

UNIT 21 SOCIO-CULTURAL FACTORS AND ADMINISTRATION

Structure

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21.0 OBJECTIVES

After studying this Unit, you should be able to:

- Understand the interrelationship between the society and administration.
- Explain the broad features of social structure and their impact on administration; and
- Discuss the cultural context of Indian administration.

21.1 INTRODUCTION

Society consists of many interdependent and interacting parts. Administration is one such interdependent and interacting part of the society. Administration, which is expected to administer the affairs of the society through government and semi-government agencies, has meaning only in the context of the social setting. The administrators are drawn from the society. They bring with them the social values they acquire through the socialization process in the social institutions like school, family, association, religion etc. The socio-cultural factors greatly influence the nature of administration. The administrative behaviour is influenced by the values cherished by that society. Fred W. Riggs and many others analysed the interactions and the interrelation between society and administration through the ecological approach to the study of administration. The ecological approach emphasises the importance of dynamic interaction between social environment and administration. In this unit we shall be discussing the main features of the Indian social structure and culture and their impact on Indian administration.

21.2 MAIN FEATURES OF SOCIAL STRUCTURES AND IMPACT ON ADMINISTRATION

A society is a collection of people who are sufficiently organised to create conditions necessary to live together with a common identification. It is an organised network of social interactions and patterned behaviour. Every society has its own identity based on the nature of its social institutions. India has a rich cultural heritage and is a land of diversities. The diversity in social life is reflected in multi-social, multi-lingual, multi-religious and multi-caste nature of the society. The important features of the Indian social structure are: predominant rural habitation in small villages; multi-religious and multi-caste social identities and important role of family in the social life. We shall have

a detailed discussion on these institutions and their impact on administration in the following sections.

21.2.1 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 characteristics. Stanley J. Hegelbotham, in his book, *Cultures in Conflict*, (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 many implications for the development administration. Many studies have indicated urban bias in the behaviour of administrators. This results in a cultural gap between the administration and rural people. For administration to be effective, it must appreciate and respond to the socio-cultural ethos of the rural population.

21.2.2 Religion

Historically, India has been hospitable to numerous groups of immigrants from different parts of Asia and Europe. People of all religions have been living in India for many centuries. The 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.

However, in reality, communalism is one of the major threats to the unity and the integrity of the country. In recent years, the communal organisations have become very active in social life resulting in communal clashes in different parts of the country. Some vested interests are using religion for their selfish purposes and are fanning hatred among the communities. The communal disharmony tests the strength of the administration in maintaining law and order and social harmony among the religious groups. Administration has to check disruptive communal activities and maintain social and political stability. Unfortunately, in recent years we also hear the allegations of divisions in the civil services based on communal factors. The role played by some state police forces during the communal disturbances in 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.

21.2.3 Caste

The Hindu society is known 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 different horizontal strata, and each strata is known as caste. The caste system creates:- (a) segmental division of society (b) hierarchy (c) restrictions on social interactions, (d) civic and religious disparities and privileges of different sections (e) restriction on choice of occupation, and (f) restriction on marriage. Though caste is essentially a Hindu institution, some elements of caste are found in every religious group in India. The caste system based on birth created divisions in the society and contributed

to the social and economic inequalities. A section of people were treated as untouchables and they were exploited by 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 process is increasing. The caste is being increasingly used for political mobilisation. This has an adverse effect on the working of political and administrative institutions. Formation of informal groups on caste lines among the public services is another developing phenomena. This affects the homogeneity of the public services.

Realising the existence of inequitable social system, the Constitution has provided for preferential treatment to scheduled castes, scheduled tribes and other backward classes in public services. In recent years, we find many agitations for and against the reservations in public services. Paradoxically, it is found that the preferential treatment system designed 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 must understand the dynamics of caste loyalties and caste sensibilities to play the role of an effective change agent.

