legislature. When a Bill is reserved for the assent of the President, he may declare his assent; withhold his assent or return the Bill to the 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 criticized that this provision of veto considerably detracts 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 through the Governor has to be placed before the Legislature whenever it is convened and ceases to have an effect at the expiration of six weeks from the date of reassembly unless disapproved earlier. The Governor's Ordinance - creation power is coextensive with the legislative powers of the State Legislature and is subject to the same limitations pertaining to obtaining previous sanction from the President.

Legislative Control Over Administration

Separately 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:

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 weaknesses are noticed, the government is compelled to promise and take corrective action.

Discussions

Separately from asking questions, the members may ask for discussions over significant matters. They may also bring forward Call Attention Motions and Adjournment Motions on significant public matters. Even if such motions are not allowed, a lot of information has to be supplied through 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. No money can be raised and no expenditure can be incurred without a vote through the Legislature. Through controlling the purse strings, the Legislature controls the programmes and activities of the government. It is true that through virtue of its majority in the Legislature, the government may ultimately get the money it wants voted, but throughout the procedure, 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.

Post-expenditure Control

The State Legislature also scrutinizes the expenditure incurred through the government through the device of audit. Our Constitution gives for an integrated accounts and audit system. The Comptroller and Auditor General of India (CAG) get the accounts of the state government audited and send 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 unauthorized, improper, or imprudent expenditure are therefore discussed in detail and brought to the notice of the Legislature, which can then keep a vigilant eye on the government.

Control through Legislative Committees

Separately from the Public Accounts Committee mentioned earlier, there are many other committees, viz., Estimates Committee, Committee on Public Undertakings, Committee on Assurances, etc. These committees look at the several characteristics of the working of the government and create useful suggestions. They also criticize 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 look at the working of the government in detail.

Ministerial Responsibility

The mainly potent function of the Legislature is, to enforce the ministerial responsibility. In a Parliamentary form of 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 through a vote of no-confidence or even on being rejected on its budget or any of the substantive legislative measures. As the political executive is 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, especially the one through audit is too tight and takes absent the initiative of the administrators.

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 as 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 through the Council of Ministers.

The Council of Ministers is appointed through the Governor on the advice of the Chief Minister and hold Office throughout his pleasure. It means that a minister can also be dismissed through the Governor on the advice of the Chief Minister. On the pattern of the Union government, ministers in the state governments are of the following categories:

- Cabinet Ministers
- Ministers of State
- Deputy Ministers
- Parliamentary Secretaries

In Government of India, only Cabinet Ministers attend the meetings of the Cabinet. Some of these committees are Standing Committees, while some are ad-hoc committees that are constituted to deal with some specific troubles. The system of Cabinet Committees is not so popular in the state governments as in the Central government. Mainly of the significant matters in the states are placed before the Cabinet, which meets quite regularly.

As per the recent Ninety First Constitutional Amendment Act 2003, the total number of Ministers including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent of the total number of members of the Legislative Assembly of the State, provided that number of Ministers, including the Chief Minister in a State shall not be less than twelve. This is the first time that such an Amendment providing for the total strength of Ministers has been enacted.

Powers and Functions of the Council of Ministers

The Council of Ministers is the highest policy-creation body of the state government. It lays down policy in respect to all matters within the legislative and administrative competence of the state government. The Council also reviews the implementation of the policy laid down through it and can revise any policy in view of the feedback received throughout 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:

- The limits imposed through the Constitution and the laws passed through the Union and State Legislature.

- Self-imposed limits to exclude consideration of less significant matters.

Division of Work into Departments at the State Stage

According to the doctrine of Ministerial Responsibility, the Council of Ministers is collectively responsible to the State Assembly. It is, though, impossible for the Council to take all the decisions collectively. Throughout the early British period, the administration of the state was accepted on through the Governor in Council. At that time, mainly 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 Councilors were placed in charge of sure specified subjects leaving only a few significant matters to be placed before the whole Council. The same system has sustained after Independence. Under our Constitution, the Governor has to create 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 in the middle of dissimilar 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 the combination of these factors. Very often, the division of work is decided on personal thoughts rather than rational criteria. Mainly of the work in respect of subjects allotted to a minister is disposed of through the minister. Though, according to the rules of business, some matters have to be reserved through the minister for:

Consideration of the Chief Minister

These are described 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 provide a list of such cases. The Chief Minister may also reserve some cases or classes of cases for his orders.

Presentation before the Cabinet

These are significant policy matters, which have wide repercussions. Significant cases of disagreement flanked by 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 scrupulous case of any department to be placed before the Cabinet. A few of the typical

Cabinet cases are given below:

- Annual Financial Statement to be laid before the Legislature and demands for supplementary grants
- Proposals affecting state finance not approved through the Finance Minister
- Exemption of significant matters from the purview of State Public Service Commission
- Proposals for imposition of new taxes, etc.

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 in the middle of equals, but is the prime mover of the executive government of the state. The Chief Minister is appointed through the Governor and holds Office throughout his pleasure. Though, 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 as he enjoys the confidence of the Assembly. The only exception almost certainly may occur when the majority party changes its leader in the Assembly. Of course, the Governor does have some discretion in these matters throughout periods of instability when no single party can claim an absolute majority in the Assembly.

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-à-vis his Council of Ministers. He has to assign portfolios in the middle of 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 several departments are coherent. He has to lead and defend his Council of Ministers in the Assembly. In short, he has to ensure the communal responsibility of the Council of Ministers to the State Assembly. The Chief Minister sets the agenda for the Cabinet and greatly influences its decisions. He takes decisions on significant matters of coordination even though these are allotted to individual ministers. Moreover, the Governor appoints the Council of Ministers on the advice of the Chief Minister and the ministers hold Office throughout the pleasure of the Governor. As a result of these

provisions, the Minister, in fact, holds Office throughout 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.

It necessity also be realized that the power of the Chief Minister in relation to his Council of Ministers also depends on political circumstances 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 statewide local 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 or she has to affect compromises to keep a balance in the middle of the coalition partners or several factions within the party.

The powers of Chief Minister in relation to the Governor have not been mentioned anywhere in the Constitution. A convention was sought to be recognized whereby the Chief Minister could be consulted concerning the appointment of the Governor in his state. Even this has not been followed through the Union government in several 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 through him on such occasions have to be in accordance with policy laid down through the Council of Ministers headed through the Chief Minister. Likewise, the speeches of the Governor on ceremonial occasions and the annual speech before the Assembly have to be approved through the Cabinet.

Powers of the Chief Minister in Relation to the Legislature

The Chief Minister is also the leader of the House. Separately from this formal position, the Chief Minister gives real legislative leadership to the House in the sense that he sets the legislative agenda. The legislative measures are brought before the Assembly after the approval of the Council of Ministers headed through the Chief Minister. It is true that private members may also bring a Bill before the Assembly. But, that has a limited chance of success. Separately from the fact that it has no backing of the majority party, the private members do not have the wealth of information that is accessible to the government. Separately from setting up the legislative agenda, the Chief Minister has to keep the Assembly informed about the several activities of the government through answering questions, creation statements, intervening in the debates, etc.

Powers of the Chief Minister in Relation to the Executive

Through virtue of being the head of the political executive, the Chief Minister controls the whole bureaucracy of the state. In this function, he is assisted through the Secretariat headed through the Chief Secretary. He approves all senior appointments like those of Secretaries, Additional/Joint/Deputy Secretaries. Heads of the Departments, Chairpersons and Managing Directors of Public Sector Undertakings, etc. Through his Cabinet, he controls their service circumstances and disciplinary matters. He gives 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 throughout tours etc.

EMERGING TRENDS

We have so far discussed the Constitutional provisions concerning the functioning of the state administration. We would now revise as to how these provisions have actually worked in the context of political growths in the country. As already mentioned earlier, one of the vital characteristics of our Constitution is division of functions flanked by the Union (Centre) and the states. The scheme of division itself is biased towards the Union and gives greater financial and administrative powers to it. Over time, the Union has appeared stronger. In this connection, following characteristics deserve notice:

- The Union 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 meager 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 possessions, but has also given a handle to the Union to discipline the states, which do not fall in line with its thinking. This has, to a great extent, undermined the autonomy of the states. Such a trend is visible even in Federations like the USA.
- The establishment and functioning of a non-statutory body like Planning Commission has tended to strengthen the Union vis-à-vis the states. The discretionary grants of the Government of India are given on the recommendations of the Planning Commission. Several schemes of the state government require clearance from the Planning Commission. The Five Year Plans and Annual Plans of the states are decided according to the priorities laid down through the Planning Commission and with their consultation and concurrence. This has severely undermined the autonomy of the states.

- For a long time, the Congress governments remained in power at the Union and also in the states. In addition to the Constitutional discipline, there was the party discipline, which kept states approximately in subordination. With the emergence of the non-Congress governments, e.g., the Bhartiya Janata Party at the Centre as well as in several states, this trend is now changing. The state governments are now asserting their autonomy.
- 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 suspension of state governments through Janata Government in 1977 and through the Congress government in 1980. Even otherwise, this emergency provision has been used far too regularly. This has also undermined the autonomy of the state governments. In the recent Inter-State Council Meeting held in Srinagar in August 2003, it has been resolved that the Centre may impose President's rule under Article 356, but should invoke it "sparingly" and only as a "last resort". It is expected that the Centre will move the Parliament to introduce a Constitutional Amendment in this regard.
- Mainly of the matters linked with development concern the states as well as the Union. For instance, subjects like agriculture, rural development, forest, although falling in state sector, concern the Union also. We, so, find big departments of agriculture, rural development, etc. at the Union stage too. Separately from providing finance to the states, they also give expertise, which can be better hired at the Union stage rather than at the state stage. This has also increased the dependence of the states on the Union.

STATE SECRETARIAT: ORGANISATION AND FUNCTIONS

MEANING OF SECRETARIAT

The three components of government at the state stage are: (i) the minister; (ii) the secretary, and (iii) the executive head. (The last one in mainly cases is described the director, although 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 through the

secretaries. A power of governance passed bands of the popularly elected ministers and therefore 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 the minister, he needs to be in the physical vicinity of the minister. In effect, so, Secretariat refers to the complex of structures that houses the office of ministers and secretaries. The expression Secretariat, it has been observed, is used to refer to the complex of departments whose heads politically are ministers and administratively are the secretaries.

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 creation and in discharging its legislative functions. It also acts "as a memory and a clearing house, preparatory to sure kinds of decisions and as a general supervisor of executive action". The main functions of the State Secretariat are broadly as follows:

- Assisting the ministers in policy creation, in modifying policies from time to time and in discharging their legislative responsibilities
- Framing draft legislation, and rules and regulations
- Coordinating policies and programmes, supervising and controlling their execution, and reviewing of the results
- Budgeting and control of expenditure
- Maintaining get in touch with the Government of India and other state governments; and
- Overseeing the smooth and efficient running of the administrative machinery and initiating measures to develop greater personnel and organizational competence.

The administrative philosophy to which the secretariat system owes its subsistence is that policy creation necessity be kept separate from policy execution. Many advantages are claimed in favor of such an arrangement:

- Freedom from operational involvement creates the policy creation tools forward looking and allows it to think in conditions of overall goals of government rather than narrow, sectional interests of individual departments.
- Policy creation receives the time and attention it deserves, if dissimilar set of persons are charged with the functions of policy creation as well as its execution. This is because, policy creation, is a serious exercise in drawing up what would be a future course of action. It should not be

treated as less urgent than policy execution, which involves routine, day-to-day administration.

- Secretariat serves as a disinterested adviser to the minister. It is significant to keep in mind that the secretary is the 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 proposals.
- Policy creation necessity be separated from current administration and day-to-day implementation should be left to a dissimilar agency with executive freedom, which ensures delegation of authority.

It should be in order at this stage to portray the broad dimensions of the Secretariat's role in some detail. The foremost of these is the Secretariat's role in policy creation. It assists the ministers in the formulation of governmental policies. This has several characteristics. First, the secretary supplies to the minister all the data and information needed for policy formulation. Second, the secretaries sometimes give the programmes, with content through working out their details, on whose strength ministers are voted to power. Third, the Secretariat assists ministers in their legislative work. Drafts of legislations to be introduced in the legislature through ministers are prepared through the secretaries. Besides, to answer questions in the 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.

Fourth, the Secretariat functions as an institutionalized memory. This means that the emerging troubles require an examination in the light of precedents. Records and files maintained in the Secretariat serve as an institutional memory and ensure stability and consistency in the disposal of cases. Fifth, the Secretariat is a channel of communication flanked by one government and another, and flanked by the government and such agencies as the Planning Commission and Finance Commission. Finally, the Secretariat evaluates and keeps track of execution of policies through the field agencies.

STRUCTURE OF A TYPICAL SECRETARIAT DEPARTMENT

Vertically, a typical 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 stages. Under this, a typical administrative department is headed through a secretary who will have

a complement of deputy secretaries and under/assistant secretaries. But with growth in the functions of several secretariat departments, the number of stages in the officers' hierarchy has been on the increase. As a result, flanked by the secretary and the deputy secretary, in some states, positions of additional and/or joint secretaries have also been created.

Office

A unique characteristic of the Secretariat System in India has been the distinction flanked by its two component parts - "the transitory cadre of a few superior officers" and "the permanent office". The officers in each department, because they hold tenure posts, come and go. It is the office, which is manned through permanent functionaries, which gives the much needed element of stability to the secretariat department. Unlike officers, the office constitutes the permanent element in the secretariat system. The office component is comprised of superintendents (or section officers), assistants, upper and lower division clerks, stent-typists and typists. Office performs the spadework on the basis of which the officers consider cases and create decisions. Office supplies officers with materials, which constitute the basis for decision-creation. The structure of a typical department comprises:

Department	Secretary
Wing -	Additional/Joint Secretary
Division -	Deputy Secretary/Director
Branch -	Under Secretary
Section -	Section Officer

The section is the lowest organizational unit and it is under the charge of a section officer. Other functionaries in a section are assistants, upper and lower division clerks, stent-typists, typists, etc. A section is referred to as the office. Two sections constitute the branch, which is under the charge of an under secretary. Two branches ordinarily form a division, which is headed through a deputy secretary. When the volume of work of a department is more than a secretary can manage, one or more wings are recognized with a joint secretary in charge of each wing. At the top of the organizational hierarchy is the secretary who is in charge of the department.

PATTERN OF DEPARTMENTALISATION IN STATE

SECRETARIAT

Each secretary is normally in charge of more than one department. The number of secretariat departments would so be larger than the number of secretaries. The number of secretariat departments, quite naturally, varies from state to state. Their number broadly ranges flanked by 10 and 40 in dissimilar states. The number of departments in a scrupulous state is not necessarily related to its size in conditions of population. For instance, a small state like Mizoram had as several as 36 secretariat departments in 1987, the corresponding figure for Andhra Pradesh (which is a much larger state), was 19 in 1982. Following is a typical instance of the pattern of departmentalization at the Secretariat Stage:

- General Administration Department
- Home Department
- Revenue Department
- Food and Agriculture Department
- Finance and Planning Department (Planning Wing)
- Finance and Planning Department (Finance Wing)
- Law Department
- Irrigation and Power Department
- Medical and Health Department
- Education Department
- Industries Department
- Legislature Department
- Panchayati Raj Department
- Command Area Development Department
- Transport, Roads and Structures Department
- Housing and Municipal Administration and Urban Development Department
- Labour, Employment and Technical Education Department
- Social Welfare Department
- Rural Development Department
- Forest Department
- Environment Department
- Women and Child Welfare Department

Larger number of departments, in scrupulous states, would result from restricting the scope of the functions and charges of those which may be created. Partly, such augment in the number of departments may arise from the peculiar troubles a scrupulous state may face. There is a lot of criticism about the work allocation existing in the secretariat departments, which is: First,

work allocation is lop-sided in that some departments are burdened with more work than others. Second, allocation is far from rational even in conditions of homogeneity of work. Not only are the subjects handled through a scrupulous department too numerous and so unmanageable but these are also too heterogeneous, causing troubles of coordination. These are further aggravated when charges of scrupulous departments are partial in scope.

DISTINCTION FLANKED BY SECRETARIAT DEPARTMENT AND EXECUTIVE DEPARTMENT: DISCRETE PROCESSES OR A CONTINUUM

The Secretariat Department necessarily is distinguished from the executive department. The 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 recognized as directors (although other nomenclature is also used to refer to them) - have the responsibility of implementing policies formulated through the political executive. So, the secretaries assist in policy formulation whereas the directors' role lies in executing policy. Long ago, the Simon Commission had observed, that 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 of 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. There is an average of 6 to 7 executive departments in relation to one secretariat department. Though, it necessarily be cautiously 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 so do not have executive departments reporting to them. Examples are Departments of Law, Finance, etc.

The Secretariat and executive departments organizationally 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-creation organ, the latter a policy executing organ.

The secretariat department is normally headed through a generalist civil servant (drawn from the IAS), the executive department through 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 stage, whereas the Director of Agriculture represents agriculture department at the executive stage. The director is the executive head of the agriculture department - the Directorate of Agriculture. Likewise, the home department in the Secretariat has the Director-general of Police as its executive head of the department.. Similar correlation obtains flanked by education secretary and education director, industries secretary and industries director, social welfare secretary and social welfare director, and so on.

We have emphasized the distinctness of the roles of the Secretariat and the Directorate through 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 basically, the administration). The question which may, so, be asked is whether policy and administration are discrete processes. The answer is that at a conceptual stage, the two are separate; it is possible to identify and describe them as two clearly distinguishable phenomena. But at a practical plane, the two are inextricably interlinked, even tend to become indistinguishable and, so, it is hard to say where the 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 scrupulous policy decisions. Administration, so, involves such details of execution as framing organizational structures, staffing of organisations, coordinating activities, directing, controlling, motivating the personnel and so on.

That the two are dichotomies is the traditional view, which owes its origin to Woodrow Wilson's essay of 1887, 'The Revise of Administration'. Politics, he said, is the proper activity of Legislature and other policy-creation 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 thoughts 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 through 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 basically does what he is asked to do and assumes no personal responsibility.

Though, the complexities of governmental operations have increasingly required administrators to become involved in policy creation or political decisions. As a result of this, it is in practice found to be hard 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.

Sources of Administrative Expertise

There are many sources from which the modern day administrators have obtained a type of 'expertise', which the politicians need to use when formulating policies as: (i) 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 troubles. From this, they gain an invaluable type of practical knowledge that comes from the experience of handling these very troubles 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 stability in office gives them a decisive edge over politicians in framing policies, (ii) The administrators are in possession of facts, figures, information and intelligence concerning the specific areas in which policies are to be framed. Politicians would need these data and statistics in formulating policies, (iii) Administrative expertise also comes pre-eminently from the fact that the governments of today employ a large diversity of professionals (doctors, engineers, scientists, economists, etc.). They possess technical knowledge, which forms a vital input in policy creation, (iv) The advent of merit system has also helped to build up administrative expertise through attracting better talent in civil service and loosening the grip of politicians on civil service.

Administrators' Role in Policy Creation

The augment in civil service expertise, together with growth in the functions of government and rising complexity of administration, has resulted in a rising dependence of politicians on administrators in the task of policy creation. This is reflected in the following:

- Policy creation exercise is done on the basis of facts, figures, information and data, which are supplied through 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.

- Civil servants based on their long administrative experience, tender advice to the lay politicians on the administrative, technical and financial feasibility of the several policy options under consideration.
- 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 procedure of public policy formulation, which in its final form assumes the shape of an Act passed through the Legislature.
- Administrators formulate policy through the exercise of administrative discretion. When an administrator is required to choose flanked by alternative courses of action within a policy frame, he is said to exercise discretion. In this sense, administrators are described as supplementary lawmakers. 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 augment in administrative discretion through virtue of an incessant augment 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 through the administrative agencies.

The rising diversity and complexity of laws to be enacted has further circumscribed the Legislature's competence: The legislators do not have the technical know-how and training to venture into the details of scrupulous legislations. This further necessitates exercise of administrative discretion. And, at any rate, if the Legislature delves into the details of each law, this would be at the cost of other significant duties and functions of the legislators and so an undesirable thing to happen. This, coupled with the assurance that it has the necessary means accessible to hold administration accountable to itself has, in fact, encouraged the Legislature in its attitude of not delving 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 cause too. Ultimately, the policy is to be executed in the field where an administrator necessarily face a bewildering diversity of situations as he sets himself to the task of policy execution. For the law creation agency, it is clearly not possible to visualize, at the point of legislation, the dissimilar diversity of situations that may arise in the field. For this cause, once again, the policy makers necessarily do no more than give only broad guidelines in the legislations they frame.

CHIEF SECRETARY

Position of Chief Secretary

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 basically first in the middle of 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 or she assumes in the state administrative set-up.

The 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 flanked by 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 give 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 whole 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 Union stage, shared through 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 on the wide scope of the duties and powers of the Chief Secretary.

Yet another important reflection on the 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 Union government to take up a more significant 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 mainly 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, though, the office of the Chief Secretary has been standardized; its incumbent since then has begun 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 affect the Chief Secretary's Office? Where the Centre does not appoint advisers throughout the

President's rule, the Chief Secretary becomes clothed with the powers belonging to the Chief Minister. When, though, central advisers are appointed, it tends to inhibit the Chief Secretary in his administrative capability 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.

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 capability he, inter alia, works out the detailed administrative implications of the proposals made through ministers and coordinates them into a cohesive plan of action.
- The Chief Secretary is the secretary to the Cabinet. He prepares the agenda for Cabinet meetings, arranges them, maintains records of these meetings, ensures follow-up action on Cabinet decisions, and gives assistance to Cabinet committees.
- The Chief Secretary is the head of the civil services of the state. In that capability, he decides on the postings and transfers of civil servants.
- Through 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 stages. Meetings serve as a powerful tool of effecting coordination and securing cooperation of dissimilar agencies.
- As the chief of the secretaries, the Chief Secretary also presides over a large number of committees and holds membership of several 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.
- The Chief Secretary is the secretary, through rotation, of the Zonal Council of which the scrupulous state is a member.
- He exercises administrative control over the secretarial structures, including matters linked with space allocation. He also controls the Central Record Branch, the secretariat library, and the conservancy and watch and ward staff. The 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 the functionaries and agencies concerned to give relief.

In conclusion, it may be noted that a host of personnel matters and several 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 Reorganization 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 be provided with appropriate staff assistance. That alone will ensure speedy implementation of decisions and effective coordination of policies and programmes of the state government.

PATTERNS OF RELATIONSHIP BETWEEN THE SECRETARIAT AND DIRECTORATES

INTRODUCTION

Directorates

Directorates are the executive arm of the state government; they translate into action the policies that are framed through the State Secretariat. Even though the conditions 'Directorates' and 'Executive Agencies' are often used interchangeably, Directorates are but one kind of executive agency. This point is pursued later in the Unit. Directorates, as we shall see, are classified into two categories - Attached Offices and Subordinate Offices. This classification facilitates academic comprehension of the roles, which the two kinds perform in policy execution.

Local Administration

Because the Directorates are concerned with policy execution, and the execution of policy necessarily take place in the field (i.e., at the district, block and village stages), the need arises for them (Directorates) to make intermediate stage administrative agencies to coordinate and supervise the field operations. This intermediate stage administrative setup flanked by the state headquarters (Directorate) and the district is referred to as 'local administration'. A generic term, which is used to refer to local stage agencies (and those at district and lower stages). They could be described sub-statal agencies because they exist at stages below the state headquarters. Each region

comprises a sure number of districts. Therefore, a region is a real unit below the state stage and above the district stage. As a rule, though not always, all executive departments at the state headquarters have local organisations; names which these local agencies carry, vary from department to department.

Divisional Commissioners

Divisional Commissioners, referred to above, are local 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 described the Board of Revenue. So, Divisional Commissioners are but the local stage 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.

As you have already read, the Secretariat, as the policy-creation body and Directorate, as the policy implementing agency, constitute the two wheels of the governmental machinery; unless they achieve a sure measure of coordination and cooperation, the skill of the machinery to deliver goods will be hampered. At a theoretical plane, the two have well-defined powers, jurisdiction and roles but, in practice, several factors blur the demarcations leading to estrangement and mutual acrimony flanked by the two wings, ultimately affecting the performance of the government.

The question of relationship flanked by the Secretariat and Directorate is significant per se. It, though, 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 has the relationship flanked by the two tended towards some type of estrangement? Can some alternative models be suggested to reformulate the relationship flanked by Secretariat and Non- secretariat organisations? In this Unit, these questions are being explained.

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 criticism; mainly

that the Secretariat tends to transgress its defined jurisdiction; does not adequately delegate to the Attached Offices; delays scrutiny of proposals submitted through the Non-secretariat organisations; and so on. On these grounds, it is suggested that the present split system be abandoned. An attractive model, under which these two wings are merged, has been recommended and practically tried out. The merger or amalgamation model seeks to bridge-the gulf flanked by Secretariat and Attached Offices through 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 several types, and, so, 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. Therefore, the question of relationship flanked by the Secretariat and Directorate is a vexed one. Readymade solutions to remodel this relationship are hard to come up.

DIRECTORATES: MEANING AND ORGANISATION

Meaning and Nomenclature

As has been explained in the last Unit, the Secretariat is concerned with the setting of 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 separate organizational entities. A popular label to identify an executive agency is 'Directorate'. In a large number of cases, the heads of the executive agencies are recognized as directors. Several 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.

Though, other nomenclatures are also used to refer to the heads of the executive departments. Therefore, the executive head of the department of police is recognized 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 described Directors, they are also recognized through other names.

Organisation of Directorates at the State and Sub-statal Stages

Separately from the state stage, the executive agencies also function at the sub-statal stages. This is quite natural. Because, while the policy necessity is formulated at one centre (the state headquarters: presently, the state headquarters is signified through Secretariat and Directorates), its execution necessity necessarily takes place in the field. So, the Directorates necessity creates a conscious effort at achieving a vertical penetration down to the grassroots stage. When this is done, lesser Directorates emerge at the local stage: the state stage executive department establishes offices in the regions; a region is basically a territorial unit below the state but above the district stage. When this procedure progresses further down the line, the district, block and village stage field agencies of a Directorate emerge.

KINDS OF EXECUTIVE AGENCIES

With a steady augment in the functions of government, the executive agencies have grown in number as well as diversity. The two mainly familiarly recognized executive agencies are the attached offices and the subordinate offices. But with the emergence of a large public sector in the country, other kinds of executive agencies have also developed. Of these, the public corporation (e.g., Life Insurance Corporation of India) and the government company (e.g., Steel Authority of India Ltd.) remain the mainly outstanding examples. There are other kinds of executive agencies too, but those details need not hold us up here. What needs to be remembered is that with the rising governmental functions,, a diversity of organizational patterns has been evolved to suit the necessities of the varied range of functions, which the government is increasingly taking on.

Role of Attached and Subordinate Offices

Let us now briefly see what are Attached and Subordinate Offices, which, as we have above stated, are the two mainly significant forms of executive agencies. The Manual of Office Procedure describes these as:

- “Where the execution of policies of government requires decentralization of executive direction and the establishment of field agencies, a Ministry has under its domain, the subsidiary offices, which are Attached and Subordinate Offices. The Attached Offices are responsible for providing executive direction required for the implementation of the policies laid down through the Ministry to which they are attached. They also serve as repository of technical information and advice to the Ministry on technical characteristics of the questions dealt with through them. The Subordinate Offices

function as field establishments or as the agencies responsible for the detailed execution of the decisions of government. They usually function under the direction of an Attached Office... ” (Emphasis added).

Therefore, the Attached Offices have in essence a two-fold function. First, they furnish technical data and advice to the Ministry to which they are attached. (Ministry is the policy creation body, but this policy creation exercise necessarily 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 give executive directions to the agencies, which are responsible for implementing the policies of government.

As contrasted 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. As oft-quoted analogy with human body clarifies the distinction flanked by Attached and Subordinate Offices further:

- “The Secretariat is the brain, the Attached Office is the trunk, and the Subordinate Offices under them are the limbs of the body.”

THE BOARD OF REVENUE AND DIRECTORATES

Status and Position

The Board of Revenue, as the name itself suggests, is an agency, at the state stage, concerned with revenue administration in the state. Although, it exists at the state stage, it is not a part and parcel of the state government machinery. The preceding statement is planned to underline and emphasize 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. Through virtue of this fact, the Board has subsistence, separate and separate from the government.

The Board as a Supra-district Stage 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-à-vis

the district stage revenue functionaries (Collectors/ Deputy Commissioners). The fact that it exists at the state headquarters stage should not be allowed to blur the truth that the Board of Revenue is an agency, separate from the Central or state government as such. (Since it is a statutory body, it is endowed with a separate legal identity of its own). This, coupled with the fact that it discharges supervisory functions in relation to the District Collector's lends justification to its classification as a supra-district stage agency.

THE PATTERN OF REVENUE ADMINISTRATION AT THE SUPRA-DISTRICT STAGE

There is no uniformity in the pattern of revenue administration at the supra-district stage 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 stage and another at the local stage) flanked by 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 these conditions, five separate patterns of revenue administration at the supra-district stage can be recognized.

Pattern One

Under this, there is only one intermediate stage, i.e., the Board of Revenue, with no local/divisional stage revenue set up (recognized as the Divisional Commissioner). Under this pattern fall the states of 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 a Financial Commissioner at the headquarters stage and Divisional Commissioner at the local stage. This situation prevails in Punjab and Jammu and Kashmir.

Pattern Four

Under this pattern, again, there are two intermediate agencies. But, as is 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, so, consist of (i) Revenue Tribunal, and (ii) Divisional Commissioner. This pattern is prevailing in Maharashtra and Gujarat. The variation flanked by, 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 are being discharged through independent Heads of Departments described Commissioners. There are no Divisional Commissioners at the local stage. 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.

Composition and Functions of the Board of Revenue

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 in the middle of members is functionally divided. Decisions on significant policy matters are taken through the full Board. The Board has a Secretariat of its own.

Functions

The functions of Boards of Revenue vary a little from state to state. Usually speaking, the Boards perform the following functions:

- The Board advises the government on all matters of revenue policy.
- 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.

- It exercises general superintendence over the revenue of the state, from whichever source they may arise.
- Board is the final authority under the Sales Tax Act, Excise Act, Prohibition Act and Agricultural Income Tax Act.
- 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.
- The Board exercises large inspectorial duties. It inspects revenue department in Collect orates and Divisional Commissioners' offices.
- In some states, the Chairman, Board of Revenue, writes annual confidential reports of the Divisional Commissioners and District Collectors.
- In states, which do not have Divisional Commissioners, the Board comes in direct get in touch with district administration. This, inter alia, means that it assumes a more pervasive supervisory role in respect of them.
- 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 diversity of matters.

FACTORS SHAPING THE SECRETARIAT-

DIRECTORATE RELATIONSHIP

The Secretariat and the Directorate constitute two wheels of the governmental machinery. Unless they achieve a sure measure of coordination and cooperation, the skill of the machinery to deliver goods is hampered. Two sets of factors have played a dominant role in shaping the Secretariat-Directorate relationship at the state stage. Of these, one concerns the functioning of the Secretariat at a practical plane. The second is concerned with the expansion that has lately come about in the Secretariat its role, personnel, number of administrative units of 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.

Dissimilar Characteristics 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 (flanked by policy creation and policy executing agencies) and specialization, which results from such departmentalization of work. Again, at a conceptual stage, the thought of Secretariat is meant to promote delegation of authority from policy creation to policy execution stage. Through implication, it discourages centralization and concentration.

Though, in practice, these advantages of the Secretariat system have failed to fully materialize. There is a large divergence flanked by what is held to be valid in theory and what is achieved in practice. The manner of functioning of the Secretariat and its overbearing attitude have generated tensions in the Secretariat-Directorate relationship and 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 creation; instead the Secretariat freely engages in matters of executive nature. This encroachment has materially weakened the authority of the executive agencies.
- 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 are cramped through the need for repeated consultations with, and approvals from, the Secretariat.
- Scrutiny, in the Secretariat, of proposals submitted through the heads of the Executive Departments begins at the clerical stage. This procedure is dilatory. Besides, it undermines the authority of the heads. As is well- recognized, the proposals of the heads of the departments are based on proposals received from the district and local stage officers and are submitted to the Secretariat after a detailed scrutiny in the Attached Offices. If, so, these proposals are to be subjected to further scrutiny, it leads to unnecessary duplication and delay.
- More substantively, the very thought 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 scrutinize the proposals and schemes emanating from the attached offices, the argument being that the lay generalists have perhaps nothing to contribute in such an exercise.

The above-noted situations, coupled with the fact that Secretariat has come

to be recognized with the real power structure in the governmental system (it is, in fact, measured 'the government') have unduly inflated the influence and authority of the Secretariat and aggravated tensions flanked by 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 therefore expanded its functional area through large, unauthorized encroachments in the executive sphere. This is, quite obviously, at the expense of the executive offices and only further adds to tension flanked by the Secretariat and Executive Agencies. Another situation, which necessarily 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 flanked by the Secretariat and Attached Offices. We shall be discussing the factors that have been responsible for bringing about expansion in the role of the Secretariat and an augment in its personnel and the number of administrative units of which it is comprised. After all, it is partly this expansion, which is at the root of the Secretariat-Directorate tensions.

Factors Responsible for Expansion in the 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 centralization 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 so, respond to demands for appointments, etc.) results in the minister's involvement in executive matters. This is how the Secretariat, a policy creation body, becomes involved in the matters of policy execution.

The second factor, which has been responsible for a steady and substantial augment 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 with 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 scrupulous, has gained in stature and influence from this situation. The cause for this is that more significant work as well as decisions commanding wide impact has 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 that an IAS officer is typically exposed to in the course of his career. In contrast, the head of the department is measured narrow in vision and too theoretical in approach. Secondly, the ministerial staff in the Secretariat is measured to be of a higher caliber as compared to that in the Attached Offices. The result is that the Secretariat attracts more business. Thirdly, 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, therefore, today encumbered with non-essential work and has become unwieldy and overstaffed.

THE BASES OF ADVOCACY OF THE TWO

The foregoing discussion provided us the perspective in which the question of relationship flanked by the Secretariat and Directorates may be measured. The issues in this relationship will emerge more clearly if the arguments in favor of Secretariat and those in favor of Directorates are summed up:

Arguments in Favor of Secretariat

- The Secretariat is an essential administrative institution. The Secretariat System of work, with all its deficiencies, has lent balance, consistency and stability to the administration and has 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 stage.
- The Secretariat System helps to separate policy creation 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, specialization, and above all, delegation of authority.
- Since the Secretariat is required to concentrate on policy-creation 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 conditions of the overall, aggregative national objectives.
- The generalist secretary, who is the kingpin of the system, is uniquely suited to advise the minister, who is a layperson. The secretary is, on

the one hand, able to keep the exalted fervor of the specialist head of the department in check, and on the other, tender objective advice to the minister, examining proposals submitted through the head from a larger viewpoint of the government as a whole.

- The subsistence of Secretariat ensures objective evaluation of 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 their own performance. The Secretariat is best suited to do this job.
- Overall, the Secretariat is an institution of 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.

Arguments in Favor of Directorates

- Unlike the Secretariat, the Directorates are staffed through specialists who have achieved excellence in their respective specializations. These specialists have, moreover, over the years, been able to gather an intimate knowledge of the field circumstances'. Through 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 the Minister. This will permit fuller projection of the Director's experience in the policy-creation procedure.
- 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, through virtue of their training, well-versed in the technical characteristics of the policy issues and could give the head of the department's 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 know how, which the secretaries lack.
- As science and technology creates 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 appeared in the government. The specialist heads of departments are uniquely suited to respond to this situation.
- The specialist heads of departments alone, rather than the generalist secretaries, are in tune with the modern trend of specialization 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.