21.2.4 Family

The joint family was considered as one of the three pillars of Indian social structure, the other two being the caste and the village community. Family is an important social unit and in a country like India, the family loyalties are very strong. Traditionally, in India the joint family system played an important role as a social and economic institution. The social norms expect the subordination of individual interests to that of family. However, 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 important 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 generally occupy a subordinate position.

The structure and operation of family has many implications on administrative system. The paternalistic and authoritarian structure of the family life is partly responsible for the paternalistic and authoritarian behavioural orientations of the administrators. The socialization process 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. Many administrators may feel it natural to help their family members by using their administrative positions. Many studies have pointed out the presence of family orientation of helping ones relatives in administration.

Check Your Progress 1

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

- 1) How does rural habitation and religion affect administration?

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- 2) How does the caste influence administration?

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- 3) What is meant by familial orientation in administration?

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21.3 CULTURE AND ADMINISTRATION

Culture refers to a way of life. It includes the entire gamut of modes of expression and communication as well as the system of values and beliefs governing the society. Values refer to preferences i.e. ideas of good or bad, desirable or undesirable. Culture determines what is desirable conduct and behaviour for the members of the society.

The culture of a society is a result of a long process of evolution and is reflected in its social, economic and political institutions. The administrative behaviour in the society is influenced to a greater extent by the values cherished by the society.

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 by David Apter as 'instrumental' and 'consummatory', 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' emphasised the importance of study of values developed by the administrative structures vis-à-vis the values of surrounding society. He talks about Hindu values since majority of the IAS recruits are Hindus. Subramanyam identified three elements in the Hindu tradition, which work against the rational decision-making. To put in his own words: In the first place, a decision is basically choosing between a number of mutually exclusive alternatives and the basic Hindu approach is to deny the existence of such alternatives. Secondly, a decision means a choice of a course of action with a view to taking that course of action immediately. It is also implied in the western meaning of decision that the difficulties in that particular course of action have all been taken into account in making a decision in favour of it. The average Hindu idea of a decision is, however, more akin to the English phrase 'pious resolution'. The continuous and undignified 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 particular Indian meaning attached to the term decision. Indeed, the average Hindu mind is so thoroughly reconciled to an impossible distance between precept and practice and between ideal and reality that it naturally imports this distance to separate decision and execution, a distance which does not exist in western interpretations of the term. Thirdly, a decision or choice means listing the various alternatives in a particular order of preference and if possible covering this ordinal list of preferences into a cardinal list of quantified values for each. The Hindu mind always indulges in talking of very large numbers, such as yugas. By using such large numbers casually the small differences that are most important in day-to-day decisions are made to look meaningless.

Many studies were undertaken to identify the cultural moorings of Indians, which result in a particular way of behaviour of administrators. Administrators perceive reality on the basis of their experience. Much of what they see depends upon how they see, which in turn depends on their socio-economic origins. They are insensitive to the problems of the

common man and have a sense of superiority, which emanate from their upper class background.

Richard Taub found in his study 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 terms and traditions of reference towards authority’ etc. have caused a particular pattern of behaviour among the bureaucrats.

The cultural factors have various implications for the administrative processes like motivation, communication and authority.

1) **Motivation:** many studies on human motivation identified 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 many countries tend to have a fairly low achievement 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 considered as one of the inhibiting factors in the achievement orientation of bureaucracy. In the words of G.P. Chatopadhyaya, ‘The Indian personality, by 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 achievement orientation among Indian managers, makes them feel helpless in shaping their environment and makes them highly dependent on authority figures’.

2) **Communication:** Communication may be described as the process of transferring concepts, ideas, thoughts and feelings among people. Communication process is culture. The one-way process 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.

3) **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 levels of organization in total disregard of abilities and actions of persons in authority. In public organisations it may lead to certain dysfunctions like growth of personality cult or personal goals of authorities may gain priority over the organisational 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 difficult for the people at lower levels in organisation to give correct information or opinion if they feel that it may be unpalatable to those in authority. The public organisations are considered merely as an extension of the personalities of their chief executives. This may also sometimes result in practice of sycophancy in public organisations.