EMERGING PATTERNS OF RELATIONSHIP FLANKED BY THE SECRETARIAT AND DIRECTORATES

What might be an appropriate pattern of relationship flanked by the Secretariat and NON-SECRETARIAT organisation? On the question of evolving an appropriate pattern, broadly three schools of thought are discernible. Each adopts a dissimilar 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.

The Status-quo Approach

The Status-quo Approach favors the traditional split system and holds that the Secretariat and the Directorates have well-defined roles in our administrative setup to which they should continue to stick. The approach is based on the traditional concepts of staff-line dichotomy where the secretariat performs the role of a Staff Agency and the Attached Office that of the Line Agency. The Status-quo Approach also accepts the traditional policy-administration dichotomy. The advocates of this approach consider that the relationship flanked by the Secretariat and Directorates should be based on the following principles:

- Policy-creation should be the responsibility of the Secretariat and Policy implementation that of the Directorates.
- Subject to the rules governing the circumstances of service, the Head of Department should have fullest control over the personnel under him.
- The Secretariat Department should give common services and undertake domestic housekeeping in respect of the Directorate(s) attached to it (for instance, the allocation of office accommodation).

Arguments For

The advocates of Status-quo Approach justify the subsistence of separate agencies for policy formulation and policy implementation on the following grounds:

- Persons responsible for the execution of policy necessity not are 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 through specialists are scrutinized through the generalists, it gives these schemes a broader orientation and greater objectivity.
- Separation encourages delegation and decentralization. It also gives for division of work flanked by the Secretariat and Directorate.
- Split system has the significant merit of being a familiar arrangement. Besides, it is a system of proven effectiveness; it has, till now, delivered the goods. It has stood the test of time. Its scrapping will break stability with the past.

Arguments Against

Arguments against the traditional split system are too well-recognized to need any detailed cataloguing. Briefly, these are as follows:

- Schemes are processed twice in two dissimilar offices, which causes avoidable delays
- Scrutiny of schemes in Secretariat begins at the assistant's stage; that is hardly qualified to scrutinize the schemes framed through heads. The assistant's notions tend to confuse the issues and lead to unnecessary queries. In the procedure, 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 know how to undertake examination of the schemes prepared through qualified specialists; whether they may, in fact, be expected to create a worthwhile contribution to this exercise.
- Split system is also criticized on the ground that it is inegalitarian, in outlook. That it creates the Attached Office feel like an inferior entity far removed from the charmed circle. One result of this could be a low sense of participation in the middle of the personnel of Attached Offices.

The Bridging the gulf Approach

As against the School advocating Status-quo Approach there is another, which advocates measures for bridging the gulf flanked by the Secretariat and Non- secretariat organisations. Its protagonists suggest several devices for bridging-the gulf. These contain (i) the conferment of ex-officio secretariat status on the head's of Executive Departments; (ii) the system under which a Secretary concurrently holds the office of the head of the Executive Department; (iii) the merger or amalgamation device under which an Executive Department is placed in a corresponding Secretariat Department; and (iv) a device which is a variant of (point iii), 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 around. Each of these methods is in turn discussed below:

Ex-Officio Secretariat Status Meaning

This device consist the conferment of an appropriate ex-officio secretariat status on the Heads of Executive Departments. The result is that through virtue of holding office as a head, the incumbent of the (head's) position holds an appropriate 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, through virtue of being an ex-officio secretary, can sign on behalf of the government. The need for scrutiny of schemes in two offices is done absent with. The same individual, in his capability as Director, proposes the scheme and, in his capability as Secretary, scrutinizes it. This is, of course, an over-simplified account of the ex-officio system, but this is how, in essence, it functions. Therefore, to take an instance, in some states, the Chief Conservator of Forests is an ex-officio Secretary to the state government in the Department of Forest and Environment. To take an instance from the Central Government, the Director General of the Indian Council of Agricultural Research is an ex-officio Additional Secretary to the Government of India.

Advocacy through State Stage Administrative Reforms Committees

The Administrative Reforms Committees appointed through 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 analyzing the advantages or the merits, which scrupulous state governments ascribe to the ex-officio system. The Andhra Pradesh Administrative Reforms Committee (ARC) (1964-65) recommended conferment of the ex-officio status as a method of achieving psychological closeness flanked by the Secretariat and Directorates. The

device, the Committee felt, would create the head of department feel a part and parcel of the broad-based (governmental) team - comprising its two major organizational 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 significant work and spending large amounts' particularly on work linked with development activities."

The Punjab ARC (1964-66) recommended conferment of secretariat status as a method of ensuring adequate financial and administrative powers to the heads of the executive departments. The Kerala Administrative Reorganization and Economy Committee (1965-67) recommended 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 provide 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 ARC (1962-63) had recommended the adoption of the ex-officio system on an experimental basis. It proposed that the government may, to begin with, create the Chief Engineer, Public Works Department (Structures 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 create 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 finalization. The twin roles of Secretariat and Directorate are now performed through a single functionary; the creation of the proposal (a Head of Department function) and its scrutiny consideration, and sanction (a Secretariat Function), both the roles are performed through the same functionary.
- The Head of Department is more closely involved in the policy creation procedure. 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 thoughts, which underly a policy. Overall, the Head of Department gains in status and weight. He achieves a scrupulous facility and speed in handling matters and

creation decisions. The overall efficacy of the governmental system to deliver goods is enhanced. Bureaucratic procedures become re-emphasized; a programmatic bias and a performance orientation are achieved.

Arguments Against

- Integration is apt to blur the line of demarcation flanked by the functions of policy-creation and policy-implementation. As a result, the task of long-term policy creation is liable to be neglected because the day-to-day operational troubles 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 thoughts may overwhelm the strategic ones and deprive policy creation 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 fields; their involvement in the secretariat work will overburden them.
- 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.
- Integration violates the fundamental principle of the Secretariat System, namely policy-creation that necessity remains separated from policy implementation.
- 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 that do not have the secretariat status.

Concurrent Appointment of Secretary as the Head of the Executive Agency

We have referred to the ex-officio Secretariat System earlier. 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. Likewise, 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 aloofness flanked by the Secretariat and the Attached Office. But, at the same time, the system blurs the distinction flanked by the Secretariat and the Head of the Department. A comprehensive projection of the system throughout the country could only take place if the view is held that the Secretariat as such has no longer a role separately from that of the executive head. Terras like integration, merger and amalgamation have been interchangeably used to suggest an arrangement under which the distinction flanked by the Secretariat and: the Non-secretariat Organisations is totally 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, a recognized 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, so, should, in fact, fall in the domain of the Directorate, as ultimately the role of the Secretariat is governed through the role perceptions of the political executive. It is therefore, argued that since the role of the two agencies anyhow overlap, amalgamation would be both logical as well as desirable.

In the middle of the advocates of amalgamation, the ARC's team on "The Machinery of the Government of India and its Procedure of Work" has been mainly outstanding. It recommends abolition of the distinction flanked by the Secretariat as the policy- creation body and the Non-secretariat Organisations as the Executive Agencies based on an elaborate scheme of merger, which it has proposed. The thought is to give for adequate interaction flanked by the policy-creation and the policy implementing agencies of the government and remove the undesirable distinction flanked by the Secretariat and Non-secretariat parts of administration. The ARC itself has, though, expressed itself against a general abolition of the distinction flanked by the Secretariat and the Executive Agencies. It favors 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. Under the integration arrangement, coordination flanked by the “Non-secretariat Organisations part” and the “traditional part of the Secretariat” would be the responsibility of the Secretary.

Arguments For

Two state stage ARCs have also favoured the thought of merger of the offices of the Heads of Departments With the State Secretariat. The ARC of Andhra Pradesh, in the year 1960, recommend merger in view of “The increased workload in the context of larger and larger Five Year Plans and the urgency with which the plans had to be executed year through year.” This could be one advantage of effecting merger of the two offices, namely, it promised speedier execution of the development projects. Other advantages of merging the two offices, according to the ARC, could be as under:

- It permits continuous get in touch with flanked by 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 stage committee to recommend the substitution of the two parallel hierarchies (Secretariat and Directorate) through an integrated composite office was the Madhya Pradesh ARC (1970-72). It ascribed following advantages to such an arrangement:

- This would encourage specialization in the several characteristics of administration.
- It could be absent with duplication (in scrutiny of schemes, for instance), cuts and delays.
- The arrangement would help to improve the quality of performance and avoid dispersal of manpower and financial possessions.

Arguments Against

The disadvantages of amalgamation would be similar to those of the preceding two methods discussed in this Section.

Amalgamation - The Second Model

In the merger device, which we have discussed earlier, 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 constituted. 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 puts up papers before both the stages of officers. A distinguishing characteristic of this arrangement is that, at the Secretariat stage, all noting is done through 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.

The De-amalgamation Approach 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 accessible from the Bihar experiment on amalgamation. There is a sharp division of opinion in the middle of the functionaries who have had the opportunity to work under amalgamated setup. A number of officials report that the scheme has been successful and has acquiesced good results. At the same time, a large number of officials have criticized the scheme and opined that it should be done absent with. In other words, they feel that amalgamation has failed and the procedure of de-amalgamation should now be started.

Arguments for Sustained Amalgamation

Those who report favorably on the experience of amalgamation argue as follows:

- Amalgamation has obviated the need for examination of proposals independently through the Directorate and Secretariat.
- It has cut down delays and ensured expeditious disposal of cases.
- It has affected economy in establishment expenditure.

Arguments for De-amalgamation

The officials who recommend de-amalgamation provide the following arguments:

- Although amalgamation permits much economy of time in that it does absent with two parallel scrutinizes of proposals, the experience has shown that, under the amalgamated set up, the quality of final proposals/schemes has declined, which regularly, involves reconsideration. This, they point out, was not so when Directorate and Secretariat functioned separately.
- Amalgamation has resulted in gradual removal of distinction flanked by the functions of the Heads of Departments and those of the Secretariat.
- Amalgamation has rendered objective examination of proposals and schemes at the Secretariat stage hard. The secretaries have to write their notes on files in a guarded manner so as to avoid causing offence to the head of department. This extra caution often prevents a frank examination of the cases through the secretariat officers.
- 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.

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. Though, Bihar has experienced difficulties in implementing the de-amalgamation plan. Difficulties have been mainly two-fold. First, throughout the three decades of amalgamation, there has been 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 several 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 were planned. For these reasons, the procedure of de-amalgamation in Bihar could not be completed until 1982 although the decision to de-amalgamate was reached in the year 1979.

STATE SERVICES AND PUBLIC SERVICE COMMISSION

MEANING OF CIVIL SERVICE

The phrase 'State Services' refers to the civil service at state stage. Civil service refers to the civilians employed through 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 skill as adjudged through an open competitive examination for civil service jobs. An independent recruiting agency is the hallmark of a merit system. The state stage recruiting agencies are designated as State Public Service Commission.

THE SIGNIFICANCE OF AN INDEPENDENT RECRUITMENT AGENCY

It is of vital importance that recruitment to any civil service is free from any suggestion of bias. This alone would inspire confidence. To ensure objectivity and impartiality in recruitment, many measures have been evolved since the advent of the merit system. One, the executive branch has been divested of the powers of creation recruitment to the civil services and a separate agency created for the purpose. Two, the agency therefore 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 necessity be remembered that the Commission is only a recruiting agency; it is not an appointing authority. The authority of creation appointments vests in the government. The Commission is an advisory body. Its decisions are not mandatory.

Need for a Commission Kind of Organisation

A commission kind of organisation as separate from the customary departmental kind - may be employed for undertaking the work of recruitment of civil servants. The commission form is invoked for the performance of a function requiring expert, specialist knowledge. It is a form of organisation intended to facilitate communal deliberation through 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 creation. The body therefore 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 basically as a board).

When a commission consisting of experts meets to deliberate on issues, professional and technical criteria receive necessary weight age in the resulting decisions. When many 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 characterize government departments, are kept at bay.

Significance of a Constitutional Status for the Commission

This is planned to ensure that it functions without fear or favor. 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 through it. Conferment of the Constitutional status is therefore in the nature of a safeguard against any possible encroachment on its authority and independence. The State Public Service Commission is therefore an advisory body of experts, which exists under the authority of the Constitution to recruit personnel for the state services.

COMPONENTS OF CIVIL SERVICE AT THE STATE STAGE

Let it first be clearly understood that at the state stage in India, not one but two separate sets of civil services operate. One of these is the civil services recruited through the respective state governments to handle a diverse range of governmental activity at the state stage. These are recognized as the state civil services or basically state services. The second set of civil services serving the states is the All India Services. All India Services officers are recruited to perform a varied range of jobs, both at the state stage as well as at the Centre. It is this characteristic of the All India Services, which renders them clearly distinguishable from the state services. In the middle of the best recognized examples of the All India Services are the Indian Administrative Services (IAS) and the Indian Police Service (IPS). Therefore, the civil service at the state stage is composed of two separate components. One, state services and two, All India Services.

All India Services

All India Services were constituted with the crucial purpose of creating an elite corps of officers who would man top positions both in the states as well as the Centre. Officers of the All India Services are recruited through the Union Government through the Union Public Service Commission. Upon recruitment, each officer is allotted to a specific state cadre. It is from the scrupulous state, to which he is allotted, that the concerned officer moves to the Central government. The arrangement under which such movement takes place is recognized as the Tenure System. The officer is moved back and forth flanked by the state (of his allotment) and the Centre throughout 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 several states) guarantees that all states have a sure minimum and uniform stage of talent in their administrative services and that the states' administrative machinery is adequately equipped. The subsistence of the Tenure System, under which officers of the All India Services move to the Centre periodically, ensures that the incumbents of the policy creation posts at the Centre are backed through rich field experience.

The All India Services have to supply personnel for all superior administrative posts in the states, at the district stage and above. Therefore, the posts of District Collectors, Divisional Commissioners, members of the Board of Revenue, Secretaries to the government, Chief Secretary, etc. are filled up through IAS officers'. Likewise, the posts of Superintendents of Police (SPs) and above in the Police Department at the state stage are reserved for the IPS officers.

State Services

These are recruited through 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 through the Centre or some other organisations. States have well-organized services to cater to the needs of dissimilar sectors of governmental activity in non technical and technical spheres. Typically, a state may have the following services: (1) Administrative Services; (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.

Inter-relationship and Inter-linkages

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 through the personnel of the All India Services. They constitute the middle stage 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, through providing opportunities to the State Services' personnel to rise to higher posts, which are normally reserved for the All India Services officers. Two, through inducting a sure percentage of the State Services' personnel into the All India Services.

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 IV. 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 posts in the services are classified into the gazette and non-gazette categories.

Classification Based on Pay Scales, etc.

Class I and Class II services constitute the officers' class of the state stage services, whereas Class III and Class IV consist of the clerical employees and manual workers, respectively.

Class I Services

Class I Services contain 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 through direct recruitment through State Public Service Commission. Direct recruitment takes place on the basis of an open competitive examination. Usually, this would contain written examination and personality test; sometimes, though, 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 through promotion or direct recruitment. In fact, there are wide variations on this account from state to state.

Class II Services

Class II services are usually of a specialised nature, although there are some generalist's 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 1. These are, though, measured significant enough to require that the authority for creation appointments to them be vested in the state government itself.

The mainly significant in the middle of 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-à-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 in the middle of dissimilar states.

Recruitment to Class II posts is made partly through promotion and partly through open competition (direct recruitment). In case of specialised services, direct recruitment is done on the basis of interviews held through the state PSCs. For civil, police, and judicial services (Class II), though, a more comprehensive selection procedure is employed. This comprises the written examination and interview. Unlike in the case of Class I services, no uniform practice prevails with regard to the Class II services also as to the number of posts to be filled through promotion or through open competition. The practices vary over a wide range from state to state.

Class III and Class IV Services

Class III services are divided into two categories: (i) subordinate executive services (including, for instance, naib tehsildars, sub-inspectors of police, deputy inspectors of education, and so on), and (ii) clerical services. Recruitment to these posts is made partly at the stage of their Public Service Commissions and partly at the departmental or district heads' stage. Class IV services contain persons performing manual work, skilled or unskilled. Posts falling under this category contain those of neons. watchmen, driver's carpenters, fitters, cooks, laboratory servants, and the like. Until recently, these posts were classified as inferior services with their holders enjoying less favorable conditions of service with regard to leave, pension, etc. Lately,

though, their circumstances of service have improved.

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 through order of the Governor. A gazetted officer holds charge of an office and his duties are of a supervisory or directorial nature. Gazetted posts contain All India Services and Class I and Class II State Services. Non-gazetted posts are those in Class III and Class IV Services. Recently, there has been a little change in the classification grading system. The gazetted post at the Centre and at the state stages are now categorized as Group A and Group B. The non-gazetted posts are categorized as Group C and Group D.

CHARACTERISTICS OF RECRUITMENT TO STATE CIVIL SERVICES

Recruitment involves three separate but inter-linked 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 through a competent authority. The first two steps are accepted out through an independent recruiting agency. In the states, it is the Public Service Commissions, which perform these functions. The third step constitutes the responsibility of the government. It is, so, to be remembered that PSCs are only recruiting and recommendatory agencies; the power of appointment vests in the government.

Recruitment is of two kinds: internal and external. Internal recruitment is made through promotion from within, whereas external recruitment is undertaken through an open competitive examination. We shall be dealing with external recruitment alone over here. 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 characteristics of the recruitment of State Civil Services is provided below:

Characteristics:

- Recruitment to State Civil Services is made at the age stage of 21-25.
- Age relaxation is accessible for the members of scheduled castes, scheduled tribes and backward communities.
- Recruitment is made through an open competitive examination administered through the PSC; higher stage posts are filled up through promotion.
- Vacancies to be filled up are advertised through the PSC every year and applications invited from candidates all over the country.
- Minimum qualification required is a Bachelor's Degree from a recognized university.
- The competitive examination through which selections are made has two components. First, a written, essay-kind examination. Second, a personality test. Candidates obtaining sure 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 through each candidate in written examination and personality test are totaled 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 recommend candidates for appointment. The authority to create appointments vests with the government alone. The Commission recruits candidates, the government appoints them.

CONSTITUTIONAL PROVISIONS WITH RESPECT TO THE COMMISSION

Constitutional provisions governing the Public Service Commissions (PSCs) at the state stage are given below:

- Article 315 of the Constitution gives for the establishment of PSCs. It stipulates that there shall be a PSC for the Union as well as a PSC for each state.
- Article 316 prescribes the composition of such Commissions. It also deliberates on the method of appointment of the Chairperson and members as well as their conditions of office. While Article 316 stipulates what the normal tenure of a Chairperson or member shall be,

Article 317 prescribes grounds and procedure for early termination of such tenure.

- We have already explained that with a view to ensuring objectivity and impartiality in recruitment, this task has been entrusted to a Commission and it has been accorded a Constitutional status. In the context, the question of ensuring independence of the Commission assumes scrupulous significance. Articles 318, 319 and 322 give measures for safeguarding and fostering the independence of the Commission.
- What will be the scope of duties and functions of the PSCs? What will be the overall sweep of their role as recruiting agencies? These matters are dealt with under Articles 320, 321 and 323 of the Constitution.
- Commissions, as previously stated, are advisory bodies. How to ensure that this situation does not work to their disadvantage and render them ineffective? Under Article 323, there is a provision for submission through Commission of annual reports in which inter alia the cases where government rejects its advice are recorded and reasons for non-acceptance stated. There is a further requirement that these reports shall be placed before the appropriate legislature.

COMPOSITION AND FUNCTIONS OF THE COMMISSION

The number of members, which a state PSC may have is not fixed. The Constitution stipulates that this shall be determined through the Governor of the concerned state. At least, half of the members of a Commission are persons with a minimum of ten years of experience under the Central or a state government. Members are appointed for a term of six years or until the age of sixty years. Governor is the appointing authority, but it necessity be cautiously noted that members are removable only through the President and not through the Governor. Circumstances of service of the members are determined through the Governor but very importantly, the Constitution stipulates that these shall not be revised to their disadvantage. Implicit in the foregoing are sure safeguards to ensure the Commission's independence. Later we shall dwell on this characteristic.

Functions of the Commission

As recruiting agencies, the principal function of the state PSCs is to conduct examination for appointment to civil services. Though, sure other duties arise from this and Commission is enjoined to discharge them. These contain: (i) To tender advice to the state government on a matter so referred to it through the Governor, (ii) To exercise such additional functions as may be

provided for through an act of the Legislature. These may be with respect to the State Civil Service, or the services of a local authority or other corporate bodies, (iii) To present annually to the Governor, a report with regard to the work done through it.

Besides, the Constitution stipulates that a PSC shall be consulted on the following matters:

- On all matters relating to the methods of recruitment to civil services and civil posts.
- On the principles to be followed in creation appointments to civil services and posts and creation promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions or transfers.
- On all disciplinary matters affecting a person serving under the government of a state in a civil capability.

ADVISORY ROLE OF THE COMMISSION

The importance of the Commission's role lies in that its decisions are in the nature of advice to the government and the latter has no obligation to act upon. The cause for according an advisory status to the Commission is clear enough. Under the Parliamentary system of government, the responsibility for the proper administration of the country is vested in the Cabinet and for this it is accountable to the Legislature. So, the Cabinet cannot abjure this ultimate responsibility through binding itself to the opinion of any other agency. If the Commission's decisions were made mandatory, it would amount to setting up of two governments. But, at the same time, there is scarcely any doubt that in matters relating to recruitment to civil services, and the like, it would be profitable for the ministers to take the advice of a body of experts.

This underlines the need for necessary safeguards against a flagrant disregard of the advice of the Commission through the government. The Constitution does give for one. Namely, the Commission's annual report, which records cases where its advice has been rejected - necessity is placed before the State Legislature through the Governor. And the government is under obligation, when such report is presented, to provide cause as to why in any scrupulous case the recommendation of the Commission has been overridden through it. But the number of such cases has tended to remain very low, approximately negligible.

INDEPENDENCE OF THE COMMISSION

In the introduction, we have explained the significance of maintaining the independence of the recruiting agency vis-à-vis the executive government. The Constitution also incorporates well-intended safeguards to foster the Commission's independence. These are:

- As a check against a possible abuse of power, the appointing and removing authority is vested in dissimilar functionaries. The power to appoint the Chairperson and members of a Commission vests with the Governor, but the power of removal is vested in the President.
- Removal can be effected only in the manner and on the grounds prescribed in the Constitution.
- Salaries and other circumstances of service of a member cannot be revised to his disadvantage after his appointment.
- The expenses of the Commission are charged on the Consolidated Fund of the State.
- Sure disabilities have been imposed on the Chairperson and members of the Commission with respect to future employment under the government. On ceasing to hold office they are not eligible to hold office under government outside the Union and/or state PSCs.

The purpose of the above provisions is to place the Commission and its members well beyond any possibility of being influenced either through a lure of office or through a threat of insecurity or for any other cause.

COMMISSION'S WORKING

We have so far measured the formal framework within which a state PSC functions. We shall now discuss the actual working. Our comments on the actual working centre around two characteristics. One, exercise of patronage in civil appointments through the government in spite of the Commission's subsistence. Two, the question of the Commission's membership. Notwithstanding the Constitutional safeguard against the non-acceptance of the Commission's advice, there is criticism that the government is able to have its way in creation appointments:

- Creation ad hoc appointments without prior consultation with the Commission: Commission is not consulted for creation ad hoc appointments. Through repeated renewals, such persons pick up necessary experience of the job, which puts them at an advantage vis-à-vis the fresh applicants. In such cases, the Commission is faced with a fait accompli.

- Exclusion of sure categories of posts from the purview of PSC: In theory, recruitment to all civil posts in a state is done through the PSC. Though, the Constitution gives that the executive may exclude sure categories of posts from the purview of the PSC. Under this dispensation, Class III and Class IV appointments are made without the PSC's intervention. This is understandable in view of the large volume of work, which these matters would devolve on the Central recruitment agency. Though, 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 through state governments without consulting the state PSCs.
- Drafting of advertisements through the concerned department: Advertisements for filling up vacancies are drafted through the concerned departments. And these are sometimes drafted to suit scrupulous candidates, which the departments may have in view. The Commission cannot vary the conditions of advertisements.
- Revision of conditions of appointment and merit lists: Occasional cases have been reported where the conditions 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 through the Commission is changed through 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 a suspicion that such delays may be motivated.

The above situations affect the operation of the merit system and undermine the Commission's role. The Commission's membership has also drawn flak due to several other reasons:

- 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 on 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 makes apprehensions on the skill 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 conditions of 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 realized. Nonofficials 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 through 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.

REVIEW QUESTIONS

- Explain the role of the Governor in state administration.
- Describe the conditions 'policy' and administration and explain if they are discrete processes or a continuum.
- Discuss the significance and role of the Chief Secretary in the State Secretariat system.
- Explain the existing framework of this relationship and identify its strong and weak points.
- Explain the significance and role of State Public Service Commission.

CHAPTER 4

FIELD AND LOCAL ADMINISTRATION

STRUCTURE

- Learning objectives
- Field administration
- District collector
- Police administration
- Municipal administration
- Panchayati raj and local government
- Review questions

LEARNING OBJECTIVES

After learning this Unit, you should be able to:

- Describe importance of field administration in India;
- Understand meaning and rationale behind the Field Administration and Local Administration;
- Explain importance of the office of Collector in District Administration;
- Understand the police administration;
- Discuss the composition of councils, committee systems in Municipal Corporation and Municipalities in India; and
- Trace the background of Panchayati Raj.

FIELD ADMINISTRATION

LOCAL ADMINISTRATION

As the Directorates are concerned with policy execution, and execution of policy takes place in the field (district, block and village stage), so the need arises for them (Directorates) to make intermediate stage administrative agencies to coordinate and supervise the field operations. This intermediate stage administrative set-up flanked by the State Headquarters (the Directorate) and the District are referred as 'Local Administration'. Each region is comprised of a number of districts; therefore a region is a real unit below the State and above the District stage.

Significance

The Local Administration permits more delegation and speedier disposal of business. It lightens the workload of the Head of Department; permits him to concentrate on general policy issues affecting the State, and allows a detailed examination of the troubles, which are of scrupulous relevance to specific region. It also facilitates better coordination and supervision of the programmes being executed at the district stage.

ARC Revise Team Report on District Administration (1967) explains the significance of the local administrative set-up for a State. "Mainly States in India are comparatively large, both in area and population. The six largest States together cover almost 61 per cent 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 local stage in the administrative set-up. On the one hand, policy formulation and coordination can be better achieved at a stage intermediate flanked by the District and the State Government; on the other, the State Government being comparatively remote from the locale of policy implementation, cannot assess local troubles in their proper perspective. It is in these circumstances that the services of

senior and experienced administrators are needed at an intermediate stage, flanked by the policy formulation stage at the State Headquarters and the implementing stage in the district”.

Meaning and Patterns

The phrase ‘Local Administration’ therefore refers to the network of organisations that function below the State stage but above the district. Mainly Departments in a State maintain Local Headquarters in these intermediate geographical territories. These territories do not bear a common name, and are not geographically coterminous in respect of the several Departments at the State stage. They often crisscross each other for dissimilar purposes (revenue collection, law and order maintenance, forest management and so on). Each Department makes its sub-state formations to suit its scrupulous requirement.

Majority of States are divided, (for purposes of revenue and general administration) into real units described ‘divisions’. A Divisional Commissioner who coordinates and supervises the work of the District Collectors under his jurisdiction Heads each division. Likewise, the Police Department at the State Headquarters has Deputy Inspector General at the intermediate stage. These territorial divisions in respect of the Police Department are described ‘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. Therefore, the Forest Department divides the State into intermediate geographical territories (also) described ‘ranges’ in deciding the geographical area of range. To take one more instance, the State stage Irrigation Department has Superintending Engineer at the local stage, which is in charge of the Executive Engineers of his region.

Briefly, whether a scrupulous Department will have a Local Administrative set-up or not will depend on (i) size of the State, and (ii) volume and nature of work handled through it. Obviously, the scrupulous historical circumstances in which a Department was created and grew, and the personalities involved in its development will also affect such a decision.

Role

The foremost function of the local stage officer is supervision and coordination of the work of district stage functionaries of his Department. The significant functions of the Local Officer are mentioned below:

- The Local Officer also performs the significant function of setting norms and standards for the comparatively young district stage officers and he ensures that these norms and standards are kept through an

elaborate system of inspections, reports and returns, directives and periodic meetings with the district stage functionaries.

- The Local Officer keeps himself and the State Headquarters informed about difficulties or troubles, which the functionaries at the lower geographical formation may face through on the spot inspection. He also initiates measure for their rectification. Also, he is responsible to ensure that the targets are achieved.
- He maintains an active touch with the Panchayati Raj Institutions under his jurisdiction.

Assessment

The subsistence of the intermediate administrative set-up flanked by the State Headquarters (policy formulation stage) and the districts (policy implementation stage) has been criticized on the basis that it has no substantive role to perform. In fact, it is redundant stage of administration, which only contributes delay in the administrative procedure.

DIVISIONAL ADMINISTRATION

Administrative organisation at the sub-state stage in the country is not uniform. Broadly, there are two dissimilar 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 flanked by 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 flanked by. The Field Administration in the country falls in flanked by these two systems.

A significant characteristic of the State administration is that many executive departments have local offices in the State. The 'range' offices of the Police Department are recognized for two or more districts. The Deputy Inspector General of the range acts as a link flanked by the Director General of Police at the State stage and the Superintendent of Police at the district stage. A significant characteristic to be noted is that the jurisdiction of these local stage offices is not uniform. The number of districts is the 'range' or 'region' of the Police or Education Department is not one and the same. The local offices are recognized irrespective of the subsistence or divisional set-up. History, tradition and usefulness are basically responsible for the development of divisions 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 conditions of area and population, varies from

division to division within the State.

The Divisional Commissioner is the highest executive authority in the division. He supervises the administration and implements the policies of the State. Mostly, revenue and development departments, the public sharing system and welfare departments are under the control of the Divisional Commissioner. He acts as the Revenue Commissioner of the division exercising delegated power 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 measured as Divisional Development Commissioner. All rural development departments, including Panchayati Raj Institutions, work under his control. He reviews the programmes and activities linked 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 whole gamut of development activity in the division. He presides over the divisional coordination committee meetings and reviews the progress of dissimilar departments. Like the Deputy Commissioner, he is in constant touch with the people and tries to redress their grievances. This clearly designates that the Divisional Commissioner is a significant functionary and the mainly significant tasks at divisional stage are entrusted to him.

Based upon the experience, two dissimilar 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 a need for decentralizing more power to him so that he can give effective leadership to the District Administration. The district is 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 so the attendance of Divisional Commissioner is necessary with whom they can interact regularly for guidance and advice. For these reasons they emphasize the need for continuing and strengthening the divisional administration.

Divisional administration is measured to be very useful territorial administration. This can be done in three ways viz., i) through greater delegation and decentralization, ii) entrusting the coordination functions to the Divisional Commissioner; and iii) using the Divisional Commissioner as an advisor in policy-formulation. The Administrative Reforms Commission's Revise Team on District Administration recommended that the institution of Divisional Commissioner 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. Several reasons are put forward for this. Since the Commissioner

happens to be all alone, he will not be able to devote time and attention to the supervision of all departments and local bodies. Secondly, attendance of the Commissioner secure to the Collector may dampen the later's initiative. There are also doubts, whether the Commissioner can interfere with the statutory functions of the Collector? It is argued that this system has not proved useful, wherever it existed. As N. Umapathy has noted that lack of confidence in the Commissioners, inadequacy of their power, interference in the exercise of the discretionary power, heavy paper work, large area, short term of office, etc. cumulatively seem to have contributed to their declining positions, role, utility and success. The Administrative Reforms Commission after examining all the arguments recommended for the abolition of the Divisional Commissioners. The system of local offices also has come for a serious scrutiny. The Rajasthan Administrative Enquiry Committee (1962-63) felt that the local 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 local offices should have substantial power 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 local offices and strengthen the status and the rank of district stage offices. The need for local offices needs to be examined in the context of the nature of work. For efficiency local offices may be necessary, if technical supervision of the activities at the district stage is necessary.

The Administrative Reforms Commission felt that each State should create a detailed review of the local offices before taking decisions about them. It laid down the following criteria for establishing the local offices in the States:

- The work of supervision and control thrown up through the local offices is so voluminous that it would not be possible for the Head of the Department to do it effectively.
- 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 local offices at an appreciably higher cost.
- The operations are far-flung geographically, so that central control would involve higher costs of administration on account of touring, etc.
- Supervision and control at an intermediate stage is warranted through administrative needs and the nature of work devolving on the organisation.

Divisional Commissioner

The mainly significant of the local stage functionaries is the Divisional

Commissioner.

Position and Scope of the Office

The Divisional Commissioner supervises the work of the District Collectors under his charge. He is the coordinator at the divisional stage of a wide range of activities such as law and order administration, development administration, rural development as well as revenue administration. So, the Divisional Commissioner occupies a place of special significance in the intermediate (local) stage administrative set-up.

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 several States since independence. Madhya Pradesh and (old) Mumbai States had abolished it in 1948 and 1950 respectively. Though, both revived the commissioner ship - Madhya Pradesh in 1956 and Mumbai in 1958. Rajasthan abolished the institution in 1961. Uttar Pradesh went halfway, it reduced the number of Commissioners and enlarged their geographic jurisdiction. Soon thereafter, though, it restored the status quo. Likewise, the commissionership was abolished in Maharashtra, but was subsequently revived.

Functions of Divisional Commissioner

- The Divisional Commissioner is the overall local officer giving guidance to district stage officers and providing feedback and advice to the State Headquarters.
- Mainly, he remains involved in coordination, supervision, inspection, and appellate work offices within his division. All correspondence to State Government, in regard to revenue matters, is channeled through him. He has responsibilities in regard to land reforms also.
- The Commissioner has also responsibilities in the sphere of rural development.
- In the sphere of Local Self-Government, both rural and urban, the Commissioner has been given sure power.
- 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.

Divisional Commissionership: A Controversial Office - Substantive Points of the Controversy

The office of the Commissioner has aroused much controversy. Two separate schools of thought appear to have appeared, one in its defense and the other against it. Those who support its cause argue that creation of a strong intermediate tier of administration would encourage decentralization and bring State administration physically and psychologically closer to people at the grassroots stage. Besides, improved coordination and supervision of the field establishment would be achieved. Those who argue against it and recommended its abolition maintain that the creation of an intermediate stage of administration curbs the initiative and responsibility of the district functionaries. The States where the institution of divisional Commissioners exists has not achieved any marked improvement in efficiency, or speed in disposal. Even 'coordination' does not appear to have achieved any worthwhile results. Besides, as the Ministers nowadays tour the districts regularly, as a result the troubles of coordination are easily noticed. The Collector can easily get in touch with the Headquarters, in case of need, due to facilities for speedy communication. Therefore, there is no need for referring matters to an intermediate authority. We may now summaries arguments for and against the institution of Divisional Commissioners.

Arguments For

The ARC Revise Team in its Report on District Administration argues in favor of the office of the Divisional Commissioner on following grounds:

- The Divisional Commissioner's attendance will facilitate coordination of the local stage officers of the several 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 troubles of the region can do this effectively.
- In large States like Uttar Pradesh and Madhya Pradesh, it is not possible to exercise effective supervision over Collectors unless a regionally based officer undertakes it.
- The Commissioner's attendance at the intermediate stage will encourage delegation from the State stage. This will create speedy disposal of cases possible as well as create administration more accessible to the public.
- The Commissioner's attendance can be used to give more adequate guidance to the Panchayati Raj Institutions. He can also be utilized to facilitate coordination flanked by the Panchayati Raj bodies, Local and State Stage Agencies.
- A regionally based officer of an adequate administrative experience will act as a catalyst for local planning and implementation.

- 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.

Arguments Against

Arguments against the post of Divisional Commissioner as mentioned in the Bengal Administration Enquiry Committee are:

- The activities of Government have grown too large and complex at the district stage. As a result of which a division is no longer an appropriate area unit for purpose of supervision. It is too large an area to be an effective unit of administration.
- As authorities of supervision over districts and as an appellate revenue bodies, commissioners are disproportionately expensive.
- It is doubtful if, as an intermediate stage of administration, the Commissioners have much useful role to perform or any specific contribution to create in the disposal of work. The post has been reduced to the position of a mere post office and contributes only delay in the dispatch of public business.
- Commissioners are officers of wide and mature experience and as such their availability at the State Headquarters would mean a fuller use of the valuable experience. Divisional administration fails to make a much useful preoccupation for officers of the Commissioner's seniority and experience..

DEVELOPMENT OF DISTRICT ADMINISTRATION

District as a vital unit of field administration has been in subsistence through the ages. Below the divisional stage, district is a significant territorial unit. Throughout history district has been measured as the mainly convenient unit where the administrative operations could be concentrated for the purposes of governance. The nature of power no doubt, varied from time to time depending upon administrative needs. Invasions, conquests, political and administrative changes did not affect this vital unit of administration. Several districts, over decades, have been bifurcated and reorganized to meet political and administrative necessities. It though, did not affect the continuation of the district as a unit of administration. It has not changed considerably from the times of Manu. Manusmrithi describes village as a vital unit. About 1000 villages were grouped together as a district and were placed in the charge of an officer. Significantly even today several districts in India almost consist of about the same number of villages. The territorial structure of administration

of the country can 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 described 'gramas', a group of revenue villages described 'stana' (visaya or taluk), many stanas described 'aharas' or the district, a group of aharas described 'pradesh' or the region and many pradeshas described 'janapada' or a province. Throughout 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 revenue as well as police functions and is comparable to the present day world District Collector. Throughout Mughal period also there was a similar pattern of District Administration based on delegation of authority to the man on the spot. Mughal empire was divided into subas, subas into circars and circars into paraganas. The British inherited the Mughal administration. Throughout the period of East India Company many experiments were made in the field of administration. Through 1781, the district again became the unit of administration under the District Collector as Head of the district. Broadly, the concept was of a real specialization, which became the cardinal characteristic of the Indian administrative system. Therefore, 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. A strong and settled administration appeared throughout the British rule.

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. Balwantrai Mehta Committee recommended a three-tier structure of a local Government at village, Block and district stage. The introduction of the Panchayati Raj, therefore was a radical change in the district administration. Dissimilar States have adopted dissimilar patterns. In some States like Maharashtra and Gujarat district stage bodies that is Zilla Parishads were made strong. Elsewhere in Andhra Pradesh and Rajasthan it was constituted as a supervisory and coordinating body.

TERRITORIAL SUB-DIVISIONS

There are wide variations in the size and population of the district from State to State, and also from District to District in a State. On the basis of data (census of India, 2001) West Bengal has the highest average size of district in conditions of population at 4.46 million followed through Andhra Pradesh

(3.29 million). Though, Arunachal Pradesh has the lowest average size of district (84 thousand) followed through Mizoram (111 thousand). The highest augment in average size of the district is observed in West Bengal where 452 thousand persons have been added (flanked by 1991 and 2001) followed through Andhra Pradesh with 401 thousand. The mainly important decrease of about 50 per cent in the average size of the district has been observed in Orissa and Chhattisgarh.

Depending upon the needs and necessities, dissimilar States have evolved dissimilar kinds of administrative set-up in each district. In a district, we find many tiers each with specific function. The first stage is the district itself. The jurisdiction of the Collector, Superintendent of Police and other district stage officers extend their services to the whole district. For the purpose of administrative convenience, the district is split up into a number of sub-divisions described talukas. The size and population of the talukas also varies. As the aloofness flanked by taluka and the district Headquarters is too long for speedy administration, one more intermediary stage i.e. division was recognized. Each Division consists of a few talukas which are Headed through Tahsildars. Sub-Divisional Officers or Revenue Divisional Officers. Every State department usually posts their officers at the sub-divisional stage. Divisional stage administration mostly concerns itself with supervisory role over the taluka stage administration. Division is a contribution of the British. T.A. Varghese Commission constituted through the Government of Tamil Nadu recommended the abolition of divisions as they have outlived their utility.

At the lowest stage, we have village, which is a vital Unit of administration. There are many concepts of village like revenue village, development village, etc. with its own jurisdiction and set of functions. With the establishment of Panchayati Raj, a three-tier structure was introduced in the country on the recommendations of the Balwantrai Mehta Committee. Broadly the village, Block and district are the pattern. Zilla Parishad at the district stage, Panchayat Samiti at the Block stage, Gram Panchayat at the village stage is the democratic bodies administering development programmes.

COLLECTOR AND DISTRICT ADMINISTRATION

District Collector, who is also described as the Deputy Commissioner in States like Haryana and Punjab, Heads district administration. Ever since the creation of the post in 1772, the District Collector continues to be the administrative Head of district administration. Though created as an agent of the then British Government to establish its hegemony throughout the length

and breadth of the country, he plays an important role both in development and regulatory areas. Basically, he has three major functions namely revenue, magisterial and developmental. Separately from these major functions, the State and Central Government also entrusted a large number of miscellaneous functions to him.

Collector has been the Head of the revenue administration. Though there has been considerable change in the nature of the State from police to development and welfare, revenue functions continue to claim considerable time and attention. The Collector is also in charge of law and order administration in the district. He has control and supervisory role over the Police Administration. He advises the Government on several characteristics of law and order. Though, many controversies have arisen with regard to his role in the maintenance of law and order and his relations with Superintendent of Police, even then law and order continues to be one of his significant functions.

After Independence and with the adoption of planning strategy, the Collector has become a pivotal figure in implementing the development programmes. He continues to play an important role in the development administration. There are many other areas like conduct of elections, dealing with calamities, supervising local Government institutions, etc. wherein the Collector has a significant role to play. Details of his role in the District Administration would be discussed in the after that unit on the District Collector. Suffice it to say that in District Administration there is no area where he is not associated.

COMPONENT PARTS OF DISTRICT ADMINISTRATION

The district is a significant geographical unit where the people come into direct get in touch with the tools of public administration. The actual pattern of administration varies from state to state, even though 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 stage agencies functioning in the district undertaking a diversity of functions. These functions can be categorized as law and order, revenue, agriculture and animal husbandry, welfare, public sharing, 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. They are

responsible for maintenance of peace and tranquility in the district. Administration of jails, though a separate department, is closely related function in this category. As a District Magistrate, Collector has supervisory role in the administration of jails. The second group of functions is 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 flanked by private individuals and Government, implementation of land reforms, consolidation of agricultural holdings, etc. constitute revenue functions at the district stage. 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 development functions. Because of the rural nature of the society agricultural development is a significant function of district administration. This comprises Irrigation, Cooperatives, Animal Husbandry, Fisheries, etc. A dissimilar subject matter specialist working under the supervision and control of the District Collector looks after each of these functions. In some States, mainly of these functions are undertaken through the Panchayati Raj Institutions.

Welfare is another component of development functions 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 stage. Public sharing is a significant function particularly in the context of scarcity and black-marketing. This is a delegated function assigned to the Collector. Separate organisation, though, exist under his control. Articles of daily consumption like food granules, kerosene, sugar, etc. come under this category.

In a democratic system, elections to several bodies at the National, State and Local stages are mannered periodically. The procedure of election beginning from the registration of voters to the conduct of elections and the declaration of results is a vital function to be accepted out at the district stage under the supervision of the District Collector. Local administration is a vital link flanked by 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 Collector in the district.

Natural calamities and emergencies is another vital area, which needs to be taken care of whenever required. The whole administration has to be geared to meet the threat of emergencies throughout natural calamities. As Head of District Administration the Collector plays an important role in managing the crisis. Separately from the significant functions listed above there may be

several 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 significant 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 sharing system, calamities and emergencies, and administration of justice.

ADMINISTRATIVE ORGANISATION

The wide diversity of functions undertaken at the district stage result in a complex administrative system. Separately from the office of the District Collector, there are many 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 the district administration. Every State stage department has corresponding functional department at the district stage.

Several departments in the districts are structured separately. The revenue department comprises several officials — The Collector at the district stage, Deputy Collector at the sub-division, Tahsildar at the Taluk, Revenue Inspector at the circle and Village Officers like Patwari at the village stage. The Superintendent of Police, Deputy Superintendent of Police, Inspector, Sub-Inspector, and the Constable work at several stages as field functionaries. Likewise, there are the department officers of Health, Education, Agriculture, Co-operation, etc. In several cases their jurisdiction is coterminous with a district, but increasingly there is more than one district stage 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 stage.

While working in the same district each department maintains a separate identity of its own like their State counterparts. Despite task differentiation and maintaining separate identity there is a sure degree of task sharing flanked by the departments.

PROBLEM AREAS IN FIELD ADMINISTRATION

The broad framework of field administration remained more or less the same except a few reorganizations and addition of developmental functions.

This has resulted in many troubles for the administration as well as for the community. Firstly, there are wide variations in the size of the districts both in conditions of area and population. The reorganization that has taken place after Independence is mostly on political thoughts than on administrative necessities and efficiency. These variations are creating serious troubles for the administration. This is mainly in conditions of access of District Administration to the people.

With the augment 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 many difficulties in implementing land reforms in the country. This is another problem area.

Rural and Urban local institutions are a significant part of field administration. These local institutions have considerable role to play both in civic and developmental areas. There has been a tendency to entrust more developmental functions to the Panchayati Raj bodies. But there are many complaints of partisan outlook of the elected functionaries leading to favoritism and nepotism. As a result, there is political disharmony, intensified factionalism and increased crime rate. Likewise, the Municipal local institutions also face many troubles. Shrinking resource base, inadequate technical capability, rising pressure due to rising population coupled with high expectations of the community for more and better services are creating many troubles not only to the Municipal institutions but even to the district administration.

One of the well-recognized characteristics of bureaucracy is its emphasis on rules and regulations. Augment 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, there through creating atrophy in administration. The reforms that have been affected over the years could not tackle the major troubles like deterioration in law and order and troubles of inter-agency coordination of field administration in the country. Structural reorganization through itself may not, and almost certainly will not help to improve the efficiency of the district administration. There is a need for latitudinal change in the middle of the officials. Unluckily, the reform committees and commissions have not dealt with this significant characteristic of field administration. What is needed, so, is a total restructuring of field administration keeping in view both structural as well as behavioral characteristics of the officials as well as the expectations of the community in tune with the democratic traditions.

DISTRICT COLLECTOR

A District Collector, also referred to basically Collector, is the chief administrative and revenue officer of an Indian district. The Collector is also referred to as the District Magistrate, Deputy Commissioner and, in some districts, as Deputy Development Commissioner. A District Collector is a member of the Indian Administrative Service, and is appointed through the State government.

District Administration in India is a legacy of the British Raj. District Collectors were members of the Indian Civil Service, and were charged with supervising general administration in the district.

Warren Hastings introduced the office of the District Collector in 1772. Sir George Campbell, Lieutenant-Governor of Bengal from 1871-1874, planned "to render the heads of districts no longer the drudges of several departments and masters of none, but in fact the general controlling authority over all departments in each district."

The office of the Collector throughout the British Raj held multiple responsibilities— as Collector, he was the head of the revenue organization, charged with registration, alteration, and partition of holdings; the settlement of disputes; the management of indebted estates; loans to agriculturists, and famine relief. As District Magistrate, he exercised general supervision over the inferior courts and in scrupulous, directed the police work. The office was meant to achieve the "peculiar purpose" of collecting revenue and of keeping the peace. The Superintendent of Police, Inspector General of Jails, the Surgeon General, the Chief Conservator of Forests and the Chief Engineer had to inform the Collector of every activity in their Departments. Though the Additional Commissioners of Income Tax are significant officials of the district they do not have to send a report to the collector as they work for the central government and not the state governments.

Until the later part of the nineteenth century, no native was eligible to become a district collector. But with the introduction of open competitive examinations for the Indian Civil Services, the office was opened to natives. Anandaram Baruah, the sixth Indian and the first Assamese ICS officer, became the first Indian to be appointed a District Magistrate.

The district sustained to be the unit of administration after India gained independence in 1947. The role of the District Collector remained largely unchanged, except for separation of mainly judicial powers to judicial officers of the district. Later, with the promulgation of the National Extension Services and Community Development Programme through the Nehru government in 1952, the District Collector was entrusted with the additional responsibility of implementing the government's development programs in the district.

APPOINTMENT

District Collectors are appointed through the State government, from in the middle of the pool of Indian Administrative Service officers in the state. The members of the Indian Administrative Service are either directly recruited through the Union Public Service Commission or promoted from civil services of the State government. The direct recruits are posted as Collectors in their twenties and thirties whereas the promotees from state civil services usually occupy this position in their fifties.

DUTIES

The District Collector is entrusted with a wide range of duties in the jurisdiction of the district. An Indian district has flanked by 11,054,131 to 7,948 residents, with an average of two million residents. The area of land in a district also varies widely, from 45,652 km (larger than Denmark or Switzerland) to 9 km. While the actual extant of the responsibilities varies in each State, they usually involve:

As Collector:

- Land assessment
- Land acquisition
- Collection of land revenue
- Collection of income tax dues, excise duties, irrigation dues etc.
- Sharing of agricultural loans

As District Magistrate:

- Maintenance of law and order
- Supervision of the police and jails
- Supervision of subordinate executive magistracy
- Hearing cases under the preventive section of the criminal procedure code
- Supervision of jails and certification of execution of capital sentences

As Crisis Administrator

- Disaster management throughout natural calamities such as floods, famines or epidemics
- Crisis management throughout riots or external aggression

As Development Officer

- Ex-officio chairman of the District Rural Development Agency, which carries out several developmental activities
- Chairman of the District Bankers Coordination Committee
- Head of the District Industries Centre

He is assisted through the following officers for carrying out day to day work in several fields:--

- Additional deputy commissioner
- Assistant commissioner (general)
- Assistant commissioner (grievances)
- Executive magistrate
- District revenue officer
- District transport officer
- District development and panchayat officer
- Civil protection officer
- Urban ceiling officer

POLICE ADMINISTRATION

The Indian Police Service, basically recognized as Indian Police or IPS, is one of the three All India Services civil services of the Government of India. In 1948, a year after India gained independence from Britain, the Indian Police Services (IPS), also recognized as the Indian (Imperial) Police, was replaced through the Indian Police Service.

OBJECTIVE

The First Police Commission, appointed on 17 August 1865, contained detailed guidelines for the desired system of police in India and defined the police as a governmental department to maintain order, enforce the law, and to prevent and detect crime. The Indian Police Service is not a force itself but a service providing leaders and commanders to staff the state police and all-India Para-Military Forces. Its members, who are all at least university graduates, are the senior officers of the police. With the passage of time Indian Police Service's objectives were updated and redefined, the current rules and functions of an Indian Police Service Officer are as follows:

- To fulfill duties based on border responsibilities, in the areas of maintenance of public peace and order, crime prevention, investigation, and discovery, collection of intelligence, VIP security, counter-terrorism, border policing, railway policing, tackling smuggling, drug trafficking, economic offences, corruption in public life, disaster management, enforcement of socio-economic legislation, bio-diversity and protection of environmental laws etc.
- Leading and commanding the Indian Intelligence Agencies like Research and Analysis Wing (R&AW), Intelligence Bureau (IB), Central Bureau of Investigations (CBI), Criminal Investigation

Department (CID) etc., Indian Federal Law Enforcement Agencies, Civil and Armed Police Forces in all the states and union territories.

- Leading and commanding the Para-Military Forces of India (PMF) which contain the Central Police Organisations (CPO) and Central Paramilitary Forces (CPF) such as Border Security Force (BSF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP), National Security Guard (NSG), Central Industrial Security Force (CISF), Vigilance Organisations, Indian Federal Law Enforcement Agencies.
- Serve at head of the departments in policy creation in the Ministries and Departments of Central and State Governments and public sector undertakings both at centre and states, Government of India.
- To interact and coordinate closely with the members of other All India Services and with the elite Indian Revenue Service and also with the Indian Armed Forces primarily with the Indian Army.
- Last but not the least, to lead and command the force with courage, uprightness, dedication and a strong sense of service to the people.
- Endeavour to inculcate in the police forces under their command such values and norms as would help them serve the people better.
- Inculcate integrity of the highest order, sensitivity to aspirations of people in a fast-changing social and economic milieu, respect for human rights, broad liberal perspective of law and justice and high standard of professionalism.

HISTORY

Prior to Independence, senior police officers belonging to the Imperial Police (IP) were appointed through the Secretary of State on the basis of a competitive examination. The first open civil service examination for admission to the service was held in England in June 1893 and the ten top candidates were appointed as probationers in the Indian (Imperial) Police. It is not possible to pinpoint an exact date on which the Indian Police came formally into being. Around 1907, the Secretary of State's officers were directed to wear the letters "IP" on their epaulettes in order to distinguish them from the other officers not recruited through the Secretary of State through examination. In this sense, 1907 could be regarded as the starting point. In 1948, a year after India gained independence; the Imperial Police was replaced through IPS.

SELECTION

IPS officers are recruited from the state police cadres and from the rigorous Civil Services Examination mannered through Union Public Service

Commission every year. Due to an ongoing shortage of police officers in India, the Ministry of Home Affairs proposed the creation of an Indian Police Service Limited Competitive Examination to be mannered through UPSC.

The Civil Services Examination has a three stage competitive selection procedure. At stage one, there is an objective kind examination described the preliminary exam. This is a qualifying examination. It consists of a General Studies paper and an aptitude test. Only the candidates who pass this can appear for the "Main Examination" which consists of nine papers. Each candidate has to select an optional subject (two papers) and to take four General Study's papers, an Essay, an English language paper and a local language paper. This is followed through an interview.

After selection for the IPS, candidates are allocated to a cadre. There is one cadre in each Indian state, with the exception of three joint cadres: Assam-Meghalaya, Manipur-Tripura, and Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMUT). Two-thirds of the strength of every cadre is filled directly through IPS officers and the remaining is promoted from the respective states cadre officers.

RANKS AND INSIGNIA

Ranks of the IPS

All State Police Services officers of and above the rank of Deputy Superintendent of Police (DSP) or Assistant Commissioner of Police (ACP) in State Police and Metropolitan Police forces respectively.

- National Emblem above One star above Crossed Sword and Baton
 - Director, Intelligence Bureau (Government of India)
- National Emblem above Crossed Sword and Baton: Commissioners of Police (State) or Director Generals of Police, States and territories of India
 - Director Generals, Indian Intelligence agencies (Government of India)
 - Director Generals, Indian Federal law enforcement agencies (Government of India)
 - Director Generals, Central Armed Police Forces (Government of India)
 - Secretary(ies) (R), Cabinet Secretariat, (Government of India)
 - Special Commissioners of Police or Additional Director Generals of Police, States and territories of India
 - Special or Additional Director Generals, Indian Intelligence agencies (Government of India)
 - Special or Additional Director Generals, Indian Federal law enforcement agencies (Government of India)

- Special or Additional Director Generals, Central Armed Police Forces (Government of India)
 - Special or Additional Secretar(ies) (R), Cabinet Secretariat (Government of India)
- One Star above Crossed Sword and Baton: Joint Commissioners of Police or Inspector-Generals of Police, States and territories of India
 - Joint Directors or Inspector-Generals, Indian Intelligence agencies (Government of India)
 - Joint Directors or Inspector-Generals, Indian Federal law enforcement agencies (Government of India)
 - Joint Directors or Inspector-Generals, Central Armed Police Forces (Government of India)
 - Joint Secretar(ies) (R), Cabinet Secretariat, (Government of India)
- National Emblem above three stars in a triangle: Additional Commissioners of Police or Deputy Inspector Generals of Police, States and territories of India
 - Directors or Deputy Inspector-Generals, Indian Intelligence agencies (Government of India)
 - Directors or Deputy Inspector-Generals, Indian Federal law enforcement agencies (Government of India)
 - Directors or Deputy Inspector-Generals, Central Armed Police Forces (Government of India)
 - Director(s) (R), Cabinet Secretariat, (Government of India)
- National Emblem above two stars: Deputy Commissioner of Police (Selection grade) or Senior Superintendent of Police in selection grade with 13+ years of service (IPS officers posted in insurgency infested states such as J&K also wear this rank before 13 years of service to facilitate coordination and interaction with Commanding Officers of paramilitary and the Indian Army.
 - Deputy Secretary(ies) (R), Cabinet Secretariat, (Government of India)
 - Other officers above selection grade
 - Commandants in Central Armed Police Forces (Government of India)
- National Emblem above one-star: Deputy Commissioner of Police or Superintendent of Police
 - Under Secretary(ies) (R), Cabinet Secretariat, (Government of India)
 - Commandant of Battalion
 - Other officer on Junior Administrative Grade with flanked by 9 and 13 years service
 - Second-in-Command in Central Armed Police Forces (Government of India)

- National Emblem: Additional Deputy Commissioner of Police or Additional Superintendent of Police
 - Other officers on senior time scale with 9 years service or less
 - Deputy Commandants of Central Armed Police Forces (Government of India)
- Three stars: Assistant Commissioner of Police or Assistant Superintendent of Police
 - Circle Officer (CO) in the states of Rajasthan and Uttar Pradesh
 - Sub-Divisional Police Officer (SDPO)
 - Assistant Commandant Central Armed Police Forces (Government of India)
- Two stars:
 - Assistant Superintendent of Police
 - Indian Police Service officer probationary rank on 2nd year of service
- One-star:
 - Assistant Superintendent of Police
 - Indian Police Service officer probationary rank on 1st year of service

REFORMS

India's police continue to be governed through an archaic and colonial police law passed in 1861. The Indian Constitution creates policing a state subject and so the state governments have the responsibility to give their communities with a police service. Though, after independence, mainly have adopted the 1861 Act without change, while others have passed laws heavily based on the 1861 Act.

Repeated major incidents, (latest of them being 2012 Delhi gang rape case) revealed failure of police to uphold the rule of law.

The need for reform of police in India has been long recognized. There has been approximately 30 years of debate and discussion through government created committees and commissions on the way forward for police reform, but India remains saddled with an outdated and old-fashioned law, while report after report gathers dust on government bookshelves without implementation. Several committees on police reforms have recommended major reforms in the police system coupled with systematic accountability.

National Police Commission (1977-81)

National Police Commission was the first committee set up through the Indian government to report on policing. The National Police Commission began sitting in 1979, in the context of a post-Emergency India, and produced eight reports, including a Model Police Act, flanked by 1979 and 1981.

Ribeiro Committee (1998-99)

In 1996, two former senior police officers filed a Public Interest Litigation (PIL) in the Supreme Court, asking for the Court to direct governments to implement the recommendations of the National Police Commission. The Supreme Court directed the government to set up a committee to review the Commission's recommendations, and therefore the Ribeiro Committee was shaped. The Committee, under the leadership of J. F. Ribeiro, a former chief of police, sat over 1998 and 1999, and produced two reports.

Padmanabhaiah Committee (2000)

In 2000, the government set up a third committee on police reform, this time under the stewardship of a former union Home Secretary, K. Padmanabhaiah. This Committee released its report in the same year.

Soli Sorabjee Committee (2005)

In 2005, the government put together a group to draft a new police Act for India. It was headed through Soli Sorabjee (former Attorney General). The committee submitted a Model Police Act to the union government in late 2006.

Supreme Court intervention (2006)

In 1996, Prakash Singh (a former Directors General of Police of the states of Assam and subsequently Uttar Pradesh and finally Director General of the Border Security Force) initiated a Public Interest Litigation (PIL) in the Supreme Court of India, asking the court to investigate measures to reform the police forces crossways India to ensure the proper rule of law and improve security crossways India. The Supreme Court studied several reports on police reforms. Finally, in 2006, a bench of Justice Y.K. Sabharwal, Justice C.K. Thakker and Justice P.K. Balasubramanyan ordered the state governments to implement many reforms in police force.

Many measures were recognized as necessary to professionalize the police in India:

- A mid or high ranking police officer necessity not be transferred more regularly than every two years.
- The state government cannot ask the police force to hire someone, nor can they choose the Chief Commissioner.
- There necessity is separate departments and staff for investigation and patrolling.

Three new authorities will be created in each state, to prevent political interference in the police and also to create the police accountable for their heavy-handedness, which will contain the creation of:

- A *State Security Commission*, for policies and direction
- A *Police Establishment Board*, which will decide the selection, promotions and transfers of police officers and other staff
- A *Police Complaints Authority*, to inquire into allegations of police misconduct.

Follow-up from Supreme Court

In 2006, due to a lack of action through all the state governments, the Supreme Court ordered the state governments to report to it why the reform measures outlined were not implemented. After being questioned in front of the judges of the Supreme Court, the state governments are finally starting to reform the police forces and provide them the operational independence they need for fearless and proper law enforcement. Tamil Nadu Police has been in the forefront of application of the new referendum.

Again, in October 2012, a Supreme Court bench of Chief Justice Altamas Kabir and Justices SS Nijjar and Jasti Chelameswar asked all state governments and Union territories to inform about compliance of its September 2006 judgment. The order was passed when Prakash Singh through his lawyer Prashant Bhushan said that several of the reforms (ordered through the Supreme Court) have yet to be implemented through many governments.

MUNICIPAL ADMINISTRATION

MEANING AND NATURE OF LOCAL SELF-GOVERNMENT

Local Government or Local Self-Government is the Government of a locality. It is not the area of the State Government. It is an autonomous unit like the State or Central Government. It is the local will, not the will of the Centre or State, which is reflected through the Local Government. National Government is for the whole nation; hence it is big Government. Through contrast, Local Government looks after the 'local' functions like water supply, local streets, garbage collection and disposal and similar other local needs. It is small but significant Government for a local area, which can be a town or a group of villages.

The adjective 'local' stands for a small geographical area. Also, it means intimate social relations of the people in a limited geographical space. The other word, 'Government' stands for a public authority. In a democracy, Government may be at national stage, state stage and the Local Government at the local stage. Below the local stage, there is the 'local' stage where 'Government' can be legally constituted. This means, there are several Local Government units below the National and Local Governments, which exercise authority and discharge a number of significant local functions on the basis of

statutory decentralization. Local Self-Government has three significant characteristics:

- It is elected through the people of the local area;
- It has the power to levy taxes and other fees, like any other government; and
- Its functions and activities are clearly laid down in law so that within the scheme of legislation local self-government enjoys a degree of autonomy.

Therefore, the Local Self-Government is a statutorily constituted democratic Government with a degree of autonomy exercising jurisdiction over a limited geographical area. The Local Self-Government in a liberal democracy marks for decentralization of power. So, it is measured as a means of enriching and deepening democracy through extending freedom of action to several localities. It was the view of John Stuart Mill that Local Government makes circumstances for popular participation in governance, and in this procedure the system has great educative value for good citizenship in a country.

Forms of Local Self-Government

There are two common forms of Local Self-Government that is Urban Local Self Government and Rural Local Self-Government. We have Panchayati Raj Institution in the rural areas. In the urban areas - in the cities and towns - there are Municipal Corporations and Municipalities. According to the 74th Constitutional Amendment the Urban Local Self-Government has been classified into three kinds, that is, Municipal Corporation, Municipal Council and Municipal Committee.

URBANISATION IN INDIA

An urban area is one, which is formally so declared through the statutory establishment in that area of a municipal body, a notified area or a cantonment through a definite legislation. Therefore, there are Municipal Acts in dissimilar States under which municipal bodies are set-up through the State Governments in specific areas. Cantonment areas are governed through the Central legislation. There can be other areas also that can be declared as 'urban' through the census authorities. The urban population, which was around 3 per cent at the beginning of the 19th century rose to about 10 per cent through the beginning of the 20th century. Flanked by 1901 and 1921 urban population grew very slowly that is, it rose from 25.6 million to 27.6 million and flanked

by 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 augment in the urban population of the country. In 1961 the urban population stood at 77.5 millions and through 1981 it had more than doubled to create it 109.6 million constituting about 23.7 per cent of India's total population. On the basis of census calculation it can be said that India's urban population has been rising steadily. In 1971 total urban population in India stood at 109.11 million, which rose to 159.46 million in 1981, and 218 million in 1991. Throughout 1971-81 decade India's urban population increased almost 5 million per annum, or 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. In 1991 census, country's total urban population stood at 217.18 million and the average annual growth rate flanked by 1981-9.1 was 3.09 per cent. Flanked by 1988 and 2001 the projections estimate India's urban population to become approximately double and from 2001 to 2021 it is expected to double again taking the urban population to more than 600 millions.

India recorded a population of 1,027,015,247 on 1st March 2001. The data designates that 72.2 per cent persons were recorded in rural areas and remaining 27.8 per cent in urban areas. Urban population growth is supposed to be an indicator of general economic development. Delhi is the mainly Urbanized State in India with over 93per cent of its population being Urban. Amongst the other major States, the mainly urbanized is Tamil Nadu with 43.86 per cent urban population. Maharashtra has the maximum urban population but is the second mainly urbanized State with 42.40 per cent Urban Population. Uttar Pradesh contributing almost 21 per cent to the State's total population, but in conditions of urbanization it ranks twenty fifth in the list. Gujarat is third mainly urbanized State having 37.35 per cent urban population. The Himachal Pradesh is least urbanized (mainly Rural) State having 9.79 per cent followed through Bihar 10.47 per cent and Sikkim 11.1 per cent.

In India, lack of employment opportunities in the rural areas has led to city ward migration of large rural population, which is commonly recognized as the 'push' factor of urbanization. The migrants usually choose to settle in large cities where, as a consequence, population augments not matched through planned infrastructure development. Roads, water supply, housing, drainage and sewerage, transportation facilities - all suffer from short supply in the face of mounting population pressure. Our large cities like Kolkata, Mumbai, Chennai, Delhi etc. are all having large slum population and there is chronic shortage of essential civic services and facilities in these cities. There has been a notion that India is an over-urbanized State, because of their substantial augment in population over the years. This thesis is advanced on the ground that there is a mismatch flanked by the stages of industrialization and

urbanization. The procedure of urbanization is costly and impinges upon the economic growth. The State of infrastructure is poor and is not in a position to take the rising urban pressure.

SEVENTY-FOURTH CONSTITUTIONAL AMENDMENT

Far reaching changes have been brought about for both Municipal Government and Panchayati Raj Institutions through the two Constitutional Amendments: the Seventy-third (73rd) Constitutional Amendment Act, 1992 for Panchayati Raj, and the Seventy-fourth (74th) Constitutional Amendment Act, 1992 for Municipal Bodies. The Constitution of India now gives for the constitution of three kinds of institutions of Urban Local Self-Government. These are Municipal Corporations in larger urban areas, Municipal Councils in urban settlements, and Nagar Panchayats in 'transitional' areas, which are neither fully urban nor fully rural. In addition, it gives for decentralization of municipal administration through constituting Ward Committees in territorial areas of such municipalities, which have more than three- lakh population.

Composition

The Municipal authorities are to be constituted of:

- The elected representatives who are to be elected from the dissimilar electoral wards;
- The members of the house of the people and the legislative assembly of the state representing constituencies, which are wholly or partly under the municipal area;

- The members of the council of states and the state legislative council who are registered as electors within the municipal area; chairpersons of the committees of the municipal authorities; and persons having special knowledge or experience in municipal administration (without right to vote).

The Ward Committees are to be composed of members of the Municipal Council representing the wards within the jurisdiction and one of the elected representatives from within the wards is to be appointed as its Chairperson. But the constitution gives discretion to the State Government to decide the composition. Another significant provision of the Constitution Amendment pertains to the municipal authorities, right to exist. It gives a term of five years, to the municipalities and if at all they have to be dissolved, they necessarily be given an opportunity of being heard. Even if they have to be dissolved because of any irregularity, fresh elections are to be held within six months. This prevents the phenomenon of prolonged super session or years together.

Empowerment of weaker sections of society and women is one of the substantive provisions of the Constitution Amendment. With a view to empowering the scheduled castes and tribes as well as women, it gives for the reservation of seats in the Council. Besides such reservations, the mainly significant provision of the Constitution Amendment is empowerment of women for which one-third of the total seats are to be reserved. To keep the municipal elections out of the direct control of the State Government, and to ensure free and fair elections to the municipal bodies, the Constitution Amendment has provided for an independent State Election Commission (also for Panchayat elections), consisting of an Election Commissioner to be appointed through the Governor.

The mainly significant characteristic of the Seventy-Fourth Constitutional Amendment, in financial sphere, in the mandatory constitution of Finance Commission through the State Government is once in every five years. The State Finance Commission is to create recommendations concerning the principles to govern sharing of the State taxes, fees etc. flanked by the State Government and the Municipalities; and also its sharing in the middle of the Municipalities. The commission has also to suggest the principles for the determination of taxes and fees to be assigned to them and the grant-in-aid to be given to the municipal authorities out of the consolidated fund of the State. It also has the mandate to suggest ways and means of improving the financial position of the municipal authorities.

Moreover, the need for non-plan funds of the Municipalities is now to be

looked through the Union Finance Commission as well. Federal transfers will now be accessible also for the municipal authorities. This is an amendment of far reaching importance. The Constitution Amendment gives for setting up of the District Planning Committees to consolidate the plans prepared through the Municipalities and the Panchayats within the district; and to prepare a draft development plan for the district as a whole. The Municipalities are to be represented on it. Plans so prepared are to be forwarded through the Chairperson of the Planning Committee to the State Government. Likewise, Metropolitan Planning Committees are to be set up in the metropolitan areas on which the municipal authorities are to be represented.

The 74th Constitution Amendment is a landmark legislation that, for the first time, accords constitutional status to Municipal Government and gives for broader social participation in local councils, people's involvement in civic development, enlargement of functional domain through inserting the Twelfth Schedule, stability through regular elections and regular funds flow from the higher stage Governments. The other significant dimension is constitutional recognition of micro-stage planning coordinated through the District Planning Committee. These are the brighter characteristics of the Amendment. There are, though, the grayer areas as well. It has missed a valuable opportunity to specify the functions and also the sources of local revenues. This would have prevented the State encroachment into these spheres.

URBAN LOCAL SELF-GOVERNMENT

Following the 74th Constitutional Amendment Act, 1992 Urban Local Self Government in India has been classified into three kinds - Municipal Corporations, Municipalities and Nagar Panchayats. We are familiar with the names of the Kolkata Municipal Corporation, Delhi Municipal Corporation and similar other Corporations in our big cities. In the small and medium towns, there are Municipalities that are sometimes described Municipal Boards or Municipal Committees. Where a place is neither fully rural or fully urban, and it is going through a procedure of urbanization because of industrialization or location of big development projects, a notified area committee or a town committee used to be set up as an interim measure. Under the 74th Constitutional Amendment a Nagar Panchayat shall be set up in such 'transitional areas'. Indeed, an urban area, irrespective of its size, needs a local Government for the provision of civic services and facilities such as water supply, garbage clearance, construction and maintenance of roads. These are some of the significant services that an Urban Government has to give to sustain civic life in an area. The Municipal Corporation, Municipal Council and Municipal Committee as per the size of the area give these services.

Municipal Corporation

The administration of civic affairs, in a city is a challenge. The separate feature of a city is the vast concentration of population within a limited area. The management of civil services so, requires an effective organizational structure, adequate finance and efficient personnel. The Municipal Corporation as a form of city Government occupies the top position in the middle of the local authorities in India. Normally, the Corporation form of urban Government is found in major cities like Mumbai, Delhi, Kolkata, Chennai, Hyderabad, Bangalore, etc.

Municipal Corporation is recognized through a special statute, which is passed through the State legislature. In case of Union Territories, they are recognized through Acts passed through the Parliament. Such legislation may be enacted specially for a scrupulous corporation or for all Corporations in a State, for instance the Mumbai and Kolkata Corporations were recognized through separate legislation. Whereas in Uttar Pradesh and Madhya Pradesh, the State stage legislation governs the constitution and working of the Corporation. The Municipal Corporation usually enjoys a greater measure of autonomy than other forms of local Government. In approximately 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.