Check Your Progress 2

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

- 1) Explain the impact of Hindu values on rationality in decision-making

- 2) In what ways do the cultural factors affect administrative process?

21.4 LET US SUM UP

In this unit, we have discussed about the main features of Indian social structure and their impact on Indian administration. We also discussed about the interactions between culture and administration. The discussion in this unit brings out the inter-relationship between the socio-cultural factors and the administration. It is because of this important pattern of social structure, culture and ecology that some outside or foreign experts when called upon to perform certain administrative tasks faced certain difficulties. Thus, it is a prerequisite for one to understand the socio-cultural context that influences the administrative system.

21.5 KEY WORDS

Communalism: it is a group feeling, which aims at or oriented towards religio-centric mobilisation.

Egalitarian Society: it is a society, which expresses or supports the belief that all people are equal and should have the same rights and opportunities

Fatalism: it is a doctrine, which propounds that all things are predetermined or subject to fate.

Patriarchy: a form of social organization in which the father is head of the family, clan or tribe. In patriarchal society, men have all or most of the power.

Paternalistic: the principle or practice of an authority in managing or governing the affairs of a country, community, company or individuals in the manner of a father's relationship with his children.

Sycophancy: self-seeking

21.6 REFERENCES AND FURTHER READINGS

Arora, R. K., 1985. *Comparative Public Administration*, Associated Publishing House, New Delhi.

Mathur, Kuldeep. Oct-Dec. 1976. *Administrative Mind in a Developing Nation*, The Indian Journal of Public Administration, Vol. XXVII, No. 4, IIPA, New Delhi.

Nigro, F.A., 1965. *Modern Public Administration*, Harper Row, London

Puranik. N. April –June, 1978. *Administrative Culture: Need for Conceptual Clarity and Further Research*, The Indian Journal of Public administration, Vol. XXIV, IIPA, New Delhi.

Riggs, Fred W. 1964, *Administration in Developing Countries: The Theory of Prismatic Society*, Houghton Mifflin, Boston.

Sharma, I.J. Jan-March, 1982. *The Cultural Context of Management*, The Indian Journal of Public Administration, Vol. XXVIII, No.1, IIPA, New Delhi.

Subramanyam A, Oct-Dec. 1967. *Hindu Values and Administrative Behaviour*, The Indian Journal of Public Administration, Vol. XIII, IIPA, New Delhi

21.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

- The village social life influences the authoritarian and hierarchical norms in administration. The hierarchical relations of the society greatly influence the behaviour of civil servants.
- The administration is affected by the communal considerations and considerations of their religious groups.

2) Your answer must include the following points:

- Main features of caste system viz., segmental division of society, hierarchy, restrictions on social interactions, marriage, choice of occupation and religious disparities, affect the political process and the sensibilities of an administrator.

3) Your answer must include the following points:

- The paternalistic and authoritarian structure of the family affects administrators.
- Effect of family on attitudinal formation in the administrators.
- Practice of helping one's relatives.
- Family loyalties result in sacrifice of values like impartiality and integrity in administration.

Check Your Progress 2

1) Your answer must include the following points:

- Hindu approach stresses on non-existence of mutually exclusive alternatives needed for a decision.
- Average Hindu idea of decision is that Hindu mind is reconciled with the idea of distance between precept and practice, ideal and reality and formulation of decision and its execution.

2) Your answer must include the following points:

- Cultural factors have implications on the administrative process like motivation, communication and authority.
- The 'karma' philosophy inhibits achievement orientation in administration

- In Indian administration, the one-way process of communication, that is, from top to bottom in an organisation is a reflection of social culture.
- Indian culture demands that people higher in status be addressed with reverence and unpleasant things should not be mentioned before them.