In Haryana, there is only one Municipal Corporation (MC) that is in Faridabad with more than 5 lakhs population. MC is constituted for governing the area. It has both elected and nominated (ex-officio) members. MC, Faridabad has at present 24 elected Councilors. Under the amended municipal law of the State, election to the municipal body's necessity take place every five years, unless a municipal body is dissolved earlier. The Mayor elected through the members of the Corporation from amongst themselves is the first citizen of the city and presides over the meetings of the city Corporation. In view of the importance of the city, the Mayor who is first citizen of the city is a Political Head. He presides over the meetings of the Corporation and usually exercises limited administrative control over the working of the Municipal Corporation. General pattern in India is that the council elects the Mayor for a term of one year and he can be re-elected. Normally, the Mayors are ceremonial Heads without any executive authority. The rural-urban relationship committee, which went into the problem of power for the mayor did not favor any substantial increase. If the mayor is to be elected through the voters of the whole city enjoying five years term in Andhra Pradesh, there is a

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.

Commissioner

The institution of Commissioner was created for the first time in 1888 based on the philosophy that the policy-creation and policy implementation functions in cities need to be separated. This was later recommended through the Decentralization 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 through the Council. The State Government appoints the Commissioner. Normally, he is a senior officer belonging to the Indian Administrative Service. 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 through the Councilors. He acts as a link flanked by the Government and Corporation. He has wide power of appointment and discipline as also supervision and control over the personnel. He also exercises financial discretionary and emergency power. In all these areas, there are variations from Corporation to Corporation.

Municipal Council

Every State in the country has enacted legislation for the constitution of the Municipalities in the State specifying their functions, structure, resource and their role in civic administration. Urban areas having towns with population ranging from above 50,000 to 500,000 are governed through elected municipal bodies recognized as Municipal Councils. Any municipal area with 3,00,000 population necessarily form Ward Committees to ensure true people's participation in the governance of the area.

Ward Committees

Ward Committees give population participation in the urban governance and bring the municipal governance closer to the people. In this regard, Article 243 gives for the constitution of Ward Committees in all Municipalities, which have a population of 3 lakhs. It gives that two or more wards could be combined for the purpose of constituting a Ward Committee. The composition, territorial jurisdiction and the manner in which the seats to Ward Committees have to be filled, has been left to the hands of State Legislature.

Municipal Committee

Those urban areas which are undergoing transition and have a population

of less than people are governed through municipal or town committees, the members of which are elected through the resident citizens of the area concerned.

Composition of Municipalities

The membership of Municipalities consists of two categories of Councilors, viz., directly elected Councilors and nominated ones. The number of elected Councilors varies according to the size of the population of the territorial area of the Municipal Corporation, Municipal Council or Municipal Committee. In the case of nominated Councilors, the State law needed to specify the circumstances and procedures for nomination of such representatives. The nominated members contain the Member of the House of People (Lok Sabha) that of the Legislative Assembly of the State representing constituencies, which are wholly or partly under the municipal area; Member of the Council of the States (Rajya Sabha) and of the Legislative Council of the State who are registered as electors within the municipal area; Chairpersons of committees of the municipal authorities and persons having special knowledge or experience in municipal administration but do not have the right to vote in the meetings of the Council.

Mayor in council System

When the Left Front Government came to power in West Bengal in 1977, the task of municipal reform was taken up seriously. A new Bill for the Kolkata Municipal Corporation was introduced in 1979 in the legislature. It provided for, in the middle of other things, a Mayor in Council as the political executive in the new Corporation. The new Act recognized as the Kolkata Municipal Corporation Act (1980) has since been enforced. In a way, the new Act seeks to resume the old thread of supremacy of the political wing in Corporation Governments which was what Surendranath Banerjee described 'Swaraj' in 1923. The new legislation for the Municipal Government of Kolkata marks a turning point in the history of Municipal Government in India. It reflects a political mood to keep in step with the form of change. Again, the chief functionaries of the Corporation of Kolkata like the Mayor, Deputy Mayor or members of the Standing Committees so long elected for a year at a time could hardly ensure a stability of administration and left matters mostly to bureaucratic machineries. This also needs to be turned to the trend of democratization of self-government institutions.

The Kolkata Municipal Corporation

Under the Kolkata Municipal Corporation Act, 1980 three Municipal

authorities have been provided for, viz., (a) the Corporation, (b) the Mayor in Council and (c) the Mayor. The Corporation is a body consisting of elected Councilors, some alderman and a few ex-officio members. The Mayor is elected for five years from in the middle of the elected members of the Corporation. He may be removed from the office through the same body under special circumstances. He will continue in office till his successor takes over.

The Act makes a Cabinet like Mayor in Council consisting of the Mayor, the Deputy Mayor and not more than ten other elected members of the Corporation. The Mayor from in the middle of the elected members of the Corporation nominates the Deputy Mayor and other members of the Council. The Mayor may also remove them. The Mayor in Council is collectively responsible to the Corporation. There is also a Chairman of the Corporation. The elected members of the Corporation, from in the middle of the members elect him for five years. He convenes the meeting of the Corporation and presides over them like a Speaker of the Legislature.

There is also a single statutory committee, the Municipal Accounts Committee. The essential function of this Committee is like the Public Accounts Committee of the legislature to look at the accounts of the Corporation scrutinizes the reports on the accounts through the auditor and to submit report to the Corporation every year.

Borough Committee

Another significant characteristic of the new Act is the provision for a second tier administration in the form of Borough Committees. The design is moved through the desire to make local administrative units that would be easily accessible to the citizens for their day to day necessities. The Act, so, has introduced virtually a two-tier structure of Municipal Government in the city of Kolkata.

Ward Committee

In conventionality with the necessities of the 74th Constitutional Amendment Act, the Corporation of administration has been further decentralized through creating a third tier below the Borough Committee, that is, a ward committee in every ward or electoral constituency. Now, the Commissioner is the principal executive officer of the Corporation. He has to function under the supervision and control of the Mayor. The Mayor in Council form of Government has been introduced in all the Municipal Corporations in West Bengal.

URBAN DEVELOPMENT AUTHORITIES

Urban Development is very complex and accordingly the strategies for developing urban areas are multi-faced. One of the troubles of urban areas today is to prevent haphazard and unplanned physical growth in and around them. When the municipal areas at several places cross their boundaries due to unplanned development of per-urban area, the improvement of living circumstances 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 it, either to extend the municipal boundaries and strengthen them administratively and financially, or to have a separate agency with more power and finances. The Estimates Committee of the Fifth Lok Sabha recommended the setting up of development authorities for the rapidly rising cities and major towns to achieve a planned development. The planning commission also indicated the

desirability of structural innovations in urban local Governments throughout the Fifth Plan. This led to the constitution of urban development authorities for several metropolitan and other cities. The Delhi Development Authority was the first to be set up in 1964. 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:

- To prepare and implement plans for development of the area.
- To prepare zonal development plans for the zones into which the development area may be divided.
- To Control the use of land for several purposes.
- To carry out development work and give infrastructural facilities.

Broadly speaking, 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 utilization of land in accordance with the master and zonal plans. They supplement the development activities of the Municipalities and Corporations. These urban development authorities face many bottlenecks in the discharge of their functions. These contain troubles of coordinating flanked by the development authority and the Corporation or Municipality, inadequate possessions and lack of enough and competent technical staff.

ADMINISTRATIVE STRUCTURE

Competent personnel are essential for the efficient management of civic services. Failure to recruit appropriate personnel was attributed as one of the

reasons for the inefficient and the poor image of the Municipalities in the country. Three broad kinds of personnel systems prevail in India. Sometimes they are adopted in combination. Firstly, the Integrated Service in which personnel is interchangeable flanked by the State Government and Municipalities. In this, the officers of the State Government and Municipalities form a part of the same service and are transferable flanked by 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 whole State. The personnel of this service are transferable from one municipality to another. It is administered and controlled through State stage 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 mainly of the western countries.

Personnel working in the Municipalities may belong to any one or all the three categories. These three personnel systems have sure separate advantages as well as disadvantages. The chief merit of the Integrated Service System is that there is no distinction flanked by State and local services. So, Municipalities can draw upon the services of appropriate 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 specialization in municipal offices as recruitment is made specifically for the local bodies, they are transferable from Municipality to Municipality. So, they gain experience. This system is criticized 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 an ideal. In this system, Municipality can exercise total control over the officers. Under this system there is no scope for divided loyalties which strengthened the identity flanked by officers and the Municipality. The Municipal Acts usually prescribe the source of recruitment of several categories of personnel. The State Governments are not only creating cadres of municipal services but are also laying down the service circumstances. In the urban local bodies, there are two dissimilar categories of officials. Firstly, the administrative component consists of the Commissioner, Officers, and general administrative staff. Second category is the technical official like Engineers, Health Officers, Town Planners, Finance Officers, etc. Depending upon the categorization of Municipality, its resource base and the necessities, the number as well as the stage of specialization 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. Local bodies are unable to attract competent people because of the poor resource base. The officials coming on deputation from other State stage Departments consider it a punishment rather than a

pleasure. Another problem is that of relations flanked by administrative officials and the Chairman and the Councilors. Unless cordial relationship exists flanked by them, the civil administration will suffer badly.

FINANCE

Urban local bodies require adequate possessions to undertake their obligatory and discretionary functions stipulated in the Act. The Municipal Authorities get their income primarily from their own sources, that is, the tax and non-tax sources, which have been assigned through the State Government and are mentioned in the Municipal Statutes.

A municipal council can statutorily impose the taxes, as follows:

- Tax on structures and lands, which besides a general tax also comprises rates on water, lighting, fire service, etc;
- Tax on structures payable beside with the application for sanction of the structure plan;
- Tax on professions, trades etc.
- Tax on vehicles (other than motor vehicles),
- Tax on animals;
- Tolls on roads and ferries; and Octroi.

Non-tax sources contain:

- Rents on land and houses;
- Sale proceeds of land and other products of land;
- Fees from educational institutions;
- License fees;
- Fines for violating municipal through-laws and other fines and fees, and
- Receipts from slaughter houses.

In addition, there are provisions for shared revenues, grant-in-aid and loans from the Government and financial institutions, besides tax and non-tax sources. The possessions of local bodies come from both internal and external sources. Receipt of Municipalities in Chennai highlight that the income from taxable sources constitutes 29 per cent and from non taxable source 43 per cent. Internal receipts contain sources from others also that is total 57 per cent. Grants and loans from River Action Programme etc. constitute 5 per cent. This designates that internal sources constitute more than half of the total resource base of the urban local bodies. They also receive financial assistance from the Government in conditions of devolution (13 per cent), entertainment tax (5 per

cent), surcharge on stamp duty (9 per cent) and grants, loans and receipt from others (12 per cent). There are variations from State to State.

The expenditure pattern of Municipalities in Chennai (Department of Economics and Statistics, Chennai) reflects that out of the total expenditure 40 per cent is spent on salaries and pension; 32 per cent on maintenance of street lights, water supply, roads, conservancy and others from the revenue account and 28 per cent from the capital account. The data highlights that sound resource base are one of the major necessities of urban local bodies for development works. The committees and commissions, both at the National and State stage have recommended both short-term and long-term measures. Unluckily, no serious efforts are being made to correct this imbalance flanked by functions and finances in the urban local bodies. The 74th Constitution Amendment is a bold step in this regard.

STATE AND LOCAL SELF-GOVERNMENT

Urban local bodies are institutions of decentralization created through the State Government through the Municipal Acts. The provisions of the Act govern the relations flanked by the two. There are many criticisms about State control over local bodies, which are theoretically autonomous. There are four reasons as to why State should exercise control. Firstly, the State Government makes local bodies. Secondly, as part of the State there is a need for homogeneous development of all the areas, which can be ensured through the State? Thirdly, personnel with technical skills and experience required in nation structure activities have to be provided through the State. And finally the State Government provides financial assistance to local bodies, which implies control to ensure that the money is properly utilized. Whatever is the rationale, the major objective of control and supervision through the State Government is to ensure efficiency in the performance of functions through the units of Local Self-Government. But what is significant is that guidance and control should not be negative. It should strengthen their confidence and enable them to assume more responsibilities. So, there is a need for high degree of cooperation and coordination flanked by them rather than acrimony.

There is a feeling in the country that the stronghold of the State Government 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 valuable little. Secondly, the power of super session and dissolution are being indiscriminately used against local bodies. For instance, in 1989, out of 73 Municipal Corporations in the country 39 were superseded at dissimilar points of time. This is indicative of the extent of control exercised

in the States over the local bodies. Mainly committees have recommended measures to strengthen the resource base and also the capability of these institutions. Acceptance and implementation of these recommendations would go a long way in ensuring cooperative relations flanked by the State Government and urban local bodies.

It is to be noted that the 74th Constitution Amendment gives a term of five years to the Municipalities. The Government may dissolve the bodies but fresh elections are to be held within a period of six months. Moreover, to augment the possessions of the Municipalities a Finance Commission has been constituted in every State.

PANCHAYATI RAJ AND LOCAL GOVERNMENT

PANCHAYATI RAJ

The panchayati raj is a South Asian political system mainly in India, Pakistan, Bangladesh and Nepal. It is the oldest system of local government in the Indian subcontinent. The word "panchayat" literally means "assembly" (*ayat*) of five (*panch*) wise and respected elders chosen and accepted through the local community. Though, there are dissimilar forms of assemblies. Traditionally, these assemblies settled disputes flanked by individuals and villages. Modern Indian government has decentralized many administrative functions to the local stage, empowering elected gram panchayats. Gram panchayats are not to be confused with the unelected khap panchayats (or caste panchayats) found in some parts of India.

Panchayat raj

Panchayat Raj is a system of governance in which gram panchayats are the vital units of administration. It has 3 stages: Gram (village, though it can comprise more than one village), Janpad (block) and Zilla (district).

The term "panchayat raj" is relatively new, having originated throughout the British administration. *Raj* literally means "rule". Mahatma Gandhi advocated *Panchayati Raj*, a decentralized form of Government where each village is responsible for its own affairs, as the foundation of India's political system. The term for such a vision was *Gram Swaraj* ("village self-governance"). The leader of the panchayat was usually described the mukhiya, a position which was both hereditary and elected.

Recommendations of Balwant Rai Mehta Committee

The Balwant Rai Mehta Committee was a committee appointed through the Government of India in January 1957 to look at the working of the Community Development Programme (1952) and the National Extension

Service (1953) and to suggest measures for their better working. The recommendations of the committee were approved through NDC in January 1958 and this set the stage for the launching of Panchayati Raj Institutions throughout the country. The committee recommended the establishment of the scheme of 'democratic decentralization' which finally came to be recognized as Panchayati Raj.

(i) Establishment of a 3-tier Panchayati Raj system - Gram Panchayat at the village stage, Panchayat Samiti at the block stage, and Zila Parishad at the district stage.

This system was adopted through state governments throughout the 1950s and 60s, as laws were passed to establish panchayats in several states. It also found backing in the Indian Constitution, with the 73rd amendment in 1992 to accommodate the thought. The Amendment Act of 1992 contains provision for devolution of powers and responsibilities to the panchayats both for the preparation of economic development plans and social justice, as well as for implementation in relation to 29 subjects listed in the eleventh schedule of the constitution.

The panchayats receive funds from three sources:

- Local body grants, as recommended through the Central Finance Commission
- Funds for implementation of centrally sponsored schemes
- Funds released through the state governments on the recommendations of the State Finance Commissions

In the history of Panchayati Raj in India, on 24 April 1993, the Constitutional (73rd Amendment) Act 1992 came into force to give constitutional status to the Panchayati Raj institutions. This act was extended to Panchayats in the tribal areas of eight states, namely Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Odisha and Rajasthan starting 24 December 1996. Currently, the Panchayati Raj system exists in all the states except Nagaland, Meghalaya and Mizoram, and in all Union Territories except Delhi. The Balwant Rai Mehta Committee was a committee appointed through the Government of India in January 1957 to look at the working of the Community Development Programme (1952) The Act aims to give a 3-tier system of Panchayati Raj for all States having a population of over 2 million, to hold Panchayat elections regularly every 5 years, to give seats reservations for scheduled castes, scheduled tribes and women; to appoint a State Finance Commission to create recommendations as regards to the financial powers of the Panchayats and to constitute a District Planning Committee to prepare a development plan draft for the district. The 3-tier system of Panchayati Raj consists:

- Village-stage Panchayats
- Block-stage Panchayats
- District-stage Panchayats.

Powers and responsibilities are delegated to panchayats at the appropriate stage:

- Preparation of the economic development plan and social justice plan.
- Implementation of schemes for economic development and social justice in relation to 29 subjects given in the Eleventh Schedule of the Constitution.
- To levy and collect appropriate taxes, duties, tolls and fees.

Block panchayati

A block panchayat (*panchayat samiti*) is a local government body at the tehsil or taluka stage in India. This body works for the villages of the tehsil or taluka that together are described a Development Block. The panchayat samiti is the link flanked by the gram panchayat and the district administration. There are a number of variations of this institution in dissimilar states. It is recognized as Mandal Praja Parishad in Andhra Pradesh, Taluka panchayat in Gujarat, Mandal Panchayat in Karnataka, Panchayat Samiti in Maharashtra etc. In general, the block panchayat is a form of the Panchayati raj but at a higher stage.

Constitution

The constitution is composed of ex-official members (all sarpanchas of the panchayat samiti area, the MPs and MLAs of the area and the SDO of the subdivision), co-opt members (representatives of SC/ST and women), associate members (a farmer of the area, a representative of the cooperative societies and one of the marketing services), and some elected members. The samiti is elected for 5 years and is headed through the Chairman and the Deputy Chairman.

Departments

The common departments in the Samiti are as follows:

- General administration
- Finance
- Public work
- Agriculture
- Health
- Education
- Social welfare
- Information technology, and others.

There is an officer for every department. A government appointed Block Development Officer (BDO) is the executive officer to the Samiti and the

chief of its administration.

Functions

- Implementation schemes for the development of agriculture.
- Establishment of primary health centers and primary schools.
- Supply of drinking water, drainage and construction/repair of roads.
- Development of cottage and small-scale industries, and the opening of cooperative societies.
- Establishment of youth organisations.

Sources of income

The main source of income of the panchayat samiti is grants-in-aid and loans from the State Government.

District stage panchayati

The governing system at district stage in Panchayat Raj is also popularly recognized as "Zila Parishad". Chief of administration is an officer from IAS cadre.

Functions:

- Give essential services and facilities to the rural population
- Supply improved seeds to farmers. Inform them of new farming techniques
- Set up and run schools and libraries in the rural areas
- Start Primary Health Centers and hospitals in villages. Start vaccination drives against epidemics
- Execute plans for the development of the scheduled castes and tribes. Run ashramshalas for adivasi children. Set up free hostels for them
- Encourage entrepreneurs to start small-scale industries and implement rural employment schemes
- Construct bridges, roads & other public facilities and their maintenance
- Give employment

Sources of Income:

- Taxes on water, pilgrimage, markets, etc.
- Fixed grant from the State Government in proportion with the land revenue and money for works and schemes assigned to the Parishad.

Centrality of Panchayati Raj Institutions

In several Centrally Sponsored Schemes (CSSs) and Additional Central Assistance (ACAs) the Panchayati Raj Institutions (PRI's) have been given centrality

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)

Under Section 13 of the Act, Panchayats at district, intermediate and village stages are the principal authorities for planning and implementation of MGNREGA. and at least 50 per cent of MGNREGA funds are to be spent through the Gram Panchayats (GPs). For this the Gram Sabhas (GSs) has to recommend special projects to the GPs and conduct social audit of MGNREGA works. Also the District Programme Coordinators and Programme Officers are to assist District and Intermediate Panchayats respectively in discharge of their functions.

Saakshar Bharat Mission(SBM)

The SBM launched in 2009, is a programme aimed at creating a Literate Society through a diversity of teaching learning programmes for non-literate and neo-literate of 15 years and above. The SBM is envisaged to involve community PRI's and women self-help groups in its endeavour. Around 495 blocks with 7,739 panchayats will be sheltered under the mission. Each panchayat would have a Lok Shiksha Kendra. A male and a female prerak, elected through the panchayat, will comprise a Lok Shiksha Kendra to monitor the volunteers under the mission. Each Lok Shiksha Kendra will have around 50-60 Shiksha Kendras, where each volunteer would educate around 20-30 persons in an area.

National Rural Drinking Water Programme (NRDWP)

The Ministry of Drinking Water and Sanitation has revised the NRDWP guidelines under which, from 2011–12, in the inter-State allocation criteria, 10% scheme funds have been connected to States' performance on a Management Devolution Index (MDI) which measures the extent to which a State has decentralized the management of the programme.

Funds for Panchayati Raj Institutions

Funds from Central Government

The national stage plan for improving the functioning of Panchayati Raj Institutions(PRIs) is chalked out in the Roadmap for Panchayati Raj (2011-2017).It has been noted that due to poor resource base and economic activity in rural areas, the Panchayats would continue to depend on State/Central transfers, grants etc. The national roadmap is enabled and assisted through the Central Government through the provision of funds under many schemes.

Computerization of Functioning of Gram Panchayats

Government of India formulated e-Panchayat Mission Mode

Project(MMP) for e-enablement of all the Panchayats, to create their functioning more efficient and transparent. The Project received in principle approval from the Planning Commission in August 2007. Under the e-PanchayaMMP, 11 Core Common Software applications were planned. Four of these applications namely PRIASoft, PlanPlus, National Panchayat Portal and Local Governance Directory have been rolled out. Six more applications except Geographic Information System (GIS) namely Area Profiler, Service Plus, Asset Directory, Action Soft, Social Audit and Trainings Management have also been launched on 24 April 2012 on the occasion of National Panchayat Day. Software Application !! Used for - PRIASoft An online cash-based double entry accounting software that implements the Model Accounting System for PRIs

‘Plan Plus’ Facilitates planning through Panchayats, Urban and rural Local bodies and line departments The National Panchayat Portal Over 2,36,500 dynamic websites have been created for Panchayats (95% adoption) and 30,000 of these websites are seeing an active content upload - Local Governance Directory Captures details of local governments and assigns unique code to all Panchayats to ensure interoperability amongst all applications of Panchayat Enterprise Suite (PES). It also maps Panchayats with Assembly and Parliamentary Constituencies.

Reservation for women in PRIs in India

The Union Cabinet of the Government of India, on 27 August 2009, approved 50% reservation for women in PRIs (Panchayati Raj NIJO Institutions). The Indian states which have already implemented 50% reservation for women in PRIs are Madhya Pradesh, Bihar, Uttarakhand and Himachal Pradesh. As of 25 November 2011, the states of Andhra Pradesh, Chhatisgarh, Jharkhand, Kerala, Maharashtra, Orissa, Rajasthan and Tripura also reserve 50% of their posts for women.

LOCAL GOVERNMENT

Panchayati Raj (Rule of Village Committee) Panchayati Raj system is a three-tier system in the state with elected bodies at the Village, Taluk and District stages. It ensures greater participation of people and more effective implementation of rural development programmes. There will be a Grama Panchayat for a village or group of villages, a Taluk stage and the Zilla Panchayat at the district stage. India has a chequered history of panchayati raj starting from a self-enough and self-governing village communities that survived the rise and fall of empires in the past to the modern institutions of governance at the third tier provided with Constitutional support.

Early history

Throughout the time of the Rig-Veda (1700 BC), evidences suggest that self-governing village bodies described 'sabhas' existed. With the passage of time, these bodies became panchayats (council of five persons). Panchayats were functional institutions of grassroots governance in approximately every village. The Village Panchayat or elected council had large powers, both executive and judicial. Land was distributed through this panchayat which also composed taxes out of the produce and paid the government's share on behalf of the village. Above a number of these village councils there was a larger panchayat or council to supervise and interfere if necessary. Casteism and feudalistic system of governance under Mughal rule in the medieval period slowly eroded the self-government in villages. A new class of feudal chiefs and revenue collectors (zamindars) appeared flanked by the ruler and the people. And, so began the stagnation and decline of self-government in villages.

Throughout the British rule, the autonomy of panchayats slowly declined with the establishment of local civil and criminal courts, revenue and police organisations, the augment in communications, the growth of individualism and the operation of the individual Ryotwari '(landholder-wise) system as against the Mahalwari or village tenure system.

Throughout British rule

The panchayat had never been the priority of the British rulers. The rulers were interested in the creation of 'controlled' local bodies, which could help them in their trading interests through collecting taxes for them. When the colonial administration came under severe financial pressure after the 1857 uprising, the remedy sought was decentralization in conditions of transferring responsibility for road and public works to local bodies. Though, the thrust of this 'compelled' decentralization was with respect to municipal administration..

"The panchayat was destroyed through the East India Company when it was granted the office of Diwan in 1765 through the Mughal Emperor as part of reparation after his defeat at Buxar. As Diwan the Company took two decisions. The first was that it abolished the village land record office and created a company official described Patwari. The Patwari became the official record keeper for a number of villages. The second was the creation of the office of magistrate and the abolition of village police. The magistrate accepted out policing functions through the Darogha who had always been a state functionary under the Faujdar. The primary purpose of these measures was the collection of land revenue through fiat. The depredations of the Patwari and the Darogha are part of our folklore and it led to the worst famine in Bengal. The effects of the famine lingered right to the end of the 18th century. These two measures totally disempowered the village community and destroyed the panchayat. After 1857 the British tried to restore the panchayat through giving it powers to try minor offences and to resolve village disputes.

But these measures never restored the lost powers of the village community."

From 1870 that Viceroy Lord Mayo's Resolution (for decentralisation of power to bring about administrative efficiency in meeting people's demand and to add to the finances of colonial regime) gave the needed impetus to the development of local institutions. It was a landmark in the development of colonial policy towards local government. The real benchmarking of the government policy on decentralisation can, though, be attributed to Lord Ripon who, in his well-known resolution on local self-government on May 18, 1882, recognized the twin thoughts of local government: (i) administrative efficiency and (ii) political education. The Ripon Resolution, which focused on towns, provided for local bodies consisting of a large majority of elected non-official members and presided over through a non-official chairperson. This resolution met with resistance from colonial administrators. The progress of local self-government was tardy with only half-hearted steps taken in setting up municipal bodies. Rural decentralisation remained a neglected area of administrative reform.

The Royal Commission on Decentralisation (1907) under the chairmanship of C.E.H. Hobhouse recognized the importance of panchayats at the village stage. The commission recommended that "it is mainly desirable, alike in the interests of decentralisation and in order to associate the people with the local tasks of administration that an attempt should be made to constitute and develop village panchayats for the administration of local village affairs".

But, the Montague-Chemsford reforms (1919) brought local self-government as a provincial transferred subject, under the domain of Indian ministers in the provinces. Due to organizational and fiscal constraints, the reform was unable to create panchayat institutions truly democratic and vibrant. Though, the mainly important development of this period was the 'establishment of village panchayats in a number of provinces, that were no longer mere ad hoc judicial tribunals, but representative institutions symbolizing the corporate character of the village and having a wide jurisdiction in respect of civic matters'.¹ Through 1925, eight provinces had passed panchayat acts and through 1926, six native states had also passed panchayat laws.

The provincial autonomy under the Government of India Act, 1935, marked the development of panchayats in India. Popularly elected governments in provinces enacted legislations to further democratize institutions of local self-government. But the system of responsible government at the grassroots stage was least responsible. D.P. Mishra, the then minister for local self-government under the Government of India Act of 1935 in Central Provinces was of the view that 'the working of our local bodies... in our province and perhaps in the whole country presents a tragic picture... 'Inefficiency' and 'local body' have become synonymous conditions....'.

In spite of several committees such as the Royal Commission on Decentralization (1907), the report of Montague and Chemsford on constitutional reform (1919), the Government of India Resolution (1919), etc.,

a hierarchical administrative structure based on supervision and control evolved. The administrator became the focal point of rural governance. The British were not concerned with decentralized democracy but were aiming for colonial objectives.

The Indian National Congress from the 1920s to 1947, accentuated the issue of all-India Swaraj, and organized movements for Independence under the leadership of Mahatma Gandhi. The task of preparing any sort of blueprint for the local stage was neglected as a result. There was no consensus in the middle of the top leaders concerning the status and role to be assigned to the institution of rural local self-government; rather there were divergent views on the subject. On the one end Gandhi favoured Village Swaraj and strengthening the village panchayat to the fullest extent and on the other end, Dr. B.R. Ambedkar opposed this thought. He whispered that the village represented regressive India, a source of oppression. The model state hence had to build safeguards against such social oppression and the only way it could be done was through the adoption of the parliamentary model of politics. Throughout the drafting of the Constitution of India, Panchayati Raj Institutions were placed in the non-justifiable part of the Constitution, the Directive Principles of State Policy, as Article 40. The Article read 'the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government'. Though, no worthwhile legislation was enacted either at the national or state stage to implement it.

In the four decades since the adoption of the Constitution, panchayat raj institutions have traveled from the non-justifiable part of the Constitution to one where, through a separate amendment, a whole new status has been added to their history the king are two they are bonica and leka

Post-independence period

Panchayat raj had to go through several stages. The First Five Year Plan failed to bring about active participation and involvement of the people in the Plan processes, which incorporated Plan formulation implementation and monitoring. The Second Five Year Plan attempted to cover the whole countryside with National Extensive Service Blocks through the institutions of Block Development Officers, Assistant Development Officers, Village Stage Workers, in addition to nominated representatives of village panchayats of that area and some other popular organisations like co-operative societies. But the plan failed to satisfactorily accomplish decentralisation. Hence, committees were constituted through several authorities to advise the Centre on dissimilar characteristics of decentralisation.

The Balwant Rai Mehta Committee (1957)

In 1957, Balwant Rai Mehta Committee studied the Community Development Projects and the National Extension Service and assessed the

extent to which the movement had succeeded in utilizing local initiatives and in creating institutions to ensure stability in the procedure of improving economic and social circumstances in rural areas. The Committee held that community development would only be deep and enduring when the community was involved in the planning, decision-creation and implementation procedure. The suggestions were for as follows:-

- An early establishment of elected local bodies and devolution to them of necessary possessions, power and authority,
- That the vital unit of democratic decentralisation was at the block/samiti stage since the area of jurisdiction of the local body should neither be too large nor too small. The block was large enough for efficiency and economy of administration, and small enough for sustaining a sense of involvement in the citizens,
- Such body necessity not be constrained through too much control through the government or government agencies,
- The body necessity be constituted for five years through indirect elections from the village panchayats,
- Its functions should cover the development of agriculture in all its characteristics, the promotion of local industries and others
- Services such as drinking water, road structure, etc., and
- The higher stage body, Zilla Parishad, would play an advisory role.

The PRI structure did not develop the requisite democratic momentum and failed to cater to the needs of rural development. There are several reasons for such an outcome which contain political and bureaucratic resistance at the state stage to share power and possessions with local stage institutions, domination of local elites over the major share of the benefits of welfare schemes, lack of capability at the local stage and lack of political will.

Ashok Mehta Committee (1978)

With the coming of the Janata Party into power at the Centre in 1977, a serious view was taken of the weaknesses in the functioning of Panchayati Raj. It was decided to appoint a high-stage committee under the chairmanship of Ashok Mehta to look at and suggest measures to strengthen PRIs. The Committee had to evolve an effective decentralized system of development for PRIs. They made the following recommendations:-

- The district is a viable administrative unit for which planning, co-ordination and resource allocation are feasible and technical expertise accessible,
- Pris as a two-tier system, with mandal panchayat at the base and zilla parishad at the top,
- The pris are capable of planning for themselves with the possessions accessible to them,
- District planning should take care of the urban-rural continuum,

- Representation of scs and sts in the election to pris on the basis of their population,
- Four-year term of pris,
- Participation of political parties in elections,
- Any financial devolution should be committed to accepting that much of the developmental functions at the district stage would be played through the panchayats.

The states of Karnataka, Andhra Pradesh and West Bengal passed new legislation based on this report. Though, the flux in politics at the state stage did not allow these institutions to develop their own political dynamics.

G.V.K. Rao Committee (1985)

The G.V.K. Rao Committee was appointed to once again look at several characteristics of PRIs. The Committee was of the opinion that a total view of rural development necessity be taken in which PRIs necessity play a central role in handling people's troubles. It recommended the following:-

- PRIs have to be activated and provided with all the required support to become effective organisations,
- PRIs at district stage and below should be assigned the work of planning, implementation and monitoring of rural development programmes, and
- The block development office should be the spinal cord of the rural development procedure.

L.M.Singhvi Committee (1986)

L.M. Singhvi Committee studied panchayati raj. The Gram Sabha was measured as the base of a decentralized democracy, and PRIs viewed as institutions of self-governance which would actually facilitate the participation of the people in the procedure of planning and development. It recommended:

- Local self-government should be constitutionally recognized, protected and preserved through the inclusion of new chapter in the Constitution,
- Non-involvement of political parties in Panchayat elections.

The suggestion of giving panchayats constitutional status was opposed through the Sarkaria Commission, but the thought, though, gained momentum in the late 1980s especially because of the endorsement through the late Prime Minister Rajiv Gandhi, who introduced the 64th Constitutional Amendment Bill in 1989. The 64th Amendment Bill was prepared and introduced in the lower house of Parliament. But it got defeated in the Rajya Sabha as non-convincing. He lost the general elections too. In 1989, the National Front introduced the 74th Constitutional Amendment Bill, which could not become an Act because of the dissolution of the Ninth Lok Sabha. All these several suggestions and recommendations and means of strengthening PRIs were

measured while formulating the new Constitutional Amendment Act.

The 73rd Constitutional Amendment Act

The thought which produced the 73rd Amendment was not a response to pressure from the grassroots, but to an rising recognition that the institutional initiatives of the preceding decade had not delivered, that the extent of rural poverty was still much too large and therefore the existing structure of government needed to be reformed. It is motivating to note that this thought evolved from the Centre and the state governments. It was a political drive to see PRIs as a solution to the governmental crises that India was experiencing. The Constitutional (73rd Amendment) Act, passed in 1992 through the Narasimha Rao government, came into force on April 24, 1993. It was meant to give constitutional sanction to establish "democracy at the grassroots stage as it is at the state stage or national stage". Its main characteristics are as follows:

- The Gram Sabha or village assembly as a deliberative body to decentralized governance has been envisaged as the foundation of the Panchayati Raj System.
- A uniform three-tier structure of panchayats at village (Gram Panchayat — GP), intermediate or block (Panchayat Samiti — PS) and district (Zilla Parishad — ZP) stages.
- All the seats in a panchayat at every stage are to be filled through elections from respective territorial constituencies.
- Not less than one-third of the total seats for membership as well as office of chairpersons of each tier has to be reserved for women.
- Reservation for weaker castes and tribes (SCs and STs) has to be provided at all stages in proportion to their population in the panchayats.
- To supervise, direct and control the regular and smooth elections to panchayats, a State Election Commission has to be constituted in every State and UT.
- The Act has ensured constitution of a State Finance Commission in every State/UT, for every five years, to suggest measures to strengthen finances of panchayati raj institutions.
- To promote bottom-up-planning, the District Planning Committee {DPC} in every district has been accorded constitutional status.
- An indicative list of 29 items has been given in Eleventh Schedule of the Constitution. Panchayats are expected to play an effective role in planning and implementation of works related to these 29 items.

Present scenario

At[;] present, there are about 3 million elected representatives at all stages of the panchayat 1/2th of which are women. These members represent more

than 2.4 lakh Gram Panchayats, about 6,000 intermediate stage tiers and more than 500 district panchayats. Spread over the length and breadth of the country, the new panchayats cover about 96 per cent of India's more than 5.8 lakh villages and almost 99.6 per cent of rural population. This is the largest experiment in decentralisation of governance in the history of humanity.

The Constitution visualizes panchayats as institutions of self-governance. Though, giving due consideration to the federal structure of our polity, mainly of the financial powers and authorities to be endowed on panchayats have been left at the discretion of concerned state legislatures. Consequently, the powers and functions vested in PRIs vary from state to state. These provisions combine representative and direct democracy into a synergy and are expected to result in an extension and deepening of democracy in India. Hence, panchayats have journeyed from an institution within the culture of India to attain constitutional status. This is one the major democracy in the world where village stage democratic structures are functioning for their development.

REVIEW QUESTIONS

- Explain nature of Divisional Administration in India and the 'role of Divisional Commissioner.
- Describe the component parts of District Administration and Administrative Organisation at the District stage.
- Discuss constraints within which the Collector has to function in the District Administration.
- Discuss the role and functions of police.
- Describe the trends in urbanization in India.
- Explain the role of Panchayati Raj Institutions after Seventy Third Constitutional Amendment.

CHAPTER 5

CITIZEN AND ADMINISTRATION

STRUCTURE

- Learning objectives
- Socio-cultural factors and administration
- Redressal of public grievances
- Administrative tribunals
- Judicial administration
- Review questions

LEARNING OBJECTIVES

After learning this Unit, you should be able to:

- Understand the interrelationship flanked by the society and administration;
- Understand the public grievances;
- Explain the meaning of administrative law; and
- Discuss the judicial system in India.

SOCIO-CULTURAL FACTORS AND ADMINISTRATION

MAIN CHARACTERISTICS OF SOCIAL STRUCTURES AND IMPACT ON ADMINISTRATION

A society is a collection of people who are sufficiently organized to make circumstances necessary to live together with a common identification. It is an organized 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 significant characteristics of the Indian social structure are: predominant rural habitation in small villages; multi-religious and multi-caste social identities and significant 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.

Rural habitation

India is a land of villages. 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 village social life has its own peculiar features. Stanley J. Heginbotham, in his book, *Cultures in Disagreement*, (1975) discusses in detail the nature of village life and its influence on the nature of bureaucracy. The village social life norms strengthen the authoritarian and 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 several implications for the development administration. Several studies have indicated urban bias in the behaviour of administrators. This results in a cultural gap flanked by the administration and rural people. For administration to be effective, it necessity appreciate and respond to the sociocultural ethos of the rural population.

Religion

Historically, India has been hospitable to numerous groups of immigrants from dissimilar parts of Asia and Europe, People of all religions have been living in India for several centuries. The Constitution declares India to be a secular state. The State is expected to treat all the religions equally. The Constitution also gives protection to minorities. The Constitution recognizes religion as a fundamental right and a citizen can pursue the religion of his choice. Though, 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 dissimilar parts of the country. Some vested interests are using religion for their selfish purposes and are fanning hatred in the middle of the communities. The communal disharmony tests the strength of the administration in maintaining law and order and social harmony in the middle of the religious groups. Administration has to check disruptive communal activities and maintain social and political stability. Unluckily, in recent years we also hear the allegations of divisions in the civil services based on communal factors. The role played through some state police forces throughout the communal disturbances in some parts of the country brings no credit for the state police administration. The political necessity of appeasing each religious section may result in sacrificing rationality in administration.

Caste

The Hindu society is recognized for its varna and caste system. The society is broadly divided into four orders or varnas on 'functional' basis, namely, Brahmana (traditional priest and scholar), Kshatriya (ruler and soldier), Vaisya (merchant) and Shudra (peasant, labourer and servant). The scheduled castes are outside the varna scheme. Each varna may be divided into dissimilar horizontal strata, and each strata is recognized as caste. The caste system makes:- (a) segmental division of society (b) hierarchy (c) restrictions on social interactions, (d) civic and religious disparities and privileges of dissimilar 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 to the social and

economic inequalities. A section of people were treated as untouchables and they were exploited through upper castes in the society.

In recent years, we find some change in the nature and the role of the caste system. The role of the caste is changing. We find that the influence of caste in interpersonal and social relationships is decreasing but paradoxically its role in political procedure is rising. The caste is being increasingly used for political mobilization. This has an adverse effect on the working of political and administrative institutions. Formation of informal groups on caste lines in the middle of the public services is another developing phenomena. This affects the homogeneity of the public services. Realizing the subsistence of in egalitarian 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 several agitations for and against the reservations in public services. Paradoxically, it is found that the preferential treatment system intended to bring equality is a cause of the internal tensions in the public organisations. In a social situation of primordial loyalties, the administrative institutions based on universalistic principles are subjected to a lot of stress and strain. The administrator necessarily understands the dynamics of caste loyalties and caste sensibilities to play the role of an effective change agent.

Family

The joint family was measured as one of the three pillars of Indian social structure, the other two being the caste and the village community. Family is an significant social unit and in country like India, the family loyalties are very strong. Traditionally, in India the joint family system played an significant role as a social and economic institution. The social norms expect the subordination of individual interests to that of family. Though, in recent years the joint family system is giving way to the nuclear family system. Still the emotional ties of extended family continue to play an significant role in the social life. Patriarchy dominates the family life. The head of the family is usually the father or the eldest male member. Women usually occupy a subordinate position.

The structure and operation of family has several implications on administrative system. The paternalistic and authoritarian structure of the family life is partly responsible for the paternalistic and authoritarian behavioral orientations of the administrators. The socialization procedure in the family influences the attitude formation of the administrators. The family loyalties may also result in sacrifice of values like impartiality, integrity and universality in administration. Several administrators may feel it natural to help their family members through using their administrative positions.

Several studies have pointed out the attendance of family orientation of helping ones relatives in administration.

CULTURE AND ADMINISTRATION

Culture refers to a way of life. It comprises the whole 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 a long procedure of development and is reflected in its social, economic and political institutions. The administrative behaviour in the society is influenced to a greater extent through the values cherished through the society.

Riggs states that every culture offers both support and obstacles to change or development. There are values that support change and development. Likewise, there are values, which obstruct the change and development. These values are termed through David Apter as 'instrumental' and 'consummator', respectively. A society having instrumental values becomes modernized. If the civil servants have instrumental values, they will definitely work towards the development of the society. V. Subramanyam writing on 'Hindu Values and Administrative Behaviour' emphasized the importance of revise of values developed through the administrative structures vis-à-vis the values of nearby society. He talks about Hindu values since majority of the IAS recruits are Hindus. Subramanyam recognized three elements in the Hindu tradition, which work against the rational decision-creation. To put in his own words: In the first place, a decision is basically choosing flanked by a number of mutually exclusive alternatives and the vital Hindu approach is to deny the subsistence 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 scrupulous course of action have all been taken into account in creation a decision in favor of it. The average Hindu thought of a decision is, though, more akin to the English phrase 'pious resolution'. The continuous and undignified waiting 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 scrupulous Indian meaning attached to the term decision. Indeed, the average Hindu mind is so thoroughly reconciled to an impossible aloofness flanked by precept and practice and flanked by ideal and reality that it naturally imports this aloofness to separate decision and execution, a aloofness which does not exist in western interpretations of the term. Thirdly, a decision or choice means listing the several alternatives in a scrupulous 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. Through using such large numbers casually the small differences that are mainly significant in day-to-day decisions are made to look meaningless.

Several studies were undertaken to identify the cultural moorings of Indians, which result in a scrupulous way of behaviour of administrators. Administrators perceive reality on the basis of their experience. Much of what they see depends upon how they see, which in turn depends on their socio-economic origins. They are insensitive to the troubles of the common man and have a sense of superiority, which emanate from their upper class background.

Richard Taub found in his review as how the typical tendencies 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, the ideology of the caste system to think of human relations in hierarchical conditions and traditions of reference towards authority' etc. have caused a scrupulous pattern of behaviour in the middle of the bureaucrats.

The cultural factors have several implications for the administrative processes like motivation, communication and authority.

- **Motivation:** several studies on human motivation recognized culture as one of the determining factors in motivation. Mc Lelland has convincingly argued that due to culture, religious beliefs and class structure, the general population, in several countries tend to have a fairly low attainment drive, whereas in other countries it may be the other way round. In India the 'karma' philosophy with its emphasis on other world may be measured as one of the inhibiting factors in the attainment orientation of bureaucracy. In the words of G.P. Chatopadhyaya, 'The Indian personality, through and large, is incapable of behaving in a mature and mutually dependent way. He fantasises omnipotence if he is in a position of perceived power, which reduces 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 blunts attainment orientation in the middle of Indian managers, creates them feel helpless in shaping their environment and creates them highly dependent on authority figures'.
- **Communication:** Communication may be described as the procedure of transferring concepts, ideas, thoughts and feelings in the middle of people. Communication procedure is culture. The one-way procedure of communication, mostly from top to bottom in our organisations 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 cultural 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 stages of organization in total disregard of abilities and actions of persons in authority. In public organisations it may lead to sure dysfunctions like growth of personality cult or personal goals of authorities may gain priority over the organizational goals. In this cultural situation, benevolent paternalistic management style may pay rich dividends more than participative leadership style, which may be appreciated only in egalitarian and an 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 hard for the people at lower stages in organisation to provide correct information or opinion if they feel that it may be unpalatable to those in authority. The public organisations are measured merely as an extension of the personalities of their chief executives. This may also sometimes result in practice of sycophancy in public organisations.

REDRESSAL OF PUBLIC GRIEVANCES

PUBLIC GRIEVANCES

The colonial history and the authoritarian orientation of Indian administration resulted in the negative attitude of citizens towards the administration. The gap flanked by the performance of administration and the expectations of the people also created a negative image of administration. The democratic aspirations of the people and authoritarian attitude of administrators produced tensions flanked by the two. The contradictions in the social situation have resulted in inequalities. There is discrimination in the treatment of citizens through administration. The social gap flanked by the civil servant and the citizen whom he is expected to serve also is a cause for hostile relationship flanked by the two. The well-educated urban middle class civil servant is expected to serve the poor and illiterate rural citizens. This makes a socio-psychological gap flanked by them. Then, there are the chronic delays in getting things done, and innumerable rules and regulations that are not easily comprehensible to ordinary citizens. The cumulative effect of all these factors is the piling up of public grievances against administration.

Some of the common grievances against administration may be listed as under:

- Corruption: Demand and acceptance of bribery for doing or not doing things.
- Favoritism: Doing or not doing things for obliging people in power or people who matter.
- Nepotism: Helping the people of one's own kith or kin.
- Discourtesy: Use of abusive language or other kinds of misbehavior.
- Neglect of Duty: Not doing things that the law requires.
- Discrimination: Ignoring poor and influential citizens' genuine complaints.
- Delay: Not doing things at the appropriate time.
- Maladministration: Inefficiency in achieving the targets.
- 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 scrupulous administrative departments/agencies. For instance, people have several grievances against the police resorting to third degree methods like beating, torturing, wrongful confinement or harassment of suspects and witnesses. Fabrication of evidences, nexus flanked by the police and the underworld 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 several specific grievances against individual administrative agencies, corruption is the mainly common in the middle of them all. We shall be discussing the public grievances pertaining to corruption beside with the machinery for the redresses of the same in the ensuing sections.

CORRUPTION IN ADMINISTRATION

Everyone who comes in get in touch with administration feels the all-pervading nature of corruption. Corruption has several negative effects on administration. It is one of the major factors for delay and inefficiency in administration. The bureaucratic norms of impartiality suffer due to this factor. There is loss of credibility of administration and it is the poor man who suffers mainly because of it.

Modes of Corruption

The term corruption has been defined in several ways. In general conditions corruption is not always for monetary gains. It is the personal use

of public office in violation of rules and regulations. Shri Santhanam, Chairperson of the Committee on Prevention of Corruption said, 'any action or failure to take action in the performance of duty through a government servant for some advantage is corruption'. The Central Vigilance Commission has recognized the following modes of corruption.

- Acceptance of substandard stores/works.
- Misappropriation of public money and stores.
- Borrowing of money from contractors/firms having official dealing with officers.
- Show of favors to contractors and firms.
- Possession of assets disproportionate to income.
- Purchase of immovable property without prior permission or intimation.
- Losses to the government through negligence or otherwise.
- Abuse of official position/powers.
- Production of forged certificate of age / birth /community.
- Irregularities in reservation of seats through rail and y air.
- Irregularities in grant of import and export licenses.
- Moral turpitude.
- Acceptance of gifts.

INSTITUTIONS FOR DEALING WITH CORRUPTION

It is headed through the Central Vigilance Commissioner who is appointed through the President of India for a period of six years or till the age of 65 years whichever is earlier. He can be removed in the same manner as provided for the removal of the Chairman of UPSC. He is not eligible for any further employment either under the Central government or the State government. The functions of the CVC are:

- Undertaking 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 and tendering advise to the disciplinary authorities such cases at dissimilar stages of investigation, appeal and review.
- Exercising a general check and supervision on the vigilance and anti-corruption work in ministries and departments of the GOI and other autonomous bodies.
- Advising the administrative authorities to modify the existing procedures and practices when it appears that such procedures and practices afford scope for corruption and misconduct.
- Approving the appointment of chief vigilance officers (CVO) who head the vigilance units in several organizations. It may initiate a

review of procedures and practices of administration in so far as they relate to maintenance of integrity in administration.

Vigilance machinery in the States and Districts

The vigilance machinery at the state stage differs from state to state. Mainly 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 and the state public undertakings. The Commission presents Annual Report to the State government and the same is placed before the State Legislature. At the district stage, there is a District Vigilance Officer. The District Collector appoints one of his gazetted officers as District Vigilance Officer.

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 'Troubles of Redressal of Citizens Grievances'. The ARC recommended the creation of Ombudsman-kind institution namely the Lokpal and Lokayukta. The Scandinavian institution of Ombudsman is the earliest institution for the redressal of public grievances, first recognized in Sweden in 1809. The Ombudsman institution is based on the principle of administrative accountability to Parliament. The institution refers to an officer appointed through the legislature to handle complaints against administrative and judicial action. The characteristics of these institutions as given through ARC are:

- They should be demonstrably independent and impartial.
- Their investigations and proceedings should be mannered 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 favoritism.
- 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, and
- They should not look forward to any benefit or pecuniary advantage from the executive government.

Based on the recommendations of ARC, several attempts were made from 1968 onwards for the establishment of Lokpal at the Central stage. The Government of India introduced bills for this purpose in the Parliament in 1968, 1977, 1985, 1990, 1998 and latest being in 2001. 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. Unluckily, these bills could not be passed through Parliament.

Lokayukta

The Ombudsman recognized at the stage of States in India is recognized as the Lokayukta. Several state governments have recognized the office of the Lokayukta and Up-Lokayukta. The office of the Lokayukta exists in Maharashtra (1971), Bihar (1973), Uttar Pradesh (1975), Madhya Pradesh (1981), Andhra Pradesh (1985), Himachal Pradesh (1985), Karnataka (1985), Assam (1986), Gujarat (1986), Punjab (1995), Delhi (1996) and Haryana (1996). Kerala is also in a procedure of establishing this office. Orissa was the first state to pass ombudsman legislation in 1970 and also the first to abolish the institution in 1993.

Appointment

The appointment of the Lokayukta and Up-Lokayukta is made through the Governor who is the executive head in the states. The Lokayukta Acts give that the Governor shall appoint Lokayukta/ Up-Lokayukta in consultation with the Chief Justice of the High Court of the state and the leader of the opposition in the legislative assembly.

Conditions and circumstances of office

The term of the Lokayukta and Up-Lokayukta has been fixed for five years. The Assam Act though prescribes an upper age limit of 68 years. The status prescribed for the Lokayukta is equal to that of the Chief Justice of a High Court or a judge of the Supreme Court of India and that of Up-Lokayukta to the judge of a High Court and in any other case to an additional secretary to the Government of India. With a view to ensure independence and impartiality, the Lokayukta/ Up-Lokayukta have been debarred from being a member of parliament or state legislatures and prohibited from keeping any connection with political parties. After relinquishing office they have been made ineligible to hold another office under their respective state governments. All acts expressly prohibit the reappointment of the Lokayuktas.

The Lokayukta and Up- Lokayukta can be removed from office through the Governor for misbehavior or incapacity. The procedure prescribed for the removal of the Lokayukta is approximately the same as provided for in the Constitution of India for the removal of judges of the High Court or the Supreme Court.

Jurisdiction

The Lokayukta and Up-Lokayukta has been granted powers to investigate any action, which is taken through or with the general or specific approval of a minister or a secretary, or any other public servant. Therefore, all administrative actions from the stage of ministers to the lower stages are subjected to scrutiny through the Lokayukta and Up-Lokayukta. Sure other categories of officials like Chairman of Zila Parishad and other local bodies have also been incorporated within the purview of the Lokayukta.

Procedure of investigation

After creation preliminary investigation where the Lokayukta or Up-Lokayukta proposes to conduct investigation, he forwards a copy of the complaint to the officer and to the competent authority concerned. Any proceeding before the Lokayukta and Up-Lokayukta has to be mannered in private and the identity of the complainant or the person complained against is not to be disclosed at any stage of investigation. The Seventh All-India Conference of Lokpals, Lok Ayuktas and Up-Lokayuktas held in Bangalore, in January 2003 stressed on the following:

- There is a need to bring out Lok Ayukta Act to bring uniformity and to create the institution independent of the political executive.
- If Parliament brought in a law, the appointment of Lok Ayuktas could be based on the recommendations of the Chief Justice of India in consultation with the Chief Justice of respective High Court. This will ensure tenure, protection of salary and emoluments and a sound procedure for their removal.
- The staff deputed to the Lokayukta should be given protection.
- Reports of the Lokayukta should be made binding on the government in so far it is related to the government servants.
- Lokayukta should bring out an annual report about their functioning and this should be made public; and
- Lokayukta should be made easily accessible to the public.

ADMINISTRATIVE TRIBUNALS

In the middle of the several innovative provisions adopted through the Forty-second Amendment of the Constitution (1976) a measure of far-reaching importance was the provision for the setting up of Administrative Tribunals. Part XIV-A which consists of two Articles 323A and 323B deals with these Tribunals.

Section (1) of Article 323-A gives for the adjudication or trial through administrative tribunals of disputes and complaints with respect to recruitment and circumstances of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India. The power to constitute such Tribunals is vested exclusively in Parliament.

Section (2) of the same Article gives that a law made through Parliament under section (1) may:

- Give for the establishment of an Administrative Tribunal for the Union and a separate Administrative Tribunal for each State or for two or more States;
- Specify the jurisdiction, powers and authority which may be exercised through such tribunals;
- Give for the procedure to be followed through these tribunals; and
- Exclude the jurisdiction of all courts except the special jurisdiction of the Supreme Court under Article 136.

Article 323-B empowers Parliament or State Legislatures to set up tribunals for matters other than those sheltered through clause (2) of Article 323-A. The matters to be sheltered through such tribunals are as follows:

- Levy, assessment, collection and enforcement of any tax;
- Foreign exchange, import and export crossways customs frontiers;
- Industrial and labour disputes;
- Matters linked with land reforms sheltered through Article 31-A;
- Ceiling on urban property;
- Elections to either House of Parliament or Legislatures of the States and
- Production, procurement, supply and sharing of food-stuffs or other essential goods.

A law made under the above provisions may give for the establishment of a hierarchy of tribunals and specify the jurisdiction, powers and authority which may be exercised through each of them. Such law may also give for the procedure to be followed through these tribunals and exclude the jurisdiction of all courts except the Supreme Court of India. The Scheme of Administrative Tribunals envisaged through Part XIV-A of the Constitution as many other provisions of the Forty-second Amendment of the Constitution was looked upon with suspicion and misgivings through sure sections of political and public opinion in the country and that was reflected in the attempt of the Janata Government (1977-79) to abolish these provisions.

The Forty-fourth Amendment (1978) in the middle of other things sought to abolish Part XIV-A altogether. Though, this attempt of the Janata Government was unsuccessful as it could not muster adequate support in Parliament. The vital objective of administrative tribunals is to take out of the purview of the regular courts of law sure matters of dispute flanked by the citizen and government agencies and create the judicial procedure quick and less expensive.

The fact that there has been a phenomenal augment in the number of disputes in which administrative authorities are involved has to be recognized. If all these disputes go to the ordinary judicial system where there is provision for appeals to successive higher courts one after another, there will be no speedy settlement of such disputes and they might linger for years or decades. Inordinate delay and enormous cost are the two distinguishing characteristics of the ordinary judicial system. The number of cases that are pending before the High Courts and the Supreme Court today is legion. No one can normally expect any speedy disposal of mainly of them. At the same time, there are matters of social concern which require reasonably quick disposal. Administrative tribunals facilitate this and that is the strongest argument in their favor.

Administrative tribunals are not an original invention of the Indian political system. Such tribunals are now well recognized in all democratic countries of Europe as well as the United States of America. Britain which until a few decades ago looked upon administrative tribunals with suspicion has, in recent times, recognized their beneficial role and so has set up several of them. The experience of India throughout the past two decades and more has demonstrated that administrative tribunals have an effective role to play in a country which has embarked upon a programme of rapid socioeconomic change.

JUDICIAL ADMINISTRATION

The Indian Judiciary is partly a continuation of the British legal system recognized through the English in the mid-19th century based on a typical hybrid legal system recognized as the *Common Law System*, in which customs, precedents and legislative are all components of the law. The Constitution of India is the supreme legal document of the country. There are several stages of judiciary in India – dissimilar kinds of courts, each with varying powers depending on the tier and jurisdiction bestowed upon them. They form a strict hierarchy of importance, in line with the order of the courts in which they sit, with the Supreme Court of India at the top, followed through High Courts of respective states with district judges sitting in District Courts and Magistrates of Second Class and Civil Judge (Junior Division) at the bottom. Courts hear criminal and civil cases, including disputes flanked by individuals and the government. The Indian judiciary is independent of the executive and legislative branches of government according to the

Constitution.

SUPREME COURT OF INDIA

On 28 January 1950, two days after India's constitution came into force, the Supreme Court of India was founded in Delhi. The inauguration took place in the Princes Chamber in the Parliament structure complex which also housed both the Rajya Sabha and the Lok Sabha, also recognized as the Council of States and the House of the People, respectively. It was here, in this Chamber of Princes that the Federal Court of India had sat for 12 years flanked by 1937 and 1950. This was to be the home of the Supreme Court for years that were to follow its creation, until the Supreme Court of India acquired its own structure in 1958.

The inaugural proceedings were simple, but impressive. They began at 9.45 am when the Judges of the Federal Court – Chief Justice HJ Kania and Justices Saiyid Fazl Ali, M. Patanjali Sastri, Mehr Chand Mahajan, Bijan Kumar Mukherjea and Sudhi Ranjan Das – took their seats. In attendance were the chief justices of the high courts of Allahabad, Bombay, Madras, Orissa, Assam, Nagpur, Punjab, Saurashtra, Patiala and the East Punjab States Union, Mysore, Hyderabad, Madhya Bharat and Travancore-Cochin. Beside with the Attorney General for India, Pankaj Singh Kushwah were present the advocates general of Bombay, Madras, Uttar Pradesh, Bihar, East Punjab, Orissa, Mysore, Hyderabad and Madhya Bharat. Present too, were prime minister, other ministers, ambassadors and diplomatic representatives of foreign states, a large number of Senior and other Advocates of the Court and other distinguished visitors.

Taking care to ensure that the Rules of the Supreme Court were published and the names of all the Advocates and mediators of the Federal Court were brought on the rolls of the Supreme Court, the inaugural proceedings were over and put under part of the record of the Supreme Court.

After its inauguration on 28 January 1950, the Supreme Court commenced its sittings in a part of the Parliament House. The Court moved into the present structure in 1958. The structure is shaped to project the image of scales of justice. The Central Wing of the structure is the Centre Beam of the Scales. In 1979, two New Wings – the East Wing and the West Wing – were added to the complex. In all there are 15 Court Rooms in the several wings of the structure. The Chief Justice's Court is the largest of the Courts located in the Centre of the Central Wing.

The original Constitution of 1950 envisaged a Supreme Court with a Chief Justice and 7 puisne Judges – leaving it to Parliament to augment this number. In the early years, all the Judges of the Supreme Court sat together to hear the cases presented before them. As the work of the Court increased and arrears of cases began to accumulate, Parliament increased the number of Judges from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1978 and 26 in 1986. As the number

of the Judges has increased, they sit in smaller Benches of two and three – coming together in larger Benches of 5 and more only when required to do so or to settle a variation of opinion or controversy.

The Supreme Court of India comprises the Chief Justice and 25 other Judges appointed through the President of India, as the sanctioned full strength. Supreme Court Judges retire upon attaining the age of 65 years. In order to be appointed as a Judge of the Supreme Court, a person necessarily be a citizen of India and necessarily have been, for at least five years, a Judge of a high court or of two or more such Courts in succession, or an advocate of a high court or of two or more such Courts in succession for at least 10 years or he necessarily be, in the opinion of the president, a distinguished jurist. Provisions exist for the appointment of a Judge of a high court as an ad hoc judge of the Supreme Court and for retired judges of the Supreme Court or High Courts to sit and act as Judges of that Court.

The Constitution seeks to ensure the independence of Supreme Court Judges in several ways. A judge of the Supreme Court cannot be removed from office except through an order of the president passed after an address in each House of Parliament supported through a majority of the total membership of that House and through a majority of not less than two-thirds of members present and voting, and presented to the president in the same Session for such removal on the ground of proved misbehavior or incapacity. A person who has been a Judge of the Supreme Court is debarred from practicing in any court of law or before any other authority in India.

The proceedings of the Supreme Court are mannered in English only. Supreme Court Rules, 1966 are framed under Article 145 of the Constitution to regulate the practice and procedure of the Supreme Court.

The Supreme Court of India is the highest court of the land as recognized through Part V, Chapter IV of the Constitution of India. According to the Constitution of India, the role of the Supreme Court is that of a federal court, guardian of the Constitution and the highest court of appeal.

Articles 124 to 147 of the Constitution of India lay down the composition and jurisdiction of the Supreme Court of India. Primarily, it is an appellate court which takes up appeals against judgments of the High Courts of the states and territories. Though, it also takes writ petitions in cases of serious human rights violations or any petition filed under Article 32 which is the right to constitutional remedies or if a case involves a serious issue that needs immediate resolution. The Supreme Court of India had its inaugural sitting on 28 January 1950, and since then has delivered more than 24,000 reported judgments.

HIGH COURTS OF INDIA

There are 24 High Courts at the State stage. Article 141 of the Constitution of India mandates that they are bound through the judgments and orders of the

Supreme Court of India through precedence. These courts have jurisdiction over a state, a union territory or a group of states and union territories. Below the High Courts are a hierarchy of subordinate courts such as the civil courts, family courts, criminal courts and several other district courts. High courts are instituted as constitutional courts under Part VI, Chapter V, Article 214 of the Indian Constitution.

The High Courts are the principal civil courts of original jurisdiction in the state beside with District Courts which are subordinate to the High courts. Though, High courts exercise their original civil and criminal jurisdiction only if the courts subordinate to the high court in the state are not competent (not authorized through law) to try such matters for lack of pecuniary, territorial jurisdiction. High courts may also enjoy original jurisdiction in sure matters if so designated specifically in a state or Federal law. e.g.: Company law cases are instituted only in a high court.

Though, primarily the work of mainly High Courts consists of Appeals from lower courts and writ petitions in conditions of Article 226 of the Constitution of India. Writ Jurisdiction is also original jurisdiction of High Court. The precise territorial jurisdiction of each High Court varies.

Judges in a high court are appointed through the Chief Justice of India and the governor of the state. The number of judges in a court is decided through dividing the average institution of main cases throughout the last five years through the national average, or the average rate of disposal of main cases per judge per year in that High Court, whichever is higher.

The Calcutta High Court is the oldest High Court in the country, recognized on 2 July 1862. High courts which handle a large number of cases of a scrupulous region, have permanent *benches* (or a branch of the court) recognized there.

DISTRICT COURTS OF INDIA

The District Courts of India are recognized through the State governments in India for every district or for one or more districts together taking into account the number of cases, population sharing in the district. They administer justice in India at a district stage. These courts are under administrative control of the High Court of the State to which the district concerned belongs. The decisions of District court are subject to the appellate jurisdiction of the concerned High court.

The district court is presided over through one District Judge appointed through the state Government. In addition to the district judge there may be number of Additional District Judges and Assistant District Judges depending on the workload. The Additional District Judge and the court presided have equivalent jurisdiction as the District Judge and his district court. The district judge is also described "Metropolitan session judge" when he is presiding over a district court in a city which is designated "Metropolitan area" through the

state Government.

The district court has appellate jurisdiction over all subordinate courts situated in the district on both civil and criminal matters. Subordinate courts, on the civil side (in ascending order) are, Junior Civil Judge Court, Principal Junior Civil Judge Court, Senior Civil Judge Court (also described sub-court). Subordinate courts, on the criminal side (in ascending order) are, Second Class Judicial Magistrate Court, First Class Judicial Magistrate Court, Chief Judicial Magistrate Court.

Gram Nyayalayas having power of Judicial Magistrate of the first class are being recognized in Panchayat stages under the Gram Nyayalayas Act, 2008.

ISSUES

According to the World Bank, "although India's courts are notoriously inefficient, they at least comprise a functioning independent judiciary" A functioning judiciary is the guarantor of fairness and a powerful weapon against corruption. But people's experiences in fall far short of this ideal. Corruption in the judiciary goes beyond the bribing of judges. Court personnel are paid off to slow down or speed up a trial, or to create a complaint go absent. Judges are also subject to pressure from above, with legislators or the executive using their power to influence the judiciary, starting with skewed appointment processes. Citizens are often unaware of their rights, or resigned, after so several negative experiences, to their fate before a corrupt court. Court efficiency is also crucial, as a serious backlog of cases makes opportunities for demanding unscheduled payments to fast-track a case.

Judicial backlog

Indian courts have large backlogs. For instance, the Delhi High Court has a backlog of 466 years according to its chief justice. This is despite the average processing time of 4 minutes and 55 seconds in the court. In Uttam Nakate case, it took two decades to solve a simple employment dispute. Though it need to be mentioned that the concept of backlogs doesn't describe the actual cause for so several cases lying in the courts. Rather the term "backlog" has been misused and the term "pendency" is the right word for describing the large number of cases pending in the courts today. As could be understood, the largest numbers of cases that are actually pending in the Indian Courts are that of minor Motor Vehicle Cases, petty crimes such as stealing, abusing, insult, slap, etc. It is an recognized fact which the Govt. of India accepts that there is 40% shortage of judicial staff. Opposition and ruling party's corrupt politicians profit from the delays in the system.

On 12 January 2012, a Supreme Court bench said that people's faith in judiciary was decreasing at an alarming rate, posing a grave threat to constitutional and democratic governance of the country. It acknowledged some of the serious troubles such as –

- Large number of vacancies in trial courts,
- Unwillingness of lawyers to become judges,
- Failure of the apex judiciary in filling vacant HC judges posts.

It wanted to seek answers from the government on amicus curiae's suggestion that access to justice necessity be made a constitutional right and consequently the executive necessity provide necessary infrastructure for ensuring every citizen enjoyed this right. It also wanted the Government of India to detail the work being done through the National Mission for Justice Delivery and Legal Reforms.

In October 2012 the BBC reported on the case of Mohammed Idrees, a Pakistani who was held under Indian police control for almost 13 years for overstaying his 15-day visa through 2–3 days after seeing his ill parents in 1999. Much of the 13 years was spent in prison waiting for a hearing, and more time was spent homeless or living with generous families. Both states denied him citizenship, leaving him stateless. The BBC connected these troubles to the political atmosphere caused through the Kashmir disagreement. There were several similar cases where espionage had been charged against non-spies for trivial crimes like overstaying visas or minor trespass, and hundreds of ordinary citizens held in prison through both India and Pakistan. The Indian People's Union for Civil Liberties decried his mistreatment. The Indian Human Rights Law Network told the BBC that the cause was "officials in the home department", including the slow court system, and described the case a "miscarriage of justice, a shocking case".

Judicial corruption

Corruption is rampant in India's courts. According to Transparency International, judicial corruption in India is attributable to factors such as "delays in the disposal of cases, shortage of judges and complex procedures, all of which are exacerbated through a preponderance of new laws". Mainly disturbing is the fact that corruption has reached the highest judicial forum i.e. Supreme Court of India. Some notable cases contain:

- In December 2009, noted social activist, campaigner for judicial accountability and a Supreme Court lawyer Prashant Bhushan in response to the notice of contempt issued through the Supreme Court (for his interview to a news magazine in which he had said, "out of the last 16 to 17 Chief Justices, half have been corrupt"), filed an affidavit standing through his earlier comments saying: "It is My Honest And Bonafide Perception". Later in September 2010, he submitted a supplementary affidavit in which he submitted proof to back his allegations. In November 2010, former Law Minister, Shanti Bhushan echoed Prashant Bhushan's claim saying: "It is my firm belief that there is a lot of corruption in judiciary. I am saying the same thing which Prashant Bhushan had said. The question of apology does not

arise. I will rather prefer to go to jail. The judiciary cannot be cleansed unless the matter is brought into the public domain”.

- In June 2011, a very widely respected former Chief Justice of India J. S. Verma echoed these views saying that "sure individuals with doubtful integrity were elevated within the higher judiciary" He cited the case of Justice M. M. Punchhi, whose impeachment had been sought through the campaign for judicial accountability. Justice Verma said he was willing to permit the allegations to be probed but the political executive refused to allow this. Justice Verma further explained, "Because the allegations, if proved, were serious and so they required to be investigated, so that one could know whether they were true or not." He acknowledged that Justice Punchhi was later elevated to CJI despite facing "serious allegations". Justice Verma also talked about another former CJI K G Balakrishnan's continuance as National Human Rights Commission chairman. Justice Verma said, "He should have demitted long back and if he doesn't do it voluntarily, the government should persuade him to do that, otherwise, proceed to do whatever can be done to see that he demits office."
- In November 2011, a former Supreme Court Justice Ruma Pal slammed the higher judiciary for what she described the seven sins. She listed the sins as:
 - Turning a blind eye to the injudicious conduct of a colleague
 - Hypocrisy – the complete distortion of the norm of judicial independence
 - Secrecy – the fact that no characteristic of judicial conduct including the appointment of judges to the High and Supreme Court is transparent
 - Plagiarism and prolixity – meaning that very often SC judges lift whole passages from earlier decisions through their precursors and do not acknowledge this – and use long-winded, verbose language
 - Self Arrogance – wherein the higher judiciary has claimed crass superiority and independence to mask their own indiscipline and transgression of norms and procedures
 - Professional arrogance – whereby judges do not do their homework and arrive at decisions of grave importance ignoring precedent or judicial principle
 - Nepotism – wherein favors are sought and dispensed through some judges for gratification of varying manner.

REVIEW QUESTIONS

- Explain the broad characteristics of social structure and their impact on administration.
- Discuss the problem of corruption in Indian Administration.
- Discuss several kinds of administrative tribunals.
- Discuss the judicial system in India.

CHAPTER 6

EMERGING ISSUES

STRUCTURE

- Learning objectives
- Centre - state administrative relationship
- Decentralization debate
- Relationship between political and permanent executives
- Pressure groups
- Generalists and specialists
- Administrative reforms
- Review questions

LEARNING OBJECTIVES

After learning this Unit, you should be able to:

- Discuss the division of administrative powers flanked by the centre and the states;
- Understand the decentralization;
- Discuss the relationship flanked by political and permanent executives, in the light of policy-administration dichotomy;
- Understand the pressure group;
- Explain the meaning of the term 'generalists' and 'specialists'; and
- Explain the meaning and importance of Administrative Reforms.
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CENTRE - STATE ADMINISTRATIVE RELATIONSHIP

Federal polity involves the setting up of dual governments and division of powers. But the success and strength of the federal polity depends upon the maximum of co-operation and co-ordination flanked by the Centre and the States.