UNIT 22 REDRESSAL OF PUBLIC GRIEVANCES

Structure

- 22.0 Objectives
 - 22.1 Introduction
 - 22.2 Public Grievances
 - 22.3 Corruption in Administration
 - 22.3.1 Modes of Corruption
 - 22.4 Institutions for Dealing with Corruption
 - 22.4.1 Central Vigilance Commission
 - 22.4.2 Lokpal
 - 22.4.3 Lokayukta
 - 22.5 Let Us Sum Up
 - 22.6 References and Further Readings
 - 22.7 Answers to Check Your Progress Exercises
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22.0 OBJECTIVES

After studying this unit, you should be able to:

- Explain public grievances
 - Discuss the problem of corruption in Indian Administration and
 - Explain the machinery for the redressal of citizen's grievances.
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22.1 INTRODUCTION

In the contemporary society, State plays an important role in the socio-economic development. The success of democracy and development depends to a greater extent on the efficiency of the government machinery. However, in the exercise of administrative powers there is always a possibility of malpractices. This results in public grievances towards the administration. According to Chambers dictionary, grievance means a 'ground of complaint, a condition felt to be oppressive or wrongful'. In a democracy people should have the opportunities to ventilate their grievances and a system of redressal. In this unit we shall be discussing the nature of public grievances and the institutional arrangements for the redressal of the same.

22.2 PUBLIC GRIEVANCES

The colonial history and the authoritarian orientation of Indian administration resulted in the negative attitude of citizens towards the administration. The gap between 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 between the two. The contradictions in the social situation have resulted in inequalities. There is discrimination in the treatment of citizens by administration. The social gap between the civil servant and the citizen whom he is expected to serve also is a cause for hostile relationship between the two. The well-educated urban middle class civil servant is expected to serve the poor and illiterate rural citizens. This creates a socio-psychological gap between 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:

- 1) **Corruption:** Demand and acceptance of bribery for doing or not doing things.

- 2) **Favouritism:** Doing or not doing things for obliging people in power or people who matter.
- 3) **Nepotism:** Helping the people of one's own kith or kin.
- 4) **Discourtesy:** Use of abusive language or other types of misbehaviour.
- 5) **Neglect of Duty:** Not doing things that the law requires.
- 6) **Discrimination:** Ignoring poor and uninfluential citizens' genuine complaints.
- 7) **Delay:** Not doing things at the appropriate time.
- 8) **Maladministration:** Inefficiency in achieving the targets.
- 9) **Inadequate Redressal Machinery:** Failure to attend to public complaints against administration.

In addition to the above-mentioned common grievances there may be specific grievances relating to particular administrative departments/agencies. For example, people have many grievances against the police resorting to third degree methods like beating, torturing, wrongful confinement or harassment of suspects and witnesses. Fabrication of evidences, nexus between 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 many specific grievances against individual administrative agencies, corruption is the most common among them all. We shall be discussing the public grievances pertaining to corruption along with the machinery for the redressal of the same in the ensuing sections.

22.3 CORRUPTION IN ADMINISTRATION

Everyone who comes in contact with administration feels the all-pervading nature of corruption. Corruption has many 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 most because of it.

22.3.1 Modes of Corruption

The term corruption has been defined in many ways. In general terms 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 by a government servant for some advantage is corruption'.

The Central Vigilance Commission has identified the following modes of corruption.

- 1) Acceptance of substandard stores/works.
- 2) Misappropriation of public money and stores.
- 3) Borrowing of money from contractors/firms having official dealing with officers.
- 4) Show of favours to contractors and firms.
- 5) Possession of assets disproportionate to income.
- 6) Purchase of immovable property without prior permission or intimation.
- 7) Losses to the government by negligence or otherwise.
- 8) Abuse of official position/powers.
- 9) Production of forged certificate of age / birth / community.
- 10) Irregularities in reservation of seats by rail and by air.

- 11) Irregularities in grant of import and export licenses.
- 12) Moral turpitude.
- 13) Acceptance of gifts.

Check Your Progress 1

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

- 1) What are the common grievances against administration?

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- 2) What are the modes of corruption in public services?

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22.4 INSTITUTIONS FOR DEALING WITH CORRUPTION

There are various institutions in India for dealing with corruption. The Central Vigilance Commission is one among them. We will be dealing with the functions of the CVC in the following paragraphs.

22.4.1 Central Vigilance Commission (CVC)

After Independence various measures were taken up for checking corruption in public services. In 1962, the Central Government appointed a Committee on Prevention of Corruption under the chairmanship of Shri. K. Santhanam to review the existing arrangements for checking corruption and to suggest steps to make anti-corruption measures more effective. The Santhanam Committee in 1964 recommended the setting up of Central Vigilance Commission headed by Central Vigilance Commissioner. Based on the Committee's recommendations, the Central Vigilance Commission was constituted in 1964.

The role of the Commission is advisory. It falls within the jurisdiction of the Ministry of Personnel. Its jurisdiction and powers extends to all those matters, which fall within the purview of the executive powers of the Central government. Its jurisdiction covers:

- i) All the employees of the Central government.
- ii) All the employees of public undertakings, corporate bodies and other institutions under the Central Government.
- iii) All the employees of the Delhi Metropolitan Council and the New Delhi Municipal Corporation.

The Commission receives complaints against corruption and malpractices directly from the aggrieved citizens. It can also gather information about the same from press reports, audit reports, various departments/enterprises concerned, allegations made by members of Parliament, and reports of parliamentary committees.

It is headed by the Central Vigilance Commissioner who is appointed by 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:

- 1) 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 different stages of investigation, appeal and review.
- 2) Exercising a general check and supervision on the vigilance and anti-corruption work in ministries and departments of the GOI and other autonomous bodies.
- 3) 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.
- 4) Approving the appointment of chief vigilance officers (CVO) who head the vigilance units in various 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 level differs from state to state. Most of the states have a State Vigilance Commission. There is also a special police establishment to deal with cases of corruption in both the state government 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 level, there is a District Vigilance Officer. The District Collector appoints one of his gazetted officers as District Vigilance Officer.

22.4.2 Lokpal

The Administrative Reforms Commission (ARC), which was constituted in 1966, gave priority to the problem of redressal of public grievances and submitted its first interim report on the 'Problems of Redressal of Citizens Grievances'. The ARC recommended the creation of Ombudsman-type institution namely the Lokpal and Lokayukta. The Scandinavian institution of Ombudsman is the earliest institution for the redressal of public grievances, first established in Sweden in 1809. The Ombudsman institution is based on the principle of administrative accountability to Parliament. The institution refers to an officer appointed by the legislature to handle complaints against administrative and judicial action.

The features of these institutions as given by ARC are:

- 1) They should be demonstrably independent and impartial.
- 2) Their investigations and proceedings should be conducted in private and should be uniform in character.
- 3) Their appointment should as far as possible, be non-political.
- 4) Their status should compare with the highest judicial functionary in the country.
- 5) They should deal with matters in the discretionary field involving acts of injustice, corruption and favouritism.
- 6) 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
- 7) They should not look forward to any benefit or pecuniary advantage from the executive government.

Based on the recommendations of ARC, many attempts were made from 1968 onwards for the establishment of Lokpal at the Central level. The Government of India introduced

bills for this purpose in the Parliament in 1968, 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. Unfortunately, these bills could not be passed by Parliament.

22.4.3 Lokayukta

The Ombudsman established at the level of States in India is known as the Lokayukta. Many state governments have established 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 process 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 by the Governor who is the executive head in the states. The Lokayukta Acts provide 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.

Terms and conditions of office

The term of the Lokayukta and Up-Lokayukta has been fixed for five years. The Assam Act however 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 by the Governor for misbehaviour or incapacity. The procedure prescribed for the removal of the Lokayukta is almost 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 by or with the general or specific approval of a minister or a secretary, or any other public servant. Thus, all administrative actions from the level of ministers to the lower levels are subjected to scrutiny by the Lokayukta and Up-Lokayukta. Certain other categories of officials like Chairman of Zila Parishad and other local bodies have also been included within the purview of the Lokayukta.