The executive power of the Union extends only through those matters which are mentioned in the Union List and over which the Parliament has legislative powers. In addition, the Union, can exercise administrative control over the state through the following methods:

- Articles 255 to 256 seek to regulate administrative relations flanked by the Union and the States. The Constitution of India seeks to achieve a smooth working relationship flanked by the two stages. It gives that the executive powers of the State Government are to be exercised in such a way as to ensure compliance with the laws made through Parliament.
- Article 257 gives that the executive power of every State shall be so exercised as not to impede the exercise of the executive power of the Union and the Union may issue necessary directions in that regard and for protection of railways and maintenance of means of communication of national or military importance. Any expenditure incurred through the State for the purpose of fulfilling Central directives is to be reimbursed through the Centre to the States.
- Under Article 258, the President may with the consent of State Government entrust to that Government or its officers functions in relation to any matter to which the executive power of the Union extends.
- Under Article 258 A the Governor of a State may with the consent of the Union Government entrust to that Government or to its officer's functions in relation to any matter to which the executive power of the State extends.
- Under Article 261, it directs that full faith and credit shall be given to public acts, records and judicial proceedings of the Union and the States in all parts of the Indian territory, which adds a lot to the smooth working of the Union-State relations.
- Under Article 262, Parliamentary control over inter-State rivers and provisions for adjudication of any inter-State water disputes has taken absent a whole host of possibilities of friction flanked by the Union and the States themselves.
- Article 263 empowers the President to establish an inter- State council to inquire into and advise upon inter-State disputes flanked by the Union and the States and create recommendations for better co-ordination of policy and action.
- Major contentious issues having a bearing on administrative and political relations flanked by the Centre and the States are Article 356, role of the Governor, and the Use of Parliamentary forces.
- Article 356: Emergency provisions contained in Part XVIII of the Constitution are one of the mainly significant provisions with profound influence on the development of India's federal policy. Article 356 gives that if the President is satisfied that a situation has arisen in which the government of a State cannot be accepted out in accordance

with the provisions of the Constitution, he may through proclamation impose an emergency resulting in the imposition of President's rule. In the Constituent Assembly Dr. Ambedkar referred to these provisions as 'safety valves' and expressed the hope that there would be no occasion to use them. Unluckily, it has often been misused through political parties to topple State governments which are not promoting the interest of the ruling party at the Centre.

An instance of the blatant misuse of this Article was in 1977 when the Janata Party came to power and dissolved the assemblies of all States where the Congress party was in power and ordered fresh elections to as several as nine state assemblies. In the 1980 mid-term poll when Indira Gandhi came back to power, she dismissed exactly nine state assemblies where non-Congress governments were in power.

The Congress dominance under Mrs. Indira Gandhi was the period when mainly controversial cases of partisan toppling of opposition governments in State were reported. The transformation of the party system, from single party dominance to a multi-party configuration coupled with judicial interventions in the matter, has appreciably reduced the misuse of Article 356.

Some political parties and State governments had earlier demanded the repeal of Article 356 and the abolition of the office of the Governor. In the changed context such demands are now seldom heard. Neither the Sarkaria Commission nor the deliberations in the Inter-State Council have supported such extreme ideas. All these panels have reiterated a faithful adherence to the letter and the spirit of the Constitution.

A landmark judicial verdict in this context is the S.R. Bommai Case (1994) in which the Supreme Court departed from the past practice of its reticence to judicially review Presidential proclamations and declared the Centre's action under Article 356 subject to judicial review.

To circumvent the Constitutional provision barring judicial inquiry into the advice received through the President from his Cabinet, the Supreme Court ingenuously argued that it was not scrutinizing the merit of such advice, only examining whether the reasons given for dismissal of a State government bear any relationship with the factual situation.

The formation of coalition or minority government in New Delhi after 1989 has added a new dimension to the controversy nearby the President's Rule in States.

The political party's especially local parties, extending support to the Union Government from the parliamentary floor without joining the Cabinet, have often resorted to putting pressure on the Union government for dismissing a State government to which these parties may be opposed to in their respective States.

For instance, in recent months the local allies of the BJP minority government, such as AIADMK, Trinamool Congress and Samata party have been demanding the dismissal of the DMK, Left Front and RJD governments in Tamil Nadu, West Bengal and Bihar respectively.

The Vajpayee government has resisted these pressures partly due to the crises-cross pattern of coalitional politics in the country, partly due to the lack of the majority of the ruling coalition in Rajya Sabha, and partly due to the fear of Judicial Review.

The Central administrative and political teams sent to observe the law and order situation in these States was well received in Tamil Nadu, lukewarmly received in Bihar and openly opposed in West Bengal.

SARKARIA COMMISSION ON ARTICLE 356

In case of Central intervention in a State through President's rule, the Commission falls back on creating appropriate conventions instead of constitutional amendments curtailing powers of the Governor and of the Union government. It has adopted a similar approach with regard to some other contentious issues such as the reservation of State bills through the Governor for Presidential consideration, and the deployment of para-military forces of the Union in States on public order duties.

Role of the Governor: The institution of the Governor, with its dual role - as the Constitutional head of the State and the representative of the Centre - occupies a important place in our federal polity. As the Constitutional head of the State he, unlike the President of India, has sure discretionary powers, taken approximately verbatim from the Government of India Act of 1935, which are immune from judicial scrutiny.

As the representative of the Centre, it is his duty to inform the Central government concerning growths in the State and he has to always keep in mind the conflicting claims of the Centre and the State in a given situation and has to balance them in accordance with the Constitution.

This duality of his role creates his position significant in the maintenance of a cordial Centre - State relationship. After 1967 when non-Congress governments were shaped in several states, tension aggravated as the central government attempted to use the Governors for partisan ends.

The role of Governor in this context became one of the highly contentious issues in Centre-State relations. The main issues of contention relate to the appointment of the governor through the Centre and his partisan role in the formation and dismissal of State governments at the behest of the Centre.

The Governorship is now being treated as a reward for political loyalists who could not be accommodated in the Cabinet and pliable bureaucrats prospecting for post retirement employment. This reduced the Governor to a mere rubber-stamp or agent of the Centre. The Centre in mainly cases does not observe even appointment of a new Governor. An significant instrument of Centre-State relations has therefore been seriously undermined.

Both the Administrative Reforms Commission and the Sarkaria Commission in their reports underlined the indispensability of the office of the Governor but were highly critical of the appointment made and of the role of

the incumbents.

The Sarkaria Commission in its survey found that the appointments made since independence till October 1984 were misplaced as over 60 percent of the Governors had taken active part in politics, several of them immediately prior to their appointment.

The Commission made a series of recommendations pertaining to the appointment and the conduct of the Governors. As for appointment, it was recommended that the appointee should be eminent in some walk of life, should be from outside the State, should be detached person not too intimately linked with State politics, and should not have taken too great a part in politics usually and particularly in the recent past. It was also recommended that the appointment should be always made after consultation with the Chief Minister of a State.

The Commission cited the Constituent Assembly debates that also clearly expressed this expectation as for the role of the Governor, the Sarkaria Commission observed that in the submissions made before it, the State governments were unanimous in suggesting that whether the ministry has lost majority support in the legislative assembly should be decided on the floor of the House rather than in the Raj Bhavan and that the Chief Minister should be given a reasonable opportunity to establish such majority. The Commission lent its weighty support to this view in its recommendations.

In the recent decades, there has been a perceptible decline in the misuse of Article 356 through the Centre. Though, some recent cases of the exercise of governmental power have brought to notice some dissimilar types of troubles, the full implications of which have not crystallized.

A Governor in one of the North-Eastern states was dismissed on account of his differences with the Centre. A Governor of Tamil Nadu resigned protesting against the dismissal of the DMK government in 1991 through the Congress supported SJP minority government headed through Chandra Shekhar, and one of the recent Governors in Uttar Pradesh, Romesh Bhandari installed an all-defector-government headed through Jagdambika Pal, summarily dismissing the BJP government headed through Kalyan Singh.

This he did in violation of all constitutional and conventional norms on the pretext of stopping horse-trading in the assembly through the BJP government, which incidentally rode back to power, for Pal could not muster majority. Ironically, the Gujarat government at the Centre followed an ostrich's policy over the whole episode.

In the absence of any advice from his Cabinet, President K.R. Narayanan faxed an advice (not directive) to the Uttar Pradesh Governor to exercise restraint in precipitating dismissal of the BJP government, which was not heeded through the Governor.

Use of Central Paramilitary Police Forces: Maintenance of law and order is primarily a state subject and to achieve this goal they have their own agencies of the Central government to ensure law and order such as CRPF, BSF, CISF, etc.

The maintenance of 'parallel' agencies through the Central Government is a very 'unusual' characteristic of the Indian federal system. The states argue that since public order is a subject in the State List in the Constitution, so the setting up of central police forces is an encroachment on their jurisdiction.

The Centre, though, argues that these forces are required to protect Central government's properties and installations. In more recent years, the State have got into the habit of inviting deployment of central police forces even for the vital law and order work, to say nothing of special occasions such as election duty, natural disaster, and communal riots.

The clamor of the States against the deployment of these forces in their respective territories has now considerably receded. The States, though, continue to be restive for a greater share in the divisible tax possessions for more effectively exercising the responsibilities and obligations that the Constitution has placed upon them.

All Indian Services: Another problematic area flanked by the Centre and States is the continuation of All India Services. The Sarkaria Commission sought the views of the State Governments on

- Whether All India Services have fulfilled the expectations of the Constitution makers
- Whether the State governments should have greater control over them.

The Major Recommendations of the Commission are as Follows;

- The AIS continues to be one of the premier institutions for maintaining the unity of the country and undoubtedly the members of the AIS have shown themselves capable of discharging the roles that the constitution envisaged for them.
- Any move to disband the AIS or to permit a state government to opt out of the scheme necessity is regarded as retrograde and harmful to the larger interest of the country.
- The present accent on generalism should yield place to greater specialization in one or more areas of public administration.
- There should be an element of compulsion in matters of deputation of officers of AIS to the union.
- There should be regular consultations on the management of AIS flanked by the Union and the State Governments.
- The Union Government may persuade the state governments to agree to the constitution of Indian Service of Engineers, the Indian Medical and Health Service and AIS for education.

DECENTRALIZATION DEBATE

Decentralization (or decentralisation) is the procedure of redistributing or dispersing functions, powers, people or things absent from a central location or authority. While decentralization, especially in the governmental sphere, is

widely studied and practiced, there is no common definition or understanding of decentralization. The meaning of decentralization may vary in part because of the dissimilar ways it is applied. Concepts of decentralization have been applied to group dynamics and management science in private businesses and organizations, political science, law and public administration, economics and technology.

HISTORY

The word "centralization" came into use in France in 1794 as the post-French Revolution French Directory leadership created a new government structure. The word "decentralization" came into usage in the 1820s. "Centralization" entered written English in the first third of the 1800s; mentions of decentralization also first appear throughout those years. In the mid-1800s Alexis de Tocqueville wrote that the French Revolution began with "a push towards decentralization...[but became,]in the end, an extension of centralization." In 1863 retired French bureaucrat Maurice Block wrote an article described "Decentralization" for a French journal which reviewed the dynamics of government and bureaucratic centralization and recent French efforts at decentralization of government functions.

Ideas of liberty and decentralization were accepted to their logical conclusions throughout the 19th and 20th centuries through anti-state political activists calling themselves "anarchists", "libertarians and even decentralists. Alexis de Tocqueville was an advocate, writing: "Decentralization has, not only an administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it creates them get accustomed to using freedom. And from the accumulation of these local, active, persnickety freedoms, is born the mainly efficient counterweight against the claims of the central government, even if it were supported through an impersonal, communal will." Pierre-Joseph Proudhon (1809-1865), influential anarchist theorist wrote: "All my economic ideas as developed over twenty-five years can be summed up in the words: agricultural-industrial federation. All my political ideas boil down to a similar formula: political federation or decentralization."

In early twentieth century America a response to the centralization of economic wealth and political power was a decentralist movement. It blamed large-scale industrial production for destroying middle class shop keepers and small manufacturers and promoted increased property ownership and a return to small scale living. The decentralist movement attracted Southern Agrarians like Robert Penn Warren, as well as journalist Herbert Agar. New Left and libertarian individuals who recognized with social, economic, and often political decentralism through the ensuing years incorporated Ralph Borsodi, Wendell Berry, Paul Goodman, Carl Oglesby, Karl Hess, Donald Livingston, Kirkpatrick Sale (author of *Human Scale*), Murray Bookchin, Dorothy Day,

Senator Mark O. Hatfield, Mildred J. Loomis and Bill Kauffman.

Leopold Kohr, author of the 1957 book *The Breakdown of Nations* - recognized for its statement "Whenever something is wrong, something is too big" - was a major influence on E.F. Schumacher, author of the 1973 bestseller *Small is Beautiful: Economics As If People Mattered*. In the after that few years a number of best-selling books promoted decentralization. Daniel Bell's *The Coming of Post-Industrial Society* discussed the need for decentralization and a "comprehensive overhaul of government structure to find the appropriate size and scope of units", as well as the need to detach functions from current state boundaries, creating regions based on functions like water, transport, education and economics which might have "dissimilar 'overlays' on the map." Alvin Toffler published *Future Shock* (1970) and *The Third Wave* (1980). Discussing the books in a later interview, Toffler said that industrial-style, centralized, top-down bureaucratic planning would be replaced through a more open, democratic, decentralized style which he described "anticipatory democracy." Futurist John Naisbitt's 1982 book "Megatrends" was on The New York Times Best Seller list for more than two years and sold 14 million copies. Naisbitt's book outlines 10 "megatrends", the fifth of which is from centralization to decentralization. In 1996 David Osborne and Ted Gaebler had a best selling book *Reinventing Government* proposing decentralist public administration theories which became labeled the "New Public Management".

Stephen Cummings wrote that decentralization became a "revolutionary megatrend" in the 1980s. In 1983 Diana Conyers asked if decentralization was the "latest fashion" in development administration. Cornell University's project on Restructuring Local Government states that decentralization refers to the "global trend" of devolving responsibilities to local or local governments. Robert J. Bennett's *Decentralization, Intergovernmental Relations and Markets: Towards a Post-Welfare Agenda* describes how after World War II governments pursued a centralized "welfarist" policy of entitlements which now has become a "post-welfare" policy of intergovernmental and market-based decentralization.

According to a 1999 United Nations Development Programme report:

- "A large number of developing and transitional countries have embarked on some form of decentralization programmes. This trend is coupled with a rising interest in the role of civil society and the private sector as partners to governments in seeking new ways of service delivery...Decentralization of governance and the strengthening of local governing capability is in part also a function of broader societal trends. These contain, for instance, the rising distrust of government usually, the spectacular demise of some of the mainly centralized regimes in the world (especially the Soviet Union) and the emerging separatist demands that seem to routinely pop up in one or another part of the world. The movement toward local accountability and greater control over one's destiny is, though, not solely the result of the

negative attitude towards central government. Rather, these growths, as we have already noted, are principally being driven through a strong desire for greater participation of citizens and private sector organizations in governance.”

SYSTEMS APPROACH

Those learning the goals and processes of implementing decentralization often use a systems theory approach. The United Nations Development Programme report applies to the topic of decentralization "a whole systems perspective, including stages, spheres, sectors and functions and seeing the community stage as the entry point at which holistic definitions of development goals are mainly likely to emerge from the people themselves and where it is mainly practical to support them. It involves seeing multi-stage frameworks and continuous, synergistic processes of interaction and iteration of cycles as critical for achieving wholeness in a decentralized system and for sustaining its development.”

Though, decentralization itself has been seen as part of a systems approach. Norman Johnson of Los Alamos National Laboratory wrote in 1999 paper: "A decentralized system is where some decisions through the mediators are made without centralized control or processing. An significant property of agent systems is the degree of connectivity or connectedness flanked by the mediators, a measure global flow of information or influence. If each agent is linked (exchange states or influence) to all other mediators, then the system is highly linked."

University of California, Irvine's Institute for Software Research's "PACE" project is creating an "architectural style for trust management in decentralized applications." It adopted Rohit Khare's definition of decentralization: "A decentralized system is one which requires multiple parties to create their own independent decisions" and applies it to Peer-to-peer software creation, writing:

- ...In such a decentralized system, there is no single centralized authority that creates decisions on behalf of all the parties. Instead each party, also described a peer, creates local autonomous decisions towards its individual goals which may perhaps disagreement with those of other peers. Peers directly interact with each other and share information or give service to other peers. An open decentralized system is one in which the entry of peers is not regulated. Any peer can enter or leave the system at any time...

GOALS

Decentralization in any area is a response to the troubles of centralized

systems. Decentralization in government, the topic mainly studied, has been seen as a solution to troubles like economic decline, government inability to fund services and their general decline in performance of overloaded services, the demands of minorities for a greater say in local governance, the general weakening legitimacy of the public sector and global and international pressure on countries with inefficient, undemocratic, overly centralized systems. The following four goals or objectives are regularly stated in several analyses of decentralization.

Participation

In decentralization the principle of subsidiarity often is invoked. It holds that the lowest or least centralized authority which is capable of addressing an issue effectively should do so. According to one definition: "Decentralization, or decentralizing governance, refers to the restructuring or reorganization of authority so that there is a system of co-responsibility flanked by institutions of governance at the central, local and local stages according to the principle of subsidiarity, therefore rising the overall quality and effectiveness of the system of governance, while rising the authority and capacities of sub-national stages."

Decentralization is often connected to concepts of participation in decision-creation, democracy, equality and liberty from higher authority. Decentralization enhances the democratic voice. Theorists consider that local representative authorities with actual discretionary powers are the basis of decentralisation that can lead to local efficiency, equity and development." Columbia University's Earth Institute recognized one of three major trends relating to decentralization as: "increased involvement of local jurisdictions and civil society in the management of their affairs, with new forms of participation, consultation, and partnerships."

Decentralization has been described as a "counterpoint to globalization" which removes decisions from the local and national stage to the global sphere of multi-national or non-national interests. Decentralization brings decision-creation back to the sub-national stages. Decentralization strategies necessity the interrelations of the global, local, national, sub-national, local stages.

Diversity

Norman L. Johnson writes that diversity plays an significant role in decentralized systems like ecosystems, social groups, large organizations, political systems. "Diversity is defined to be unique properties of entities, mediators, or individuals that are not shared through the larger group, population, structure. Decentralized is defined as a property of a system where the mediators have some skill to operate "locally." Both decentralization and diversity are necessary attributes to achieve the self-organizing properties of interest."

Advocates of political decentralization hold that greater participation

through better informed diverse interests in society will lead to more relevant decisions than those made only through authorities on the national stage. Decentralization has been described as a response to demands for diversity.

Efficiency

In business decentralization leads to a "Management through Results" philosophy which focuses on definite objectives to be achieved through unit results. Decentralization of government programs is said to augment efficiency - and effectiveness - due to reduction of congestion in communications, quicker reaction to unanticipated troubles, improved skill to deliver of services, improved information about local circumstances, and more support from beneficiaries of programs.

Firms may prefer decentralization because it ensures efficiency through creation sure that managers closest to the local information create decisions and in a more timely fashion; that their taking responsibility frees upper management for long term strategizing rather than day-to-day decision-creation; that managers have hands on training to prepare them to move up the management hierarchy; that managers are motivated through having the freedom to exercise their own initiative and creativity; that managers and divisions are encouraged to prove that they are profitable, instead of allowing their failures to be masked through the overall profitability of the company.

The same principles can be applied to government. Decentralization promises to enhance efficiency through both inter-governmental competition with market characteristics and fiscal discipline which assigns tax and expenditure authority to the lowest stage of government possible. It works best where members of subnational government have strong traditions of democracy, accountability and professionalism.

Disagreement resolution

Economic and/or political decentralization can help prevent or reduce disagreement because they reduce actual or perceived inequities flanked by several regions or flanked by a region and the central government. Dawn Brancati finds that political decentralization reduces intrastate disagreement unless politicians make political parties that mobilize minority and even extremist groups to demand more possessions and power within national governments. Though, the likelihood this will be done depends on factors like how democratic transitions happen and characteristics like a local party's proportion of legislative seats, a country's number of local legislatures, elector procedures, and the order in which national and local elections occur. Brancati holds that decentralization can promote peace if it encourages statewide parties to incorporate local demands and limit the power of local parties.

Processes

The processes of decentralization redefine structures, procedures and practices of governance to be closer to the citizenry and to create them more aware of the costs and benefits; it is not merely a movement of power from the central to the local government. According to the United Nations Development Programme it is "more than a procedure, it is a way of life and a state of mind." The report gives a chart-formatted framework for defining the application of the concept 'decentralization' describing and elaborating on the "who, what, when, where, why and how" factors in any procedure of decentralization.

Initiation

The processes through which entities move from a more to a less centralized state vary. They can be initiated from the centers of authority ("top-down") or from individuals, localities or regions ("bottom-up"), or from a "mutually desired" combination of authorities and localities working together. Bottom-up decentralization usually stresses political values like local responsiveness and increased participation and tends to augment political stability. Top-down decentralization may be motivated through the desire to "shift deficits downwards" and find more possessions to pay for services or pay off government debt. Some hold that decentralization should not be imposed, but done in a respectful manner.

Analysis of operations

Project and program planners necessarily assess the lowest organizational stage at which functions can be accepted out efficiently and effectively. Governments deciding to privatize functions necessarily decide which are best privatized. Existing kinds of decentralization necessarily be studied. The appropriate balance of centralization and decentralization should be studied. Training for both national and local managers and officials is necessary, as well as technical assistance in the planning, financing, and management of decentralized functions.

Appropriate size

Gauging the appropriate size or scale of decentralized units has been studied in relation to the size of sub-units of hospitals and schools, road networks, administrative units in business and public administration, and especially town and city governmental areas and decision creation bodies.

In creating planned communities ("new towns"), it is significant to determine the appropriate population and geographical size. While in earlier years small towns were measured appropriate, through the 1960s, 60,000 inhabitants was measured the size necessary to support a diversified job

market and an adequate shopping center and array of services and entertainment. Appropriate size of governmental units for revenue raising also is a consideration.

Even in bioregionalism, which seeks to reorder several functions and even the boundaries of governments according to physical and environmental characteristics, including watershed boundaries and soil and terrain features, appropriate size necessity be measured? The unit may be larger than several decentralist bioregionalists prefer.

Inadvertent or silent

Decentralization ideally happens as a careful, rational, and orderly procedure, but it often takes place throughout times of economic and political crisis, the fall of a regime and the resultant power struggles. Even when it happens slowly, there is a need for experimentation, testing, adjusting, and replicating successful experiments in other contexts. There is no one blueprint for decentralization since it depends on the initial state of a country and the power and views of political interests and whether they support or oppose decentralization.

Decentralization usually is conscious procedure based on explicit policies. Though, it may occur as "silent decentralization" in the absence of reforms as changes in networks, policy emphasizes and resource availability lead inevitably to a more decentralized system. A difference on this is "inadvertent decentralization", when other policy innovations produce an unintended decentralization of power and possessions. In both China and Russia, lower stage authorities attained greater powers than planned through central authorities.

Asymmetry

Decentralization may be uneven and "asymmetric" given any one country's population, political, ethnic and other forms of diversity. In several countries, political, economic and administrative responsibilities may be decentralized to the larger urban areas, while rural areas are administered through the central government. Decentralization of responsibilities to provinces may be limited only to those provinces or states which want or are capable of handling responsibility. Some privatization may be more appropriate to an urban than a rural area; some kinds of privatization may be more appropriate for some states and provinces but not others.

Measurement

Measuring the amount of decentralization, especially politically, is hard because dissimilar studies of it use dissimilar definitions and measurements. Chanchal Kumar Sharma writes: "a true assessment of the degree of decentralization in a country can be made only if a comprehensive approach is

adopted and rather than trying to simplify the syndrome of features into the single dimension of autonomy, interrelationships of several dimensions of decentralization are taken into account."

GOVERNMENT DECENTRALIZATION

Historians have described the history of governments and empires in conditions of centralization and decentralization. In his 1910 *The History of Nations* Henry Cabot Lodge wrote that Persian king Darius I (550-486 BCE) was a master of organization and "for the first time in history centralization becomes a political fact." He also noted that this contrasted with the decentralization of Ancient Greece. Since the 1980s a number of scholars have written about cycles of centralization and decentralizations. Stephen K. Sanderson wrote that over the last 4000 years chiefdoms and actual states have gone through sequences of centralization and decentralization of economic, political and social power. Yildiz Atasoy writes this procedure has been going on "since the Stone Age" through not just chiefdoms and states, but empires and today's "hegemonic core states". Christopher K. Chase-Dunn and Thomas D. Hall review other works that detail these cycles, including works which analyze the concept of core elites which compete with state accumulation of wealth and how their "intra-ruling-class competition accounts for the rise and fall of states" and of their stages of centralization and decentralization.

Rising government expenditures, poor economic performance and the rise of free market-influenced ideas have convinced governments to decentralize their operations, to induce competition within their services, to contract out to private firms operating in the market, and to privatize some functions and services entirely.

Government decentralization has both political and administrative characteristics. Its decentralization may be territorial, moving power from a central city to other localities, and it may be functional, moving decision-creation from the top administrator of any branch of government to lower stage officials, or divesting of the function entirely through privatization. It has been described the "new public management" which has been described as decentralization, management through objectives, contracting out, competition within government and consumer orientation.

Political

Political decentralization aims to provide citizens or their elected representatives more power. It may be associated with pluralistic politics and representative government, but it also means giving citizens, or their representatives, more influence in the formulation and implementation of laws and policies. Depending on the country, this may require constitutional or statutory reforms, the development of new political parties, increased power for legislatures, the creation of local political units, and encouragement of

advocacy groups.

Administrative

Four major forms of administrative decentralization have been described.

- Deconcentration, the weakest form of decentralization, shifts responsibility for decision-creation, finance and implementation of sure public functions from officials of central governments to those in existing districts or, if necessary, new ones under direct control of the central government.
- Delegation passes down responsibility for decision-creation, finance and implementation of sure public functions to semi-autonomous organizations not wholly controlled through the central government, but ultimately accountable to it. It involves the creation of public-private enterprises or corporations, or of "authorities", special projects or service districts. All of them will have a great deal of decision-creation discretion and they may be exempt from civil service necessities and may be permitted to charge users for services.
- Devolution transfers all responsibility for decision-creation, finance and implementation of sure public functions to the sub-national stage, such as a local, local, or state government.
- Divestment, also described privatization, may mean merely contracting out services to private companies. Or it may mean relinquishing totally all responsibility for decision-creation, finance and implementation of sure public functions. Facilities will be sold off, workers transferred or fired and private companies or non-for-profit organizations allowed to give the services. Several of these functions originally were done through private individuals, companies, or associations and later taken over through the government, either directly, or through regulating out of business entities which competed with newly created government programs.

Fiscal

Fiscal decentralization means decentralizing revenue raising and/or expenditure of monies to a lower stage of government while maintaining financial responsibility. While this procedure usually is described fiscal federalism it may be relevant to unitary, federal and nonfederal governments. Fiscal federalism also concerns the "vertical imbalances" where the central government gives too much or too little money to the lower stages. It actually can be a way of rising central government control of lower stages of government, if it is not connected to other types of responsibilities and authority.

Fiscal decentralization can be achieved through user fees, user participation through monetary or labor contributions, expansion of local

property or sales taxes, intergovernmental transfers of central government tax monies to local governments through transfer payments or grants, and authorization of municipal borrowing with national government loan guarantees. Transfers of money may be given conditionally with instructions or unconditionally without them.

Economic or market

Economic decentralization can be done through privatization of public owned functions and businesses, as described briefly above. But it also is done through deregulation, the abolition of restrictions on businesses competing with government services, for instance, postal services, schools, garbage collection. Even as private companies and corporations have worked to have such services contracted out to or privatized through them, others have worked to have these turned over to non-profit organizations or associations,

Since the 1970s there has been deregulation of some industries, like banking, trucking, airlines and telecommunications which resulted usually in more competition and lower prices. In some industries deregulation of characteristics of an industry were offset through more ambitious regulations elsewhere that hurt consumers, the electricity industry being a prime instance. For instance in banking, some deregulation allowed banks to compete crossways state lines, rising consumer choice, while an actual augment in regulators and regulations forced banks to do business the way central government regulators commanded, including creation loans to individuals incapable of repaying them, leading eventually to the financial crisis of 2007–2008.

Some argue that government standardization in areas from commodity market, inspection and testing procurement bidding, Structure codes, professional and vocational education, trade certification, safety, etc. are necessary. Emmanuelle Auriol and Michel Benaim write about the "comparative benefits" of decentralization versus government regulation in the setting of standards. They find that while there may be a need for public regulation if public safety is at stake, private creation of standards usually is better because "regulators or 'experts' might misrepresent consumers' tastes and needs." As long as companies are averse to incompatible standards, standards will be created that satisfy needs of a modern economy.

Environmental

Central governments themselves may own large tracts of land and control the forest, water, mineral, wildlife and other possessions they contain. They may manage them through government operations or leasing them to private businesses; or they may neglect them to be exploited through individuals or groups who defy non-enforced laws against use. It also may control mainly private land through land-use, zoning, environmental and other regulations. Selling off or leasing lands can be profitable for governments willing to

relinquish control, but such programs can face public scrutiny because of fear of a loss of heritage or of environmental damage. Devolution of control to local or local governments has been found to be an effective way of dealing with these concerns. Such decentralization has happened in India and other third world nations.

IDEOLOGICAL DECENTRALIZATION

Libertarian socialist decentralization

Libertarian socialism is a group of political philosophies that promote a non-hierarchical, non-bureaucratic society without private property in the means of production. Libertarian socialists consider in converting present-day private productive property into common or public goods, while retaining respect for personal property. Libertarian socialism is opposed to coercive forms of social organization. It promotes free association in place of government and opposes the social relations of capitalism, such as wage labor. The term *libertarian socialism* is used through some socialists to differentiate their philosophy from state socialism, and through some as a synonym for left anarchism.

Accordingly, libertarian socialists consider that "the exercise of power in any institutionalized form—whether economic, political, religious, or sexual—brutalizes both the wielder of power and the one over whom it is exercised". Libertarian socialists usually place their hopes in decentralized means of direct democracy such as libertarian municipalism, citizens' assemblies, trade unions, and workers' councils. Libertarian socialists are strongly critical of coercive institutions, which often lead them to reject the legitimacy of the state in favor of anarchism. Adherents propose achieving this through decentralization of political and economic power, usually involving the socialization of mainly large-scale private property and enterprise (while retaining respect for personal property). Libertarian socialism tends to deny the legitimacy of mainly forms of economically important private property, viewing capitalist property relations as forms of domination that are antagonistic to individual freedom.

Political philosophies commonly described as libertarian socialist contain mainly diversities of anarchism (especially anarchist communism, anarchist collectivism, anarcho-syndicalism, and mutualism) as well as autonomism, Communalism, participism, libertarian Marxist philosophies such as council communism and Luxemburgism, and some versions of "utopian socialism" and individualist anarchism. For Murray Bookchin "In the modern world, anarchism first appeared as a movement of the peasantry and yeomanry against declining feudal institutions. In Germany its foremost spokesman throughout the Peasant Wars was Thomas Muenzer; in England, Gerrard Winstanley, a leading participant in the Digger movement. The concepts held through Muenzer and Winstanley were superbly attuned to the needs of their

time — a historical period when the majority of the population lived in the countryside and when the mainly militant revolutionary forces came from an agrarian world. It would be painfully academic to argue whether Muenzer and Winstanley could have achieved their ideals. What is of real importance is that they spoke to their time; their anarchist concepts followed naturally from the rural society that furnished the bands of the peasant armies in Germany and the New Model in England." The term "anarchist" first entered the English language in 1642, throughout the English Civil War, as a term of abuse, used through Royalists against their Roundhead opponents. Through the time of the French Revolution some, such as the *Enragés*, began to use the term positively, in opposition to Jacobin centralisation of power, seeing "revolutionary government" as oxymoronic. Through the turn of the 19th century, the English word "anarchism" had lost its initial negative connotation.

For Proudhon, mutualism involved creating *"industrial democracy,"* a system where workplaces would be *"handed over to democratically organised workers' associations... We want these associations to be models for agriculture, industry and trade, the pioneering core of that vast federation of companies and societies woven into the common cloth of the democratic social Republic."* He urged *"workers to form themselves into democratic societies, with equal circumstances for all members, on pain of a relapse into feudalism."* This would result in *"Capitalistic and proprietary use, stopped everywhere, the wage system abolished, equal and just exchange guaranteed."* Workers would no longer sell their labour to a capitalist but rather work for themselves in cooperatives. Anarcho-communism calls for a confederal form in relationships of mutual aid and free association flanked by communes as an alternative to the centralism of the nation-state. Peter Kropotkin therefore suggested that "Representative government has accomplished its historical mission; it has given a mortal blow to court-rule; and through its debates it has awakened public interest in public questions. But to see in it the government of the future socialist society is to commit a gross error. Each economic stage of life implies its own political stage; and it is impossible to touch the very basis of the present economic life-private property -without a corresponding change in the very basis of the political organization. Life already shows in which direction the change will be made. Not in rising the powers of the State, but in resorting to free organization and free federation in all those branches which are now measured as attributes of the State." To date, the best-recognized examples of an anarchist communist society (i.e., recognized around the ideas as they exist today and achieving worldwide attention and knowledge in the historical canon), are the anarchist territories throughout the Spanish Revolution and the Free Territory throughout the Russian Revolution. Through the efforts and influence of the Spanish Anarchists throughout the Spanish Revolution within the Spanish Civil War, starting in 1936 anarchist communism existed in mainly of Aragon, parts of the Levante and Andalusia, as well as in the stronghold of Anarchist Catalonia before being crushed through the combined forces of the regime that won the war, Hitler, Mussolini,

Spanish Communist Party repression (backed through the USSR) as well as economic and armaments blockades from the capitalist countries and the Second Spanish Republic itself. Throughout the Russian Revolution, anarchists such as Nestor Makhno worked to make and defend—through the Revolutionary Insurrectionary Army of Ukraine—anarchist communism in the Free Territory of the Ukraine from 1919 before being conquered through the Bolsheviks in 1921. Many libertarian socialists, notably Noam Chomsky in the middle of others, consider that anarchism shares much in common with sure variants of Marxism (see libertarian Marxism) such as the council communism of Marxist Anton Pannekoek. In Chomsky's *Notes on Anarchism*, he suggests the possibility "that some form of council communism is the natural form of revolutionary socialism in an industrial society. It reflects the belief that democracy is severely limited when the industrial system is controlled through any form of autocratic elite, whether of owners, managers, and technocrats, a 'vanguard' party, or a State bureaucracy."

Free market decentralization

Free market ideas popular in the 19th century, such as those of Adam Smith returned to prominence in the 1970s and 1980s. Nobel Prize winning economist Friedrich von Hayek accentuated that free markets themselves are decentralized systems where outcomes are produced without explicit agreement or coordination through individuals who use prices as their guide. As Eleanor Doyle writes: "Economic decision-creation in free markets is decentralized crossways all the individuals dispersed in each market and is synchronized or coordinated through the price system." The individual right to property is part of this decentralized system. Analyzing the troubles of central government control, Hayek wrote in *The Road to Serfdom*:

- There would be no difficulty about efficient control or planning were circumstances so simple that a single person or board could effectively survey all the relevant facts. It is only as the factors which have to be taken into account become so numerous that it is impossible to gain a synoptic view of them that decentralization becomes imperative.

According to Bruce M. Owen, this does not mean that all firms themselves have to be equally decentralized. He writes: "markets allocate possessions through arms-length transactions in the middle of decentralized actors. Much of the time, markets work very efficiently, but there is a diversity of circumstances under which firms do better. Hence, goods and services are produced and sold through firms with several degrees of horizontal and vertical integration." Additionally, he writes that the "economic incentive to expand horizontally or vertically is usually, but not always, compatible with the social interest in maximizing long-run consumer welfare." When it does not, he writes regulation may be necessary.

It often is claimed that free markets and private property generate

centralized monopolies and other ills; the counter is that government is the source of monopoly. Historian Gabriel Kolko in his book *The Triumph of Conservatism* argued that in the first decade of the 20th century businesses were highly decentralized and competitive, with new businesses constantly entering existing industries. There was no trend towards concentration and monopolization. While there was a wave of mergers of companies trying to corner markets, they found there was too much competition to do so. This also was true in banking and finance, which saw decentralization as leading to instability as state and local banks competed with the big New York City firms. The largest firms turned to the power of the state and working with leaders like United States Presidents Theodore Roosevelt, William H. Taft and Woodrow Wilson passed as "progressive reforms" centralizing laws like The Federal Reserve Act of 1913 that gave control of the monetary system to the wealthiest bankers; the formation of monopoly "public utilities" that made competition with those monopolies illegal; federal inspection of meat packers biased against small companies; extending Interstate Commerce Commission to regulating telephone companies and keeping rates high to benefit AT&T; and using the Sherman Anti-trust Act against companies which might combine to threaten larger or monopoly companies. When government licensing, franchises, and other legal restrictions make monopoly and protect companies from open competition, deregulation is the solution.

Author and activist Jane Jacobs's influential 1961 book *The Death and Life of American Cities* criticized large-scale redevelopment projects which were part of government-planned decentralization of population and businesses to suburbs. She whispered it destroyed cities' economies and impoverished remaining residents. Her 1980 book *The Question of Separatism: Quebec and the Thrash about over Sovereignty* supported secession of Quebec from Canada. Her 1984 book *Cities and the Wealth of Nations* proposed a solution to the several ills plaguing cities whose economies were being ruined through centralized national governments: decentralization through the "multiplication of sovereignties", i.e., acceptance of the right of cities to secede from the larger nation states that were squelching their skill to produce wealth.

TECHNOLOGICAL DECENTRALIZATION

Technology comprises tools, materials, skills, techniques and processes through which goals are accomplished in the public and private spheres. Concepts of decentralization of technology are used throughout all kinds of technology, including especially information technology and appropriate technology.

Technologies often mentioned as best implemented in a decentralized manner, contain: water purification, delivery and waste water disposal, agricultural technology and energy technology. Advancing technology may allow decentralized, privatized and free market solutions for what have been

public services, such utilities producing and/or delivering power, water, mail, telecommunications and services like consumer product safety, money and banking, medical licensing and discovery and metering technologies for highways, parking, and auto emissions.

Information technology

Information technology encompasses computers and computer networks, as well as information sharing technologies such as television and telephones. The whole computer industry of computer hardware, software, electronics, internet, telecommunications equipment, e-commerce and computer services is incorporated.

Executives and managers face a constant tension flanked by centralizing and decentralizing information technology for their organizations. They necessity find the right balance of centralizing which lowers costs and allows more control through upper management, and decentralizing which allows sub-units and users more control. This will depend on analysis of the specific situation. Decentralization is particularly applicable to business or management units which have a high stage of independence, complicated products and customers, and technology less relevant to other units.

Information technology applied to government communications with citizens, often described e-Government, is supposed to support decentralization and democratization. Several forms have been instituted in mainly nations worldwide.

The internet is an instance of an very decentralized network, having no owners at all. "No one is in charge of internet, and everyone is." As long as they follow a sure minimal number of rules, anyone can be a service provider or a user. Voluntary boards establish protocols, but cannot stop anyone from developing new ones. Decentralization continues throughout the industry, for instance as the decentralized architecture of wireless routers installed in homes and offices supplement and even replace phone companies relatively centralized long-range cell towers.

Inspired through system and cybernetics theorists like Norbert Weiner, Marshall MacLuhan and Buckminster Fuller, in the 1960s Stewart Brand started the Whole Earth Catalog and later computer networking efforts to bring Silicon Valley computer technologists and entrepreneurs together with countercultural ideas. This resulted in ideas like personal computing, virtual communities and the vision of an "electronic boundary" which would be a more decentralized, egalitarian and free-market libertarian society. Related ideas coming out of Silicon Valley incorporated the free software and creative commons movements which produced visions of a "networked information economy".

Other examples of open source or decentralized movements are Wikis which allow users to add, modify, or delete content via the internet.

Because human interactions in cyberspace transcend physical geography,

there is a necessity for new theories in legal and other rule-creation systems to deal with decentralized decision-creation processes in such systems. For instance, what rules should apply to conduct on the global digital network and who should set them?

Appropriate technology

"Appropriate technology", originally described as "intermediate technology" through economist E. F. Schumacher in *Small is Beautiful*, is usually recognized as encompassing technologies that are small-scale, decentralized, labor-rigorous, energy-efficient, environmentally sound, and locally controlled. It is mainly commonly discussed as an alternative to transfers of capital-rigorous technology from industrialized nations to developing countries. Even developed countries developed appropriate technologies, as did the United States in 1977 when it created the National Center for Appropriate Technology (NCAT), though funding later dropped off. A related concept is "design for the other 90 percent" - low-cost solutions for the great majority of the world's low income people.

CRITIQUES

Factors hindering decentralization contain weak local administrative or technical capability may result in inefficient or ineffective services; inadequate financial possessions may be made accessible to perform new local responsibilities, especially in the start-up stage when they are mainly needed; inequitable sharing of possessions may result; decentralization can create national policy coordination too complex; it may allow local elites to capture functions; local cooperation maybe undermined through any distrust flanked by private and public sectors; decentralization may result in higher enforcement costs and disagreement for possessions if there is no higher stage of authority. Additionally, decentralization may not be as efficient for standardized, routine, network-based services, as opposed to those that need more complicated inputs. If there is a loss of economies of scale in procurement of labor or possessions, the expense of decentralization can rise, even as central governments lose control over financial possessions.

Other challenges, and even dangers, contain the possibility that corrupt local elites can capture local or local power centers, while constituents lose representation; patronage politics will become rampant and civil servants feel compromised; further necessary decentralization can be stymied; partial information and hidden decision-creation can occur up and down the hierarchies; centralized power centers can find reasons to frustrate decentralization and bring power back to themselves.

It has been noted that while decentralization may augment "productive efficiency" it may undermine "allocative efficiency" through creation redistribution of wealth more hard. Decentralization will cause greater

disparities flanked by rich and poor regions, especially throughout times of crisis when the national government may not be able to help regions needing it.

DECENTRALIZATION IN INDIA

Institutions of local governance -- Panchayati Raj -- have existed in India since 1882. Though, prior to the 1990s, these institutions were largely ineffective. In response to several Committee reports, and political demand, the Union government passed the 73rd Amendment of the Indian constitution with the stated aim of 'revolutionizing democratic participation and local development planning'. The amendment mandated that every Indian state institute Panchayati Raj institutions (now on, PRI) within one year, and defined many mandatory and discretionary items to be devolved to PRIs. Broadly speaking, political decentralization was made mandatory, but the extent of administrative and fiscal decentralization left to individual state's discretion. To summarize the main characteristics of this Act.

Political decentralization (mandatory on all states)

Institutions: Introduction of a three-tiered Panchayat structure, with the constitution of a local participatory forum at the village stage described the Gram Sabha. Panchayats shall have a uniform five-year term and elections to constitute new bodies shall be completed before the expiry of the term. In the event of dissolution, elections will be compulsorily held within six months. **Representation:** In all PRIs, seats shall be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population and one-third of the total number of seats will be reserved for women. **Policy decentralization:** The 73rd Amendment, in the XIth Schedule, created a list of 29 dissimilar areas of rural local government. States were asked to use their discretion in conferring both fiscal and administrative autonomy, and delegating functions and responsibility to PRIs.

A natural consequence is that while the extent of political decentralization has been relatively uniform crossways states, the extent of fiscal and administrative decentralization has exhibited important inter-state difference. In scrupulous, the large body of rules and regulations incorporated in the state conventionality acts has given state government's important power over panchayats. This, together with historical differences in the experience of Panchayati Raj, the nature of state bureaucracies and political attitudes toward decentralization, has meant that the scope, extent and implementation of decentralization vary greatly crossways states. I now turn to a discussion of the existing literature on the efficacy of decentralization in India.

Impact of Decentralization

International comparisons of rural decentralization suggest Indian states are amongst the mainly politically decentralized, are at the stage of other countries/states on fiscal decentralization, and are lagging on administrative decentralization. In this section I discuss some of the existing literature on how successful decentralization in India has been, with an emphasis on how it's affected policy outcomes.

Administrative decentralization

The 73rd Amendment, in the XIth Schedule, created a list of 29 dissimilar areas of rural local government functional responsibility which mainly State Acts have broadly devolved to PRIs. Though, the fact that the majority of these items are concurrently state government responsibilities has caused ambiguity in the delineation of functions to panchayats. Moreover, there is no clear demarcation of functions flanked by the three tiers of the panchayats. A number of authors have argued that this has generated a confusing and uncertain situation, and threatening accountability. Even where roles are defined, few states have matched responsibilities with the necessary administrative reforms, such as staff transfer or changes in administrative rules. This, together with a complex bureaucratic structure, has implied that the role of state bureaucracies has not effectively changed with respect to functions, responsibilities and accountability.

More often than not state bureaucracies keep control over key decisions involving resource allocation. In mainly cases they are under the jurisdiction of senior bureaucrats with locally elected panchayat members having little control. It is so unclear what the scheduled transfer of powers translates into in conditions of the skill of PRIs for creation decisions that actually create a variation.

Fiscal decentralization

The unclear devolution of functions to Panchayats has contributed to the weak extent of fiscal decentralization. Every state was required to institute a State Finance commission that would recommend the extent and kind of fiscal decentralization the State should give. There appears to be a general consensus amongst individual State Finance Commissions and authors on Panchayat finances that Panchayat functional responsibilities have to be matched with additional possessions. Furthermore, in order for effective decentralization to occur Panchayats need important autonomy in their taxation and expenditure decisions. Though, in the absence of clear transfer of functions there are major troubles in assessing the resource necessities of local bodies. Consequently, state legislators have not devolved adequate fiscal autonomy to Panchayats

who remain heavily dependent on transfers from central and state government. The majority of these are in the form of tied grants giving local elected authorities little discretion in resource allocation decisions. In spite of this, these transfers form a small percentage of state and central government expenditures, PRI transfers typically being 1% to 4% of total state expenditure. Panchayats have been given limited taxation and revenue collecting powers. Moreover, the lack of adequate bureaucratic structures at the local stage implies that they are unable to efficiently mobilize their own possessions.

Political decentralization

The two main characteristics of political decentralization in India are: (i) local accountability via village stage elected institutions, and (ii) representation for women and other disadvantaged groups. I briefly discuss the success of PRIs in ensuring these:

- Local accountability: Proof on this is mixed, with some suggestion that participation in local elections, but not attendance in meetings of the locally elected bodies, is reasonably high. It has been suggested for this reflects the limited fiscal and administrative decentralization has affected rural participation in Panchayats. Proof from interview-based case-studies suggest that people perceive Panchayats to be ineffective, of limited importance in local development planning and without adequate power or financial possessions to implement essential projects. It is often suggested that village Panchayats are seen mainly as beneficiary selection committees over which individual villagers exert little power and which are not accountable to villagers. In addition, since Gram Panchayats are multi-village institutions, resolution of competing village demands is hard – existing proof suggests that the village of the Panchayat head is favored in resource allocation. Consequently, even in areas where rural participation in local politics and development is high, attendance at Gram Sabhas is low with turnout being almost 7%.
- Representation: It is clear that mandated political representation for women and disadvantaged minorities has significantly increased their attendance in local elected bodies. Recent proof through Chattopadhyay and Duflo suggests that this has affected policy outcomes -- women and men favor dissimilar public goods, and hence rising female representation in PRIs has altered the mix of public good provided.

Though, proof on how mandated political representation in PRIs has affected participation of several groups is limited. Mainly studies consist of village or Panchayat case-studies, and concentrate on the effects of mandated

political representation and the participation of these groups in the Gram Sabha and Panchayat meetings. These note that while reservation allows women to legally participate in local elections accounts of intimidation and acrimony from high-caste, better educated males are not unusual. In some cases female candidates openly represent their husbands or other powerful village male even to the extent that they actively attend panchayat meetings. Some authors have attempted to assess the effectiveness of female representatives to participate in meetings and in accomplishing development goals.

Similar to Chattopadhyay and Duflo these authors conclude that while female members are able to secure developmental benefits for villagers in some cases, in others where their initial power base is weak, they face considerable troubles. It appears that despite mandated political representation, males, well informed citizens, and educated people are the mainly likely to be active in the panchayats while landless people, tribals and women are less active. Education and access to information are the two mainly important influences associated with participation, more so than gender and caste. Hence, although participation rates are lowest amongst women and the lower castes, they augment with education and greater access to information.

RELATIONSHIP BETWEEN POLITICAL AND PERMANENT EXECUTIVES

HISTORICAL CONTEXT

Ever since the state came into being it is associated with power and dominance, for the state originated primarily to maintain law and order. The monarchy of the ancient and medieval times represented the unchallenged and unrestricted power of the monarch and in turn the state. Human history witnessed the exercise of the naked and arbitrary power. Power has an inherent propensity to get centralised. consciousness started undergoing change, the structure and the modes of exercise of power could not remain the same. The mainly significant landmark in this development 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 growths 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 procedure it has been realized 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 realization 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 flanked by the three branches of government - the legislative, the judiciary and the executive - marks a important beginning of a new system of power sharing. 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 through 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 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 through the legislatures without violating their spirit. While it would be motivating to revise the relationship flanked by the several branches of government, the scope of this discussion is confined to the relationship flanked by the political and permanent executives.

POLICY-ADMINISTRATION DICHOTOMY

The vital distinction flanked by the political executive and the permanent is rooted in the concept of policy-administration dichotomy. It was Woodrow Wilson, in 1887, made a distinction flanked by politics and administration in his paper "The Revise of Administration", which we have studied in Course I of this programme. He measured politics as concerned with policy formulation which sets tasks for administration. Administration was said to be concerned with execution of policies which is the domain of career civil servants. Policy creation is the function of popularly elected representatives. This dichotomy at that time basically arose due to the prevalence of spoils system in American politics which led to governmental inefficiency. This view gained support

through other scholars, such as, Willoughby, Pfiffner, L.D. White, etc. This dichotomy implies that the policy procedure is entirely dissimilar 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 accessible alternatives to solve dissimilar troubles that people of a society confront. The variation flanked by one political party and the other is based on the differences in preferences. On the contrary, the permanent executive deals with the collection of factual information about the concrete situation. It furnishes the information necessary for the policy outcome. Once the policy is made, the administration or the permanent executive needs 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 realized with economy and efficiency.

There has been a 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 troubles. 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 those preferences? In other words, how can any individual implement a programme which he does not subscribe to. Further is it correct to consider that the members of the permanent executive do not have value preference? These questions are not discussed in detail. Though, those who maintain that dichotomy is feasible, argue that policy preferences involve more of values and political processes while the administrative procedure 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.

PRINCIPLES GOVERNING THE RELATIONSHIP

Once the premise for separation of these two wings is agreed upon, the two wings necessarily operate based on sure vital circumstances. The circumstances become all the more necessary when the distinction in activities is delicate and overlapping. It is this necessity that gave rise to two significant norms, viz.,

neutrality and anonymity. Let us try to understand the implications of these two norms.

Norm of Neutrality

The norm of neutrality assumes three circumstances: 1) changing of political parties in power, 2) meritorious bureaucracy; 3) permanent bureaucracy. Let us now try to understand these three circumstances. 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 troubles 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 enough to state that the criteria evolved for selection is consistently 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 changes 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 calls 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 many 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 flanked by the political and permanent executives.

Norm of Anonymity

The second principle - anonymity flows from the norm of neutrality. The principle of anonymity emphasizes 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. The executive takes the credit for the 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 cause why anonymity has come to be measured 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 advocate's 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. Though, 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 through any political party in power.

AREAS OF COOPERATION AND DISAGREEMENT

This separation has sure built-in advantages and strengths. The political executives devote their time for political mobilization of the masses and also for political education of the masses. In addition to mobilizing the masses, they can formulate the value preferences through comprehending the popular moods and changing aspirations. They can also discuss several alternatives at a fairly higher stage. The permanent executive can continuously evaluate its own field experience and draw meaningful lessons for subsequent programmes. They can also monitor several schemes at day-to-day or step stage. They can also devote greater time to improve their own managerial and technical skills for better and effective realization of the goals. Therefore, this

separation of functions can lead to division of labour which in turn can contribute to a higher stage of efficiency in the society.

There are many reasons for cooperation flanked by these two executives becoming less. The following are some of the significant reasons for this deteriorating situation.

- Firstly, the cooperation flanked by 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 a sure degree of homogeneity in the societal formations. This gives an added advantage to those systems. In other words the circumstances existing in the society give the base for a better pattern of relationship flanked by 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 sure troubles. The heterogeneity of the society is shared through 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. The leads to what has come to be popularly recognized as adhocism. Adhocism cannot give 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 flanked by the political executive and permanent executive. This can strain the relationship.
- Secondly, the disagreement flanked by these two executives, partly emanates from the historical procedure and partly from the socio-economic development. Historically speaking the permanent executive throughout the colonial period not only performed the administrative role but political too. In fact throughout the colonial stage these two functions converged to a point that to create a distinction flanked by the two would be hard. 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. Therefore 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 attainment of freedom should have resulted in redesigning the whole bureaucratic system so as to create them fit to perform the new tasks. But the political elite hesitated to recast the system. With the result the bureaucracy which was used through 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 procedure rendered cordiality flanked by the two branches a bit hard.

- Thirdly, there is another dimension which leads to disagreement. The social origins of the political and administrative elite in India do present a variation. While both the elites 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 stage administrative functionaries. While a bulk of the members of the political executive, particularly at the state stage, have been drawn from the rural and agricultural background, the top and middle stage administrators are from the urban middle and upper middle classes. These differences are manifest in their style of living, mode of communication, ways of looking at things and their mannerisms. Therefore 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 undergoing change. 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 control the permanent and political executives respectively. The relationships are also partly shaped through these factors. ‘
- Fourthly, there are also institutional mechanisms which accentuate or widen the areas of disagreement. 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 procedure is reduced to either the ratification or rejection of what has been brought before the legislative houses. Therefore 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. Therefore the executive branch has appropriated the powers 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 through virtue of being an integral part of the executive branch of the government. Though, due to long colonial background and the rules and regulations and recognized procedures, the permanent executive tends to be less flexible. They also do not

appreciate the political expediency. For them precedent is very significant. 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. Therefore the disagreement arises flanked by flexibility and rigidity, expediency and experience, purpose and the procedure.

Lastly, in developing countries like India where there is scarcity of possessions and intense competition, for those limited possessions, the political executive is subjected to enormous pressure. The impact of pressure group on the administration shall be discussed in the Unit on Pressure Groups. The political executive in turn puts pressure on the bureaucracy. In a number of cases the tendency is to violate the norms, which they themselves formulate. The norms become necessary for lawful governance but pressures are built in scarce situation. As a result the permanent executive is pressurized 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 create compromises. This procedure may end up in public offices being used for private purposes. This may land these officers in several controversies and sometimes enquiries etc. These are some of the significant reasons that had given rise to a number of tensions in the relationship within the executive branch of the government.

RISING 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 flanked by the political and permanent executive. In mainly of the developing economies like India, the possessions are limited and are disproportionately distributed. The masses that 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. Throughout 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 sustained to have electoral politics go on creation promises to the people. The logic of this political procedure is that the masses at one stage start insisting on performance, for every promise necessity end up with performance or frustration. The political systems which developed higher skills in policy-creation have not simultaneously equipped themselves with the necessary capability to fulfill those promises. This wide gap leads to unrest and sometimes even violent outbursts. It is in this context that we should understand the rapidly changing patterns of relationship flanked by the political and permanent executives.

The political executive, in the situation mentioned above, passes through two separate 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 procedure in which the political power moves absent from the people. The permanent executive has to remain at several field stages and the day-to-day interaction with the violent 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 growths 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 implement able? Supposing the political executive sets sure unattainable targets and blames the permanent executive, does that get justified. In other words, failure at the stage 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 troubles of implementation necessity is discussed at the stage of policy formulation itself. The strategies of implementation cannot be planned at the implementation stage itself. At this stage sure technical details can be worked out. Sure minor modifications can be introduced. But the issues like adequate possessions, necessary technologies, institutional infrastructure, need to be developed at the policy creation stage and not at the stage 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 noncommittal. 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 necessity see the policy and implementation as an integrated procedure. The major outcome of this whole procedure is the strain that it imposes on the patterns of relationship. The political executive who is in no position to face the tides of rising

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 here may be occasions when the political executive may openly criticize and attack the permanent executive. In such a situation the permanent executive governed through 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 through the political executive. Therefore they may have to face the public wrath in the early stage of public unrest. When the political executive chooses to press the coercive arm into action, the gap flanked by the permanent executive and the people gets further widened. This is a stage where the relationship flanked by the political executive and the people touches the lowest ebb. That is why the relationship of permanent and political executive should be studied in their larger context.

RELATIONSHIP FLANKED BY POLITICAL AND PERMANENT EXECUTIVES: A CHANGING PERSPECTIVE

The politico-administration dichotomy propagated earlier is now undergoing a change. The nature of traditional concept of civil service neutrality is transforming. The policy formulation and implementation are now measured as activities complementary to each other. Hence, for efficient government administration, co-operation flanked by the political and permanent executives is measured imperative. The Administrative Reforms Commission in India also laid down sure norms as:

- The obligation of every public servant to implement faithfully all policies and decisions of the ministers even if these be contrary to the advice tendered through them;
- The freedom of public servants to expose themselves frankly through tendering advice to their superiors including the ministers; and
- The observance through public servants of the principles of neutrality, impartiality and anonymity.

Policy implementation also needs the consultation and guidance of the political executive. Also sure operational decisions taken throughout implementation of policies have policy implications. In the present day globalization era, the tasks of administration are getting specialised and policy formulation has become an activity that needs specialised inputs from administrators. Administration is also becoming professionalized. The implementation activities also need the cooperation of political representatives as they acquire the necessary feedback, which is helpful for policy formulation. The earlier held view about the conceptual distinction, flanked by policy and administration cannot hold good in present times.

PRESSURE GROUPS

Advocacy groups (also recognized as pressure groups, lobby groups, campaign groups, interest groups, or special interest groups) use several forms of advocacy to influence public opinion and/or policy; they have played and continue to play an significant part in the development of political and social systems. Groups vary considerably in size, influence, and motive; some have wide ranging long term social purposes, others are focused and are a response to an immediate issue or concern.

Motives for action may be based on a shared political, faith, moral, or commercial position. Groups use varied methods to try to achieve their aims including lobbying, media campaigns, publicity stunts, polls, research, and policy briefings. Some groups are supported through powerful business or political interests and exert considerable influence on the political procedure, others have few such possessions.

Some have developed into significant social, political institutions or social movements. Some powerful lobby groups have been accused of manipulating the democratic system for narrow commercial gain and in some instances have been found guilty of corruption, fraud, bribery, and other serious crimes; lobbying has become increasingly regulated as a result. Some groups, usually ones with less financial possessions, may use direct action and civil disobedience and in some cases are accused of being a threat to the social order or 'domestic extremists'. Research is beginning to explore how advocacy groups use social media to facilitate civic engagement and communal action.

An advocacy group is a group or an organization which tries to influence the government but does not hold power in the government. A single-issue group may form in response to a scrupulous issue area sometimes in response to a single event or threat. In some cases initiatives initially championed through advocacy groups later become institutionalized as significant elements of civic life (for instance universal education or regulation of doctors — see below for details). Groups representing broad interests of a group may be shaped with the purpose of benefiting the group over an expended period of time and in several ways, instance as Consumer organizations, Professional associations, Trade associations, and Trade unions.

ACTIVITIES

Advocacy groups exist in a wide diversity of genres based upon their mainly pronounced activities.

- Anti-defamation organizations issue responses or criticisms to real or supposed slights of any sort (including speech or violence) through an individual or group against a specific segment of the population which the organization exists to represent.

- Watchdog groups exist to give oversight and rating of actions or media through several outlets, both government and corporate. They may also index personalities, organizations, products, and activities in databases to give coverage and rating of the value or viability of such entities to target demographics.
- Lobby groups Lobby for a change to the law or the maintenance of a scrupulous law and big businesses fund very considerable lobbying influence on legislators, for instance in the USA and in the UK where lobbying first developed. Some Lobby groups have considerable financial possessions at their disposal. Lobbying is regulated to stop the worst abuses which can develop into corruption. In the United States the Internal Revenue Service creates a clear distinction flanked by lobbying and advocacy.
- Legal protection funds give funding for the legal protection for, or legal action against, individuals or groups related to their specific interests or target demographic. This is often accompanied through one of the above kinds of advocacy groups filing an Amicus curiae if the cause at stake serves the interests of both the legal protection fund and the other advocacy groups.

KINDS

Organizations can be categorized beside the lines of the three elements of commerce: business owners, workers, and consumers.

- Employers' organizations represent the interests of a group of businesses in the same industry.
- Occupational, or labour organizations promote the professional and economic interests of workers in a scrupulous occupation, industry, or trade, through interaction with the government, and through preparing advertising and other promotional campaigns to the public. Such groups will also give member services such as career support, training, and organized social activities. These goals are separate from those of the regulatory body of a self-governing profession, which licenses and supervises its practitioners with the mission of serving the public interest. The advocacy organization does not interact directly with employers in the way a trade union does.
- Consumer organizations exist to protect people from corporate abuse, promote fair business practices, and enforce consumer rights.

INFLUENCE

In mainly liberal democracies, advocacy groups tend to use the bureaucracy as the main channel of influence – because, in liberal

democracies, this is where the decision-creation power lies. The aim of pressure groups here is to attempt to influence a member of the legislature to support their cause through voting a sure way in the legislature. Access to this channel is usually restricted to groups with insider status such as large corporations and trade unions – groups with outsider status are unlikely to be able to meet with ministers or other members of the bureaucracy to discuss policy. What necessity be understood about groups exerting influence in the bureaucracy is; "the crucial relationship here [in the bureaucracy] is usually that flanked by the senior bureaucrats and leading business or industrial interests". This supports the view that groups with greater financial possessions at their disposal will usually be better able to influence the decision-creation procedure of government. The advantages that large businesses have is mainly due to the fact that they are key producers within their countries economy and, so, their interests are significant to the government as their contributions are significant to the economy. According to George Monbiot, the influence of big business has been strengthened through "the greater ease with which corporations can relocate production and investment in a global economy". This suggests that in the ever modernizing world, big business has an rising role in influencing the bureaucracy and in turn, the decision-creation procedure of government.

Advocacy groups can also exert influence through the assembly through lobbying. Groups with greater economic possessions at their disposal can employ professional lobbyists to try and exert influence in the assembly. An instance of such a group is the environmentalist group Greenpeace; Greenpeace (an organisation with income upward of \$50,000,000) use lobbying to gain political support for their campaigns. They raise issues about the environment with the aim of having their issues translated into policy such as the government encouraging alternative energy and recycling.

The judicial branch of government can also be used through advocacy groups to exert influence. In states where legislation cannot be challenged through the courts, like the UK, pressure groups are limited in the amount of influence they have. In states that have codified constitutions, like the USA, though, pressure group influence is much more important. For instance – in 1954 the NAACP (National Association for the Advancement of Colored People) lobbied against the Topeka Board of education, arguing that segregation of education based on race was unconstitutional. As a result of group pressure from the NAACP, the supreme court unanimously ruled that racial segregation in education was indeed unconstitutional and such practices were banned. This is a novel instance of how pressure groups can exert influence in the judicial branch of government.

Advocacy groups can also exert influence on political parties. The main way groups do this is through campaign finance. For instance; in the UK, the conservative party's campaigns are often funded through large corporations, as several of the conservative party's campaigns reflect the interests of businesses. For instance, George W Bush's re-election campaign in 2004 was

the mainly expensive in American history and was financed mainly through large corporations and industrial interests that the Bush administration represented in government. Conversely, left-wing parties are often funded through organised labour – when the labour party was first shaped, it was largely funded through trade unions. Often, political parties are actually shaped as a result of group pressure, for instance, the Labour Party in the UK was shaped out of the new trade-union movement which lobbied for the rights of workers.

Advocacy groups also exert influence through channels that are separate from the government or the political structure such as the mass media and through public opinion campaigning. Pressure groups will use methods such as protesting, petitioning and civil disobedience to attempt to exert influence in Liberal Democracies. Groups will usually use two separate styles when attempting to manipulate the media – they will either put crossways their outsider status and use their inability to access the other channels of influence to gain sympathy or they may put crossways a more ideological agenda. Traditionally, a prime instance of such a group was the trade-unions who were the so-described "industrial" muscle. Trade-unions would campaign in the forms of industrial action and marches for workers rights, these gained much media attention and sympathy for their cause. In the USA, the Civil Rights Campaign gained much of its publicity through civil disobedience; African Americans would basically disobey the racist segregation laws to get the violent, racist reaction from the police and white Americans. This violence and racism was then broadcast all over the world, showing the world just how one sided the race 'war' in America actually was. As a result of the Civil Rights Campaign, institutionalized racism in the USA has all but been eradicated, up to the point that the USA now has an African American for President.

Advocacy group influence has also manifested itself in supranational bodies that have arisen through globalization. Groups that already had a global structure such as Greenpeace were better able to adapt to globalization. Greenpeace, for instance, have offices in over 30 countries and has an income of \$50 million annually. Groups such as these have secured the nature of their influence through gaining status as nongovernmental organisations (NGOs), several of which oversee the work of the UN and the EU from their permanent offices in America and Europe. Group pressure through supranational industries can be exerted in a number of ways: "through direct lobbying through large corporations, national trade bodies and 'peak' associations such as the European Round Table of Industrialist".

INFLUENTIAL ADVOCACY GROUPS

There are several important advocacy groups through history, some of which could be measured to operate with dissimilar dynamics and could better

be described as social movements. Here are some notable groups operating in dissimilar parts of the world:

- American Israel Public Affairs Committee (AIPAC), the American Israel lobby, which is described through the New York Times as the "mainly influential Lobby impacting US relations with Israel."
- British Medical Association, which shaped at a meeting of 50 doctors in 1832 for the sharing of knowledge; its lobbying led to the Medical Act 1858 and the formation of the General Medical Council which has registered and regulated doctors in the UK to this date.
- Campaign for Nuclear Disarmament, which has advocated for the non-proliferation of nuclear weapons and unilateral nuclear disarmament in the UK since 1957, and whose logo is now an international peace symbol.
- Center for Auto Safety, an organization shaped in 1970 which aims to provide consumers a voice for auto safety and quality in the United States.
- Drug Policy Alliance, whose principal goal is to end the American "War on Drugs".
- Electronic Boundary Foundation, an international non-profit digital rights advocacy and legal organization based in the United States.
- Energy Lobby, an umbrella term for the representatives of large oil, gas, coal, and electric utilities corporations that attempt to influence governmental policy in the United States.
- Financial Services Roundtable, an organization representing the banking lobby.
- Greenpeace, an organization shaped in 1970 as the Don't Create a Wave Committee to stop nuclear weapons testing in the United States.
- National Rifle Association, an organization that shaped in New York in 1871 to protect the rights of gun-owners.
- Oxfam, an organization shaped in 1942 in the UK as the 'Oxford Committee for Famine Relief'.
- Pennsylvania Abolition Society, which shaped in Philadelphia in 1775 with a mission to abolish slavery in the United States.
- People for the Ethical Treatment of Animals, an animal rights organization that focuses primarily on animal treatment on factory farms, in the clothing trade, in laboratories, and in the entertainment industry.
- Royal Society for the Protection of Birds, founded in Manchester in 1889 to campaign against the 'barbarous trade in plumes for women's hats'.
- Sierra Club, which shaped in 1892 to help protect the Sierra Nevada.
- Stop the War Coalition, an organization against the War on Terrorism which incorporated a march of flanked by 750,000 and 2,000,000 people in London in 2003.

- Suffragettes, who sought to gain voting rights for women through direct action and hunger strikes from 1865-1928 in the United Kingdom.
- The Affiliated Residential Park Residents Association Incorporated (ARPRO), which was recognized in 1986 to represent residents of residential parks in New South Wales, Australia.
- Sunday School movement, which shaped in about 1751 to promote universal schooling in the UK.
- Tories, which shaped in 1678 to fight the British Exclusion Bill and developed into one of the first political parties, now recognized as the Conservative Party.

CORRUPTION AND ILLEGAL ACTIVITY

In some instances, advocacy groups have been convicted of illegal activity. Major examples contain:

- Jack Abramoff Indian lobbying scandal Corrupt and fraudulent lobbying in relation to Native American gambling enterprises
- Tobacco Master Settlement Agreement flanked by the Attorneys General of 46 states and the four largest US tobacco companies who agreed to pay \$206 billion over the first twenty-five years of the agreement.

ADVERSARIAL GROUPINGS

On some controversial issues there is a number of competing advocacy groups, sometimes with very dissimilar possessions accessible to them:

- Pro-choice movement vs. Pro-life movement (abortion policy in the United States)
- SPEAK campaign vs. Pro-Test (animal testing in United Kingdom)
- The Automobile Association vs. Pedestrians' Association (now 'Living Streets') (road safety in the United Kingdom since 1929)
- Tobacco Institute vs. Action on Smoking and Health (tobacco legislation)
- Flying Matters vs. Plane Stupid (aviation policy in the United Kingdom since 2007)

BENEFITS AND INCENTIVES

The general theory is that individual's necessity is enticed with some kind of benefit to join an interest group. Recognized as the free rider problem, it refers to the difficulty of obtaining members of a scrupulous interest group when the benefits are already reaped without membership. For instance, an

interest group dedicated to improving farming standards will fight for the general goal of improving farming for every farmer, even those who are not members of that scrupulous interest group. Therefore, there is no real incentive to join an interest group and pay dues if the farmer will receive that benefit anyway. Interest groups necessarily receive dues and contributions from its members in order to accomplish its agenda. While every individual in the world would benefit from a cleaner environment, an Environmental protection interest group does not, in turn, receive monetary help from every individual in the world.

Selective material benefits are benefits that are usually given in monetary benefits. For instance, if an interest group gives a material benefit to their member, they could provide them travel discounts, free meals at sure restaurants, or free subscriptions to magazines, newspapers, or journals. Several trade and professional interest groups tend to provide these kinds of benefits to their members. A selective solitary benefit is another kind of benefit offered to members or prospective members of an interest group. These incentives involve benefits like "socializing congeniality, the sense of group membership and identification, the status resulting from membership, fun and conviviality, the maintenance of social distinctions, and so on. A solitary incentive is one in which the rewards for participation are socially derived and created out of the act of association.

An expressive incentive is another vital kind of incentive or benefit offered to being a member of an interest group. People who join an interest group because of expressive benefits likely joined to express an ideological or moral value that they consider in. Some contain free speech, civil rights, economic justice, or political equality. To obtain these kinds of benefits, members would basically pay dues, donating their time or money to get a feeling of satisfaction from expressing a political value. Also, it would not matter if the interest group achieved their goal; these members would merely be able to say they helped out in the procedure of trying to obtain these goals, which is the expressive incentive that they got in the first place. The kinds of interest groups that rely on expressive benefits or incentives would be environmental groups and groups who claim to be lobbying for the public interest. Some public policy interests are not recognized or addressed through a group at all, and these interests are labeled latent interest.

THEORETICAL PERSPECTIVES

Much work has been undertaken through academics in trying to categorize how pressure groups operate, particularly in relation to governmental policy creation. The field is dominated through numerous differing schools of thought:

- Pluralism: This is based upon the understanding that pressure groups operate in competition with one another and play a key role in the

political system. They do this through acting as a counterweight to undue concentrations of power.

- Though, this pluralist theory (shaped primarily through American academics) reflects a more open and fragmented political system similar to that in countries such as the United States. Under neo-pluralism, a concept of political communities developed that is more similar to the British form of government
- Neo-Pluralism: This is based on the concept of political communities in that pressure groups and other such bodies are organised around a government department and its network of client groups. The members of this network co-operate together throughout the policy creation procedure.
- Corporatism: Some lobby groups are backed through private businesses which can have a considerable influence on legislature.