Procedure of investigation

After making 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 conducted 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 make 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.

Check Your Progress 2

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

1) Explain the role of the Central Vigilance Commission?

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2) What are the recommendations of Administrative Reforms Commission on Lokpal and Lokayukta?

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3) Explain the institution of Lokayukta?

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22.5 LET US SUM UP

The interaction between citizen and administration in a democracy is a very complex process. The conflict in the society and the values of the society are reflected in this interaction. The effective machinery for the redressal of citizen's grievances makes the administration more human and civilized. In this unit, an attempt was made to study the

22.6 REFERENCES AND FURTHER READINGS

Chaturvedi, T.N., July -September 1997. *Fifty Years of Indian Administration-Retrospective and Prospects*, IJPA, Vol. XLIII, No. 3.

IIPA, July-September, 1975. *Citizen and Administration*, IJPA, Vol. XVI.

Maheshwari, Shriram, 1990. *Indian administration*, Orient Longman, New Delhi.

Shukla, K.S. and Singh, S.S. 1988. *Lokayukta :Ombudsman in India*, Indian Institute of Public administration, New Delhi.

Singh, Mohinder and Singh, Hoshiar, 1989. *Public administration in India: Theory and Practice*, Sterling Publishers, New Delhi.

22.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

- Corruption
- Favouritism
- Nepotism
- Discourtesy
- Neglect of duty
- Mal-administration
- Inadequate redressal machinery

2) Your answer must include the following points:

The modes of corruption are:

- Misappropriation
- Substandard work
- Borrowing money
- Showing favours
- Causing losses
- Abuse of position
- Irregularities
- Moral turpitude
- Acceptance of gifts etc.

Check Your Progress 2

1) Your answer must include the following points:

The CVC has to: -

- Undertake inquiry against corruption charges.
- Exercise supervision on anti-corruption work.
- Render advice to modify the existing procedures, and
- Approve the appointment of CVO.

2) Your answer must include the following points:

- They should be demonstrably independent and impartial.

- Their investigations and proceedings should be conducted in private and should be uniform in character.
- Their appointment should as far as possible, be non-political.
- Their status should compare with the highest judicial functionary in the country.
- They should deal with matters in the discretionary field involving acts of injustice, corruption and favouritism.
- Their proceedings should not be subjected to judicial interference and they should have the maximum latitude and powers in obtaining information relevant to their duties, and
- They should not look forward to any benefit or pecuniary advantage from the executive government.

3) Your answer must include the following:

The ombudsmanic institution at the State level is referred to as Lokayukta. He/she is appointed by the Governor. The term is for 5 years. To ensure independence of the office, the Lokayukta is debarred from being a Member of Parliament or State Legislature. The removal procedure is like the removal of judges of High Court or Supreme Court. The Lokayukta can investigate any action taken up by or with the approval of a minister or a secretary or any other public servant.

UNIT 23 ADMINISTRATIVE TRIBUNALS

Structure

- 23.0 Objectives
- 23.1 Introduction
- 23.2 Meaning of Administrative Law
- 23.3 Administrative Tribunals
- 23.4 Reasons for the Growth of Administrative Tribunals
- 23.5 Types of Administrative Tribunals
- 23.6 Advantages of Administrative Tribunals
- 23.7 Disadvantages of Administrative Tribunals
- 23.8 Safeguards in the Working of Administrative Tribunals
- 23.9 Let Us Sum Up
- 23.10 Key Words
- 23.11 References and Further Readings
- 23.12 Answers to Check Your Progress Exercises

23.0 OBJECTIVES

After studying this unit, you should be able to:

- Explain the meaning of administrative law
- Enumerate the meaning and characteristics of administrative tribunals and reasons for their growth
- Discuss various types of administrative tribunals; and
- Describe the advantages and disadvantages of tribunals.