SOCIAL MEDIA USE

A revise published in early 2012 suggests that advocacy groups of varying political and ideological orientations operating in the United States are using social media to interact with citizens every day. The revise surveyed 53 groups, who were found to be using a diversity of social media technologies to achieve organizational and political goals. Face book was the social media site of choice with all but one group noting that they use the site to connect with citizens. Twitter was also popular with all but two groups saying that they use Twitter. Other social media being used incorporated You Tube, Linkedin, wikis, Flickr, Jumo, Diigo, Tumblr, Foursquare, Identi.ca, Picasa and Vimeo. As noted in the revise, "while some groups raised doubts about social media's skill to overcome the limitations of weak ties and generational gaps, an overwhelming majority of groups see social media as essential to modern advocacy work, and laud its democratizing function."

GENERALISTS AND SPECIALISTS

GENERALISTS AND SPECIALISTS: MEANING

A generalist is measured an administrator with no technical or specialist qualifications. In India, a member belonging to Indian Administrative Service (IAS), as well as a member of Administrative Service in Britain is a generalist. 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 medicine. On the

strength of his/her subjects at graduation, which may be dissimilar from the specialization needed for job offered, he/she is not fit to be posted in a scrupulous 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 local stage of administration has nothing to do with the subject of his/her 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 discipline, such as, arts, social sciences, sciences, commerce, engineering/ technology, medicine, is adequate to entitle him/her to occupy a position in a department or at a local stage such as a district or a division, (a group of districts) or in the secretariat.

A generalist usually performs the POSDCORB functions (planning, organizing, supervising, directing, coordinating, reporting and budgeting). A specialist is an expert, who is confined within a specialised area or department and occupies the technical positions in administrative hierarchy. They are entrusted with the task of providing technical advice to the generalist administrator. Specialists are those civil servants who have acquired proficiency in conditions of their education and experience in administration of specific subjects. They contain 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 sure (minimum) stage 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 scrupulous discipline or branch of revise or for further training or experience in that branch. It is said that administration per se becomes a matter of specialization of the generalists.

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 one goes higher and higher in the stage 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 become more and more generalist in nature. Even in technical or functional departments such as irrigation and power, agriculture, medicine and health, the secretary to the departments and the head of the executive department performs the generalist functions of policy-creation, 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 are engaged in multifarious economic and welfare

functions. The state has been entrusted with the task of setting vital industries like steel, mining and heavy electrical. The state also looks after the welfare of the physically challenged, 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 is a necessity 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 other inputs. Literacy rate is very low in the country. All this has 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 rising numbers at several stages and in dissimilar departments and ministries.

A specialist is a person who has special knowledge in a specific field. To systematize 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 stages has not grown to the extent to which the number of specialist officials with higher responsibility has increased. Clerks, typists, stenographers, account clerks, etc. is appointed in all departments' at all territorial stages. 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 assist the administration.

RELATIONSHIP FLANKED BY THE GENERALISTS AND SPECIALISTS

The system of administration in India which has largely been generalist dominated has been due to the impact of administrative philosophy of England throughout 19th century where generalists shaped the vital principle of administration. Later the Northcote-Trevelyan Report on the organisation of Permanent Civil Service (1854) and the Macaulay Report on the Indian Civil Service (1854) also favoured the generalist dominated administration. This sustained even after independence also. The issue of the relationship flanked by the generalists and the specialists has come to the fore on account of several factors. In the first place, they are organised in separate hierarchies, i.e., groups having supervisor-subordinate relations flanked by several stages. That is why, the generalists and the specialists have lost get in touch with each other, and they look to each other with a type of envy and suspicion. In the

second place, the tasks of policy-creation, control of administrative machinery and management at highest stages 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 kind 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 in the middle of the generalists of being 'administrators' per se and par excellence, and an inferiority complex and a feeling of being neglected in the middle of the specialists. Posts of secretaries in the government departments, and even of heads of mainly executive departments are reserved for the generalists. There are also salary differences in favor 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 occupy managerial and executive positions. In India, slowly, 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 contain graduates in engineering, medicine and technology. So, the old Macaulayan premise of liberal education based university graduates as "flowers of the earth" being the mainly appropriate for selection as civil servants does not hold good in India today. The members of the Indian Administrative Service(IAS) occupy higher posts in several departments both in the field and the secretariat except those which are too technical, i.e., specialists that are occupied through the members of the Central Services. Separately from the Central Services which are incorporated in the middle of the specialist services, scientists, legalists, engineers, economists and other cadres are also termed specialists. The IAS incumbents like those in the Indian Police Service(IPS) and the Indian Forest Service are posted in the State administration as well as in the Central administration. But, strictly speaking, members of the Indian Police Service and the Indian Forest Service are not generalists; the IAS is really measured the only genuine generalist civil service in India. The members of the IAS 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 secretary ship of a department in the State secretariat. After a stint of 10 years or so in the State administration, some of the IAS civil servants are transferred to the Central Secretariat, and in some cases finally elevated to secretary ship of a department/ ministry there. Some of these are again deputed at times to the Central public enterprises as managing directors and/or Chairmen. But this trend is diminishing in recent times.

Specialists occupy dissimilar 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.

Arguments in Favor 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 well-known Northcote-Trevelyan Report on “Organisation of the Permanent Civil Service”, 1853. The report recommended that the superior posts in the administration should be filled with educated and promising young men through a competitive examination. This administrative class recruited on the basis of literary attainments in recent years has come to be described as 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 sustained to hold good till Independence. Though, due to the increased welfare functions of the government, Trevelyan and Macaulay philosophy has been questioned and challenged seriously.

The main thought in the selection of the generalist civil service and the placement of its entrants to the high stage positions in any department including the secretariat is that the intelligent young university graduates would occupy these positions with distinction without a formal in-service training. Another thought behind the generalist civil service was that these young entrants would perform the functions of providing advice to the government in policy-creation, formulating decisions for execution of government policies, whichever is the subject or function of administration. The technical experts in the respective subjects would help in these tasks.

Several points are put forward in favor of the generalists. They have a broad outlook and flexibility of approach, to adjust themselves to any department and position at any stage, and to reflect and judge on any issue in administration. As they shift the skill of the generalists to assimilate dissimilar experiences functional, public and political, their skill to occupy higher position in any department and post gets strengthened. Besides, it is argued that the generalist acts as a mediator, an umpire flanked by the expert and the politician, the people and the government, the pressure groups and the public interest represented through the parliament/legislature and the political executive, and the conflicting points of view and characteristics. 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 through the technocrats or the specialists. The specialists, it is held, favor costly proposals which the generalists can size up.

Arguments in Favor of the Specialists

Throughout 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 generalists is that they have 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 defective policy-creation and had made vital evaluation of the policies hard. 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 recognized. Because mainly of the policies and the decisions flowing from them are executed through the specialists or officials under their charge, the generalists are absent from the perception concerning the extent of the effective execution of the policies and the decisions and the reasons for it. The specialists feel that 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 growths in scrupulous subjects like engineering, agriculture, education, health, etc., as they move from one department to another, and even out of a department to a public enterprise 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 several grounds. The shortcomings in the administration through the generalists are cited in their own favor. The chief merit of the specialists claimed through them for occupying the highest positions of headship of executive departments and secretaryship of secretariat departments in advance on the strength of their knowledge and experience of respective specialties. It is also actively canvassed through the specialists that, on the one hand, the generalists become better qualified to hold higher positions in dissimilar departments because they themselves have fashioned the system in their own favor, 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 in the middle of the specialists which reduces the alleged functional bias in them. Nor are the generalists totally free from a personal bias in the course of administration. The charge on the specialists of not being cost-conscious and of being too secure 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 make discontent in the middle of the specialists. Easier and more cordial communication flanked by 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 flanked by these two components of the administrative system have to be encouraged. In 1968, the Fulton Committee in U.K. recommended a greater role for the specialists in administration. It favoured fostering professionalism in the middle of the specialists through training in management and also specialization in subject matter.

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 stages central as well as the state. The IAS is an All India Service in the sense that its personnel are recruited and appointed through the central government, but serves both the state and the central governments. The role of the IAS in the field administration in the States, in providing manpower for appointment as District Collectors and magistrates and development officers to the posts of Zilla Parishad (Chief Executive Officers/ District Development Officers), is also unique. In the Government of India, the members of the IAS are appointed as secretaries, joint secretaries and deputy secretaries to several 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. Prior to the publication of 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 government members of the IAS 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 IAS and the other services do exist, which add to the discontent in the middle of the members of the specialist services such as the Indian Audit and Accounts, Railways, etc. at the central and the agricultural, engineering and other services at the state stage.

There could be no two opinions about the “main thoughts for the formation of the Indian Administrative Service” as stated through a Revise Team of the Administrative Reforms Commission. These are to: i) give top administrative personnel to the central government as well as to the state governments; ii) give opportunities to the central administrative machinery for constant touch with realities and for get in touch with the people; iii) give opportunities to the state administrative machinery for acquiring a wider outlook; iv) facilitate liaison flanked by the centre and the states; v) bring about uniformity in the standards of administration; vi) ensure that services are free from communal or party basis; and vii) ensure contentment and sense of security in the services.

The Administrative Reforms Commission (ARC) maintained that in view of the complexities of the governmental functions today, it needs a diversity of skills for the administration of several programmes of development; that several of these skills are not accessible; and that these thoughts have a great bearing on the staffing policies of the government. One of the major recommendations of the ARC was that all posts requiring secure 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, so, be earmarked for the officers of the service. Though, the movement of persons at several stages in the functional service is not to be automatic but through careful selection at each stage. The unified grading structure recommended through the ARC sought to help the procedure of selection.

The ARC recognized though that there would be several posts which would not require subject matter (functional) specialization but would call for broad conceptual and managerial skills. These are the policy stage posts of secretaries in the secretariat. For these posts no single functional service is uniquely qualified. These posts are very significant, so the Commission has suggested that they should not be manned as at present but through a dissimilar method. The method recommended through the Commission is to hold an examination to all officers of higher services with 8-12 years of experience in government and test them for their suitability to occupy higher-stage policy positions. This examination should be intended to assess the candidate's capability for communication, clarity of thought, overall managerial skill, power of analysis and comprehension of current social, economic and political issues. The ARC has suggested that after the officers

are selected on the basis of this examination, they should be allotted to one of the eight specialties mentioned through the Commission, according to their background and aptitude. These specialties are: (i) personnel and manpower; (ii) economic administration (including planning), (iii) financial administration; (iv) agricultural administration; (v) industrial administration, (vi) social and educational administration; (vii) internal security and defense; and (viii) general administration. After this allotment, the careers of these officers would be within the selected specialty, but there would be judicious job rotation of these officers in related areas.

Criticisms could be offered on these categories of functional professionalization of the civil services in India at the higher policy-creation stage, as also on the mode of examination to be held at the mid-career of the civil servants for selections to this stage. But the recommendations of the ARC on the matter ensured the pre-eminence of the generalist Indian Administrative Service as well as justice to the highly qualified and experienced in the middle of the specialists in respect of their claims to the higher stage posts in policy-creation. Similar professionalization and mode of selection was suggested through the ARC at the state stage.

BRIDGING THE GULF FLANKED BY THE TWO

Of late, sure steps have been initiated towards inducting specialists into administrative positions both at the centre as well as the states. For instance, the Department of Atomic Energy is headed through a nuclear scientist, Ministry of Law through a member belonging to the legal profession or service. Likewise, scientists preponderate in the scientific research departments. The Planning Commission is exclusively manned through specialists and professionals. There is another method in vogue of giving a specialist head of the department ex-officio status of Joint/Additional Secretary to the government. For instance, at the union stage, the members who are heads of operating departments are ex-officio secretaries in the Union Ministry. At the state stage too, specialists are appointed as secretaries - ex-officio or in own right - in departments like law, public works, etc. The Director General of Indian Council of Agriculture Research (ICAR) is the ex-officio Secretary of the Department of Agricultural Research and Education in the Ministry of Agriculture. Likewise, the Director General of Council for Scientific and Industrial Research (CSIR) is the ex-officio Secretary of Department of Scientific and Industrial Research in Ministry of Science and Technology.

An independent Personnel and Administrative Reforms Department has been constituted at the centre in accordance with another recommendation of

the ARC. Likewise, imparting of training in managerial techniques and reforms in administration as suggested through the Commission is under way. But the concept of overall career planning and development seems to have been stuck up. In the public enterprises, prior to the report of the ARC on public enterprises, government secretaries mainly of whom were generalists used to be appointed either in ex-officio capability as part time Chairman/Managing Directors or Directors or on a full time substantive basis. The recommendation of the ARC to discontinue the practice was accepted and implemented through the Government.

Another possible way out to bridge the existing gulf flanked by the generalists and specialists could be the formation of any one of the following hierarchies like:

- Separate Hierarchy: The system is prevalent in Australia, Sweden where there is common pay and greater respect for specialists.
- Parallel Hierarchy: This is a system where a specialist will be working with a generalist like for instance Director General (Specialist) will be working with Deputy Secretary (Generalist).
- Joint Hierarchy: Here both a generalist as well as a specialist report jointly to a permanent Secretary who is a generalist.
- 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 circumstances of service. While in India no steps were taken to make 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 stage. Its alleged omniscience, overbearing outlook towards the specialists, its inadequate 'professionalism' and outdated knowledge in scientific and technological sectors of administration are recognized 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 necessities of fostering interrelations in the middle of dissimilar sectors of administration as well as flanked by the centre and the same time, the value of the specialists' contribution and role in the administration at both the central and the state stages 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 recognized.

The complexion of administration is undergoing a change with the tasks getting more and more specialised in recent times. The discharge of functions through the administration in present times needs more professionalization. While in the USA, the public service places emphasis on some specialist inputs, Indian system modeled on the British pattern gave importance to generalism. But now the gap flanked by the generalists and specialists is getting reduced through appropriate measures. Now usually a freshly appointed officer of IAS shall gain experience in the field as well as in regulatory and welfare departments in the initial 11 to 12 years. In the after that few years opportunities are being made accessible to specialize in their areas of preference. Policy formulation, and implementation are the key components of administration. The contribution of generalists and specialists in this procedure cannot be assessed in rigid watertight compartments. The present times call for a blend of detailed knowledge of administrative activity as well as specialised knowledge beside with proficiency in skills of organisation and policy creation.

ADMINISTRATIVE REFORMS

MEANING OF ADMINISTRATIVE REFORMS

Administrative reforms have been variously defined. There are several names given this phenomenon of reforms such as administrative change administrative transformation, administration restructuring, administrative reengineering, renewal, realignment etc. The thought is that administration is in need of re-alignment and readjustment and it necessity evolve to a new form and format through a planned, systematize and well-directed procedure. Administrative reforms can, in short, be defined as artificial inducement of administrative transformation against resistance. This definition highlights three separate elements, namely:

- Administrative reform is artificially stimulated;
- It is a transformatory procedure; and
- There is subsistence of resistance to change procedure.

Obviously, reforms do not take place through themselves. They are pre-meditated, 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 for betterment. Reform is more than a series of incremental changes or marginal adjustments, though it may result from the cumulation of small changes, which periodically makes

requirement for comprehensive and systematic efforts. Administrative reform paves the way for new order. It refers to the formal, mechanistic and meditated procedure of structured change.

NEED FOR ADMINISTRATIVE REFORMS

The distinguishing feature of modernized social system is its skill to deal with continuous systematic transformation. Society has to change in order to free itself from the shackles of traditionalism, cope with the changes in environment, adopt fresh innovative culture, adopt new knowledge and technology and crave for a new order through elimination of the old structures and system.

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. Administration necessity also correspondingly changes to be in step with the outer modernization procedure. Or else, disequilibrium would set in, resulting in imbalances, dysfunctionalities, maladjustments and goal displacement. According to Fred W. Riggs administrative reform is a “problem of dynamic balancing. Since public administration functions within a political context, its vital character, content and style of functioning is greatly influenced through the political environment, its institutional dynamics and procedure, in not merely setting national goals; priorities, or deciding flanked by competing values, and allocating possessions but also in devising the mainly effective instrument for translating these policies into successful programme realities. Added to this, the advances in Information and Communication Technology (ICT), and the state’s pervasive role in managing national assets and possessions, controlling the whole economy through regulation and development, ensuring a just and equitable economic order, correcting age old social imbalances through newer forms of institution-creation, and ushering in an egalitarian social system, has thrown up new tasks for administration. This requires fundamental and foundational improvement in the administrative capabilities. The latter, in turn, requires proper planning, educational re-arrangement, ability-generation, attitude-formation and a host of other structural-functional reorganization. This being the ecology of administrative reform, the success of administrative reform programmes postulates an inter-disciplinary and multidimensional approach.

With the nineties came the market reforms, and there was an emphasis on structural adjustment. Good governance is the stress of the governments of the day, with focus on accountability, efficiency, effectiveness, transparency and decentralisation. With focus on good governance today, there has been a

greater change in the conventional role of the State, the government and the bureaucracy. Today, there is shift from responsiveness to partnership and collaboration. The importance is given to people's participation in governance and the involvement of the multiple actors. With citizen's participation and collaboration taking centre stage, the government has to act as partners with the citizens. Administration cannot fulfill the newer roles with the traditional organisation and methods. It has to be people friendly and work on public trust. Hence, the bureaucracy has to change to adapt to the new role. This need for change in turn necessitates reforms.

KINDS OF ADMINISTRATIVE REFORMS

Administrative reforms, according to Gerald E. Caiden, can be of four kinds.

- Reforms imposed through political changes.
- Reforms introduced to remedy organizational rigidity.
- Reforms through the legal system, and
- Reforms through changes in attitude.

Reforms imposed through political changes

Administration is shaped and influenced through political forces. The change in political scene also affects administration. Structure and working of administration is affected through political changes.

Reforms introduced to remedy organizational rigidity

Bureaucratic structures have to change to be flexible. The rigidity in the structure of administration has to be removed. The changes can take place in the form of restructuring, reinvention, realignment, rethinking and reengineering.

Reforms through the legal system

Laws pertaining to administrative reform can lead to important changes in administration. Legislation is normally preceded through consultations and deliberations in many forums such as committees, commissions, press etc.

Reforms through changes in attitude

Human beings are an significant part of any organisation. Change in their

attitude will help in bringing reforms. No legal, structural and political change can lead to desired reform unless and until these are appreciated and accepted through the people working in the organisation.

ADMINISTRATIVE REFORMS IN INDIA SINCE INDEPENDENCE

When India became independent in 1947, it faced troubles of partition, refugees, migration, retirement of a great number of administrative personnel, problem of integration of the princely States, etc. The new government adopted the ideology of welfare of the people through socio-economic development, which led to a greater proliferation of tasks and functions. To take up the welfare programmes and challenges, the administrative machinery, which was inherited from the colonial regime and rendered weak through erosive circumstances and stressful situations accompanying Independence, had to be revamped and reinforced. Administration, as the instrument for designing and implementing all the developmental programmes had to be restructured, reformed and renewed. Several measures were taken up through the GOI in administrative reforms. We will discuss these measures now.

Secretariat Reorganization Committee, 1947

The Government of India set up the Secretariat Reorganization Committee in 1947, which was headed through Girija Shankar Bajpai. The Committee enquired into the matters of personnel shortages, better utilization of the accessible manpower and improvement of methods of work in the Central Secretariat.

Shri N. Gopalaswamy Ayyangar Report, 1950

Shri N. Gopalaswamy Ayyangar mannered a comprehensive review of the working of the machinery of the Central Government, which was presented in his report on 'Reorganization of the Machinery of Central Government'.

A.D. Gorwala Committee, 1951

In July 1951, a Committee headed through Shri A.D. Gorwala in its Report on Public Administration underlined the need for having a clean, efficient and impartial 70 administration.

In continuation of these efforts, the Government of India invited an American expert, Mr. Paul. H. Appleby to suggest reforms in Indian administration. Appleby submitted two reports. His first report namely 'Public Administration in India: Report of a Survey', 1953, dealt with administrative reorganization and practices. His second report namely, 'Re-examination of India's Administrative System with special reference to Administration of Government's Industrial and Commercial Enterprises', 1956, dealt with matters pertaining to streamlining organisation, work procedures, recruitment, training in these enterprises.

In the middle of the twelve recommendations made, the Government of India accepted two of his recommendations. First, related to the establishment of a professional training institute, namely the Indian Institute of Public Administration for promoting research in public administration. The second related to the setting up of a central office to give leadership in respect to organisation, management and procedures. As a result, an Organisation and Methods (O & M) Division was set up in March 1954, in the Cabinet Secretariat for improving the speed and quality of the government business and streamlining its procedures. O & M units and work-revise units were set up in the Ministries/Departments. The focus was on improving the paper work management and methods. A Manual of Office Procedure was prepared for all Ministries and Departments.

Committee on Plan Projects, 1956

In 1956, the Planning Commission set up a 'Committee on Plan Projects' to evolve organisation norms, work methods and techniques, with a view to achieve economy and efficiency in the implementation of the plan projects. In 1964, a Management and Development Administration Division were also recognized as a part of this Committee to promote the use of modern tools of management. It also undertook studies on troubles related to development administration at the district stage.

Committee on Prevention of Corruption, 1962

The Committee was set up under the chairmanship of K Santhanam to revise the causes of corruption, to review the existing set up for checking corruption and to suggest measures for improvement. The Committee stressed on the need for streamlining the procedures relating to prevention of corruption and recommended the setting up of Central Vigilance Commission(CVC).

Administrative Reforms Commission (ARC), 1966

The Administrative Reforms Commission was set up in January 1966 under the chairmanship of K Hanumanthaiya. Its conditions of reference were the widest as it sheltered the whole gamut of public administration at the Centre as well in the States. The Commission submitted 20 reports containing more than 500 recommendations. These led to major and minor changes in administration as well as paved the way for further thinking, which led to more reforms. The major recommendations of the ARC are mentioned below:

- It spelt out the tasks for the Department of Administrative Reforms. The Commission suggested that the Department should concentrate on:
 - Undertaking studies on administrative reforms that are of a foundational nature;
 - Creating O & M expertise in the ministries and departments and providing training to the staff in their O & M units in modern managerial techniques; and
 - Providing guidance to the O & M units in implementing the improvements and reforms.
- It recommended the reactivating of the O & M units in dissimilar ministries and departments.
- It described for setting up of a special cell in the central reforms agency to provide effect to the reports of ARC; and
- It stated that the central reforms agency should be research based in matters dealing with the methods of work, staffing pattern and organizational structure.

Kothari Committee, 1976

The Committee on recruitment and selection methods under the chairmanship of Shri Kothari was set up in 1976 through the UPSC to look at and report on the system of recruitment to All India Services and Central Group A and B Services. The committee in its report recommended for single examination for the AIS and Central Group A non-technical services.

National Police Commission, 1977

The Commission was set up under the chairmanship of Shri Dharam Vira to look at the role and functions of police with special reference to control of crime and maintenance of public order, the method of magisterial supervision, the system of investigation and prosecution and maintenance of crime records. The Commission made over five hundred recommendations extending to a wide area of interest relating to police administration.

Economic Reforms Commission, 1981

The Commission was set up with L K Jha as the chairman. The main functions assigned to the Commission related to the revise of the significant areas of economic administration with a view to suggest reforms. The Commission submitted a number of reports to the Government of India, which advocated the rationalization and modernization of the economic administrative system to pave way for a new economic order.

Commission on Centre-State Relations, 1983

Mr. R S Sarkaria, was the chairman of this Commission. Its term of reference was to look at and review the working of the existing arrangements flanked by the union and states with regard to powers, functions and responsibilities in all spheres and create recommendations as to the changes and measures needed. National Commission to Review the Working of the Indian Constitution, 200003, under the Chairmanship of Chief Justice (Retd.) Venkatacheliah, was set up to look at the working of the Indian Constitution.

Conference of Chief Secretaries, 1996

A Conference of Chief secretaries of the state and union territories was organised through the Department of Administrative Reforms & Public Grievances (AR & PG) on 20th November 1996. The focus of the Conference was on having an accountable, open and citizen-friendly government and on improving the performance and integrity of the public services. The follow-up actions of the Conference incorporated:

- Setting up of an inter-ministerial Working Group on Right to Information and Transparency headed through Shri H.D. Shourie;
- Constituting an Expert Group headed through Shri N. Vittal to look into the computerization in personnel system and public services;
- Formulation of citizen's charters through all ministries with public interface;
- Steps to give timely disposal of departmental enquiries and vigilance proceedings;
- Developing grievance redressal machinery; and
- Initiating civil service reforms especially including the transfers and promotions in Centre and States.

Chief Minister's Conference, 1997

In pursuance of the objectives of accountability, transparency, and responsiveness spelt out through the Conference of Chief Secretaries, a

national debate was generated on the above-mentioned issues to elicit opinion of the wider public, which incorporated officials, experts, voluntary agencies, media, academia and the citizens groups. This debate culminated in an Action Plan for effective and responsive government. The Action Plan was discussed and adopted in the Conference of Chief Ministers on 24th May 1997, to be implemented through both the Centre and the State governments. The Action Plan has three components, namely:

- Creation Government Accountable and Citizen-friendly
- Transparency and Right to Information
- Improving the Performance and Integrity of the Public Services

Accountable and Citizen-friendly Government

To create the government and administration accountable and friendly to the citizens, the following steps are undertaken.

- Implementation of Citizen's Charter: The Government of India has directed ministries and departments with public interface to formulate a citizen's charter laying down the standards of service and time limits, avenues of grievance redressal and provision for monitoring.
- The Department of AR&PG has coordinated efforts in this regard to see the adoption of the citizens' charter in ministries, departments and agencies of the Centre and States.
- Redressal of Public Grievances: Director of Grievances has been appointed in every ministry and department for redressal of public grievances in the Central government. The time limits for disposal of public grievances have been specified and software has been developed for computerized, web-enabled and networked monitoring of public grievance redressal mechanism. A compendium of guidelines has been published in this regard. Likewise, a Standing Committee of Secretaries to Government of India has been set up under the chairmanship of the cabinet secretary to monitor the public grievance redressal mechanism of the Central government. At the State stage, States like Madhya Pradesh, Tamil Nadu and Uttar Pradesh have made institutional arrangements to monitor the redressal of public grievances through Chief Minister's Secretariat. Likewise, Andhra Pradesh, Assam, Haryana, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh have started special programmes and campaign for taking administration to the people. Delhi has set up a Public Grievance Commission and Assam and Madhya Pradesh have also set up a separate department for the same.
- Reviews of Laws, Regulations and Procedures: The existing laws, regulations and procedures are to be reviewed, amended, modified and reformed in order to create them simpler. The Action Plan gives for Centre and States to look into the repeal of obsolete laws, reduction of

time and cost for the disposal of cases in civil and criminal courts and easy practice of approvals, sanctions and issue of permits with a view to improving service delivery and bringing about a Commission was set up under the chairmanship of Shri P C Jain for reviewing the steps taken through dissimilar ministries and departments in this regard. The Commission made sure recommendations relating to amendments and changes in the laws, regulations and procedures; repeal of dysfunctional and irrelevant laws; documentation of laws and subordinate legislations, executive orders, instructions and circulars; and simplifications and consolidation of rules, regulations and orders.

The ministries and departments have made attempts in this regard through modifying and amending several Acts and laws. The outdated laws have been repealed. The Department of AR & PG monitors the review of such rules and regulations through ministries and departments on a regular basis. The P C Jain Commission reviewed over 2500 laws and recommended repeal of about 1400 laws and amendments to about 24) laws. The follow up action has been taken up under the supervision of a Standing Committee.

People's Participation: Decentralization and Devolution of Powers

The Action Plan gives for the decentralisation and devolution of powers. This will contain people's participation constant with the 73rd and 74th Amendments of the Constitution, involvement of the people and voluntary agencies in the delivery of services, and devolution of administrative powers. People's participation has been ensured through providing constitutional status to the PRIs in the country. Elections are mannered for these bodies. There are around lakhs Panchayats, of which about 2.25 lakhs are Gram Panchayats and they have elected almost 3.4 million representatives at all stages. The urban local bodies have also been accorded similar status. With the Extension to the Scheduled Areas Act, 1996, the provisions of the 73rd and 74th Act have been extended to the tribal areas of 10 States and all these States have enacted legislation to provide effect to these provisions.

Transparency and Right to Information

This provision in the Action Plan entails freedom of information to the public. This will contain amendments to the Official Secret Act, 1923 and Indian Proof Act. The Freedom of Information Act, 2003 has been passed. The Act seeks to give freedom to every citizen to secure information under the control of public authorities. It seeks to create government open, transparent, responsive and accountable to the people. This Act gives easy access to the people to all information relating to government activities and decisions

except matters relating to national security. Mainly of the States - Goa, Karnataka, Maharashtra, Delhi, Rajasthan and Tamil Nadu- too have legislated the Right to Information. Information and Facilitation Counters (IFCs) have been set up through ministries, departments and organisations with large public interface in areas such as land records, passport, investigation of offences, administration of justice, tax collection and administration, issue of permits and licenses etc. Information and Communications Technology based public service delivery has helped in promoting accountability and transparency in administration.

Improving the Performance and Integrity of the Public Services

The Action Plan aims at improving the performance and integrity of the civil services. Amendment to the existing provisions for the prosecution and removal of corrupt officials as well as reward to the employees for doing good work is being taken up. The CVC has displayed on its website the names of several senior officials for whom it has recommended action for corrupt practices. Some of the States that have reported strengthening of vigilance procedures are 'Karnataka, Kerala, Maharashtra, Nagaland, Uttar Pradesh and West Bengal.

The strengthening of the investigation agencies and vigilance machinery, such as, Lok Ayukta, CBI, CVC, Income Tax authorities, Enforcement Directorate, and revamping of existing procedures for departmental queries and vigilance proceedings have enabled in improving the integrity of public services. In this connection recently, CVC has been set up as an independent and autonomous body through executive order. The provisions of giving statutory status are still awaited and the bill is pending in the Parliament. The Rajya Sabha passed the central vigilance commission bill conferring statutory status on the CVC to probe offences committed through central public servants, corporations, societies and local authorities. It gives for the CBI to obtain approval of the government before conducting any inquiry into an offence committed through officers of the rank of joint secretary or above in any government department or PSU. The Bill passed through the Lok Sabha in Feb. 2003, gives for appointment of a CVC and not more than four vigilance commissioners. CBI and Enforcement Directorate have been brought in its purview in matters pertaining to investigation cases of the public servants:

This will help in strengthening the vigilance machinery and give for secure networking of several related agencies. At the Union stage, the Lokpal Bill proposes to deal effectively with corruption in high places and the nexus flanked by politicians, civil servants, businessmen and criminals. The bill is pending before the Parliament. Many States, like Assam, Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra,

Orissa, Punjab, Rajasthan, Uttar Pradesh and Delhi, have already set up the corresponding institution of Lok Ayukta. A Code of Ethics has been drafted through the Government of India to improve the integrity of the civil servants. This will be in addition to the existing Conduct Rules. The State governments of Gujarat, Madhya Pradesh and West Bengal are also drafting Code of Ethics for civil servants.

Likewise, providing institutional arrangements to look into the postings and transfers of officials to prevent political interference is being worked out. The Central government has set up a Civil Services Board to procedure proposals for the postings and transfers of the officials of the stage of deputy secretary, director and joint secretaries. This will curb the practice of frequent and arbitrary transfers of the public servants. Several of the States have also laid down the transfer policy pertaining to the civil servants.

Fifth Pay Commission, 1997

The Commission was recognized under the chairmanship of Mr. Ratnavel Pandian. The Commission, in effect, became more than a conventional Pay Commission, and went into major issues of administrative reforms.

EVALUATION OF RECENT REFORMS

At the Central stage, several ministries and departments have been slow in implementing the reforms. The citizen's charters lack quality, as several of the ministries and departments have renamed their information brochures as charters. The citizens as well as the employees also seem to be unaware of the charters. The computerization and networking is yet to be fully implemented through the Centre and the States. The review of laws has not been taken up at the required pace. The Lokpal Bill is lingering in the Parliament. The Department of AR&PG found that several of the Information and Facilitation Counters set up through the ministries and departments are non-functional. The code of ethics is yet to come up. The voluntary retirement scheme has also not been properly taken up. At the State stage, much is left to be achieved. The Right to Information Act has been placed in many States, but it has not been properly implemented.

Nothing has been going beyond the 73rd and 74th constitutional amendments. The States have not implemented the constitutional amendments in letter and spirit. As a result, decentralisation has suffered a setback. The States have not adequately streamlined the function of the panchayats. In some States more powers have been vested with the district and intermediate stages whereas in some States more powers have been given to the gram panchayats

and the intermediate stages and not to the district stage. The States have not provided these bodies with adequate staff and finances in relation to the subjects allocated to them. Again, the district planning committees have not been set up through a number of states. The gram sabha are not fully empowered as their powers and procedures have not been properly laid down. The urban local bodies have lost their importance due to the multiplicity of corresponding institutions that have come up to carry out varied functions pertaining to housing, urban regulation, water and sewerage, and power sharing. Also, there is dearth of possessions, which makes troubles for rendering better services.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

A Department of Administrative Reforms was set up within the Ministry of Home Affairs in March 1964 to suggest reforms and conduct studies on all characteristics of administration relating to the organisation, methods and personnel. The O & M Division, which was earlier functioning under the cabinet secretariat, was transferred to it. Based on the recommendations of the ARC, a Department of Personnel was set up in the cabinet secretariat on 1st August 1970. All matters pertaining to the civil services were transferred to this Department from the Ministry of Home Affairs. Further, on 7th February 1973, the work relating to the Department of Administrative Reforms was also transferred to it and the Department was redesignated as Department of Personnel and Administrative Reforms. In April 1977, the Department of Personnel and Administrative Reforms was shifted from the cabinet secretariat to the Ministry of Home Affairs and this arrangement sustained till the end of 1984. Department of Personnel and Administrative Reforms, was also set up at the State stage.

The Department of Personnel and Administrative Reforms was elevated to a full-fledged Ministry of Personnel and Training, Administrative Reforms, Public Grievances and Pensions in March 1985. On December 10, 1985 this Ministry underwent further change in its nomenclature and was re-designated as the Ministry of Personnel, Public Grievances and Pensions with three departments namely, Department of Personnel and Training (DOPT), Department of Administrative Reforms and Public Grievances and Department of Pension and Pensioners' Welfare. A major highlight of this arrangement was that, firstly the Ministry was placed under the overall charge of the Prime Minister assisted through a Minister of State. Secondly, the subject of public grievances was added to Department of Administrative Reforms. This allocation was effected under the rationale that it would give a closer and integrated view of the inadequacies of the administrative system

that gives rise to grievances, on the one hand, and how the administrative machinery could be made adaptive to the changing necessities, on the other. Thirdly, a separate Department was created to handle the subject of Pension and Pensioner's Welfare.

We will be basically concentrating on the functions of the Department of Administrative Reforms and Public Grievances.

- Functions of the Department of Administrative Reforms and Public Grievances
- With the creation of the Department under the Ministry in 1985, the following tasks were assigned to it:
- Matters pertaining to the conduct, coordination and evaluation of administrative reforms.
- Matters pertaining to organisation and methods.
- All policy matters and issues relating to the redressal of public grievances in general and grievances pertaining to the Central government agencies in scrupulous.

The functions relating to research in personnel administration, liaison with State governments and professional institutions in personnel matters was transferred to this Department in 1989 from the Department of Personnel and Training.

REVIEW QUESTIONS

- Explain the several kinds of devices for securing centre-state cooperation.
- Discuss the concept of decentralization.
- Look at the impact of rising popular consciousness on the relationship flanked by political and permanent executives.
- Explain the meaning and features of pressure groups in India;
- Discuss the impact of the relationship flanked by generalists and specialists on administration.
- Describe the reform measures undertaken through the government since independence.

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