23.1 INTRODUCTION

There has been a phenomenal increase in the functions of the government, which has lent enormous powers to the executive and also led to increase in the legislative output. This has led to more litigation, restrictions on the freedom of the individuals and constant frictions between them and the authority. Administrative tribunals have emerged not only in India but also in many other countries with the objective of providing a new type of justice – public good oriented justice. These tribunals manned by technical experts, with flexibility in operations, informality in procedures have gained importance in the adjudication process. In this unit, we shall first discuss the meaning of administrative law. Then we will deal with the meaning and features of administrative tribunals, the reasons for their growth, their types and their advantages and disadvantages.

23.2 MEANING OF ADMINISTRATIVE LAW

Administrative law covers the entire gamut of public administration and includes the statutes, charters, rules, regulations, procedures, decisions etc. required for smooth running of administration. According to Jennings, administrative law is the law relating to the administration. It determines the organization, powers and duties of administrative authorities. Wade remarks that administrative law is concerned with the operation and control of the powers of administrative authorities with emphasis on functions rather than the structure.

Administrative law has the following characteristics:

- 1) It subordinates the common law, rights of personal freedom, and private property to the common good. The stress is on public interest than on individual interest.
- 2) It entails the application of flexible standards for implementation of law.
- 3) The interpretation of these standards lies with the administrative tribunals.
- 4) It puts the public officials in a better position over the people.
- 5) It is not codified and is in an experimental and dynamic condition.

23.3 ADMINISTRATIVE TRIBUNALS

In pursuance of administrative law, there can arise disputes. These disputes require adjudication. There are administrative agencies other than the courts to adjudicate such issues arising in the course of day to day administration.

Administrative adjudication is the resolution of quasi-judicial matters by administrative agencies or commissions established for the purpose. A number of technical issues and disputes emerge in the day-to-day administration. The ordinary courts do not have the technical expertise and it becomes quite dilatory and costly to dispense with cases of administrative nature. It is only the administrative agencies, which are capable of looking into the matters of administrative exigencies. These administrative agencies with the power to adjudicate the disputes arising out of administrative action or inaction are called administrative tribunals.

According to Servai, 'the development of administrative law in a welfare state has made administrative tribunals a necessity'. In India, and in many other countries, there has been a steady proliferation of administrative tribunals of various kinds. They have, indeed, become a permanent part of the law adjudication machinery of the country. As a system of adjudication they have come to stay, and their number is constantly on the increase.

Administrative tribunals are authorities outside the ordinary court system, which interpret and apply the laws when acts of public administration are questioned in formal suits by the courts or by other established methods. In other words, they are agencies created by specific enactments to adjudicate upon disputes that may arise in the course of implementation of the provisions of the relevant enactments.

They are not a court nor are they an executive body. Rather they are a mixture of both. They are judicial in the sense that the tribunals have to decide facts and apply them impartially, without considering executive policy. They are administrative because the reasons for preferring them to the ordinary courts of law are administrative reasons.

They are established by the executive in accordance with statutory provisions. They are required to act judicially and perform quasi-judicial functions. The proceedings are deemed to be judicial proceedings and in certain procedural matters they have powers of a civil court.

They are not bound by the elaborate rules of evidence or procedures governing the ordinary courts. They are independent bodies and are only required to follow the procedure prescribed by the relevant law and observe the principles of 'Natural Justice'. They do not follow the technicalities of rules of procedure and evidence prescribed by the Civil Procedure Code (CPC) and Evidence Act respectively. The administrative tribunals may be more appropriately defined as specially constituted authorities established by law to settle the disputes between the citizen and administration.

The administrative tribunals are the instruments for the application of administrative law. They have distinct advantage over the ordinary courts because they ensure cheapness, accessibility, freedom from technicality, expedition and expert knowledge of the particular subject. The involvement of experts in administration in regulating administrative actions is necessary to provide justice to the citizens, without sacrificing the institutional needs. What is involved is basically the relative position of two values, that is, the protection of the individual and his legitimate interests and the effective attainment of public purpose.

23.4 REASONS FOR THE GROWTH OF ADMINISTRATIVE TRIBUNALS

There are many reasons for the growth of administrative tribunals. Some of these are:

Firstly, the administrative tribunals, rendering administrative justice, is a by-product of the Welfare State. In the 18th and 19th centuries when 'laissez faire' theory held sway, the law courts emerged as the custodians of the rights and liberties of the individual citizens. Sometimes they protected the rights of all citizens at the cost of state authority. With the emergence of Welfare State, social interest began to be given precedence over the individual rights. With the development of collective control over the conditions of employment, manner of living and the elementary necessities of the people, there has arisen the need for a technique of adjudication better fitted to respond to the social requirements of the time than the elaborate and costly system of decision making provided by the courts of law. In brief, 'judicialisation of administration' proved a potential instrument for enforcing social policy and legislation.

Secondly, in view of the rapid growth and expansion of industry, trade and commerce, ordinary law courts are not in a position to cope up with the work-load. With the result, enormous delay in deciding cases either way, takes place. Therefore, a number of administrative tribunals have been established in the country, which can do the work more rapidly, more cheaply and more efficiently than the ordinary courts.

Thirdly, law courts, on account of their elaborate procedures, legalistic forms and attitudes can hardly render justice to the parties concerned, in technical cases. Ordinary judges, brought up in the traditions of law and jurisprudence, are not capable enough to understand technical problems, which crop up in the wake of modern complex economic and social processes. Only administrators having expert knowledge can tackle such problems judiciously. To meet this requirement, a number of administrative tribunals have come into existence.

Fourthly, a good number of situations are such that they require quick and firm action. Otherwise the interests of the people may be jeopardized. For instance, ensuring of safety measures in local mines, prevention of illegal transactions in foreign exchange and unfair business practices necessitate prompt action. Such cases, if are to be dealt with in the ordinary courts of law, would cause immense loss to the state exchequer and undermine national interest. However, the administrative courts presided over by the experts would ensure prompt and fair action.

Check Your Progress 1

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

- 1) Explain the meaning of administrative law?

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- 2) Briefly describe administrative tribunals?

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23.5 TYPES OF ADMINISTRATIVE TRIBUNALS

There are different types of administrative tribunals, which are governed by the statutes, rules, and regulations of the Central Government as well as State Governments. We will discuss the various types of administrative tribunals now.

Central Administrative Tribunal (CAT)

The enactment of Administrative Tribunals Act in 1985 opened a new chapter in administering justice to the aggrieved government servants. It owes its origin to Article 323 A of the Constitution which empowers the Central Government to set up by an Act of Parliament, the Administrative Tribunals for adjudication of disputes and complaints with respective recruitment and conditions of service of persons appointed to the public services and posts in connection with the Union and the States.

The Tribunals enjoy the powers of the High Court in respect of service matters of the employees covered by the Act. They are not bound by the technicalities of the Code of Civil Procedure, but have to abide by the Principles of Natural Justice. They are distinguished from the ordinary courts with regard to their jurisdiction and procedures. This makes them free from the shackles of the ordinary courts and enables them to provide speedy and inexpensive justice.

The Act provides for the establishment of Central Administrative Tribunal and State Administrative Tribunals. The CAT was established in 1985. The Tribunal consists of a Chairman, Vice-Chairman and Members. These Members are drawn from the judicial as well as the administrative streams. The appeal against the decisions of the CAT lies with the Supreme Court of India.

Customs and Excise Revenue Appellate Tribunal (CERAT)

The Parliament passed the CERAT Act in 1986. The Tribunal adjudicate disputes, complaints or offences with regard to customs and excise revenue. Appeals from the orders of the CERAT lies with the Supreme Court.

Monopolies and Restrictive Trade Practices Commission (MRTPC)

In 1969, the Parliament enacted the MRTP Act by which the Monopolies Commission was set up and given powers to entertain complaints regarding monopolistic and restrictive trade practices and later unfair trade practices by the Amendment Act in 1984. With the introduction of new Industrial Policy (1991), a substantial programme of deregulation has been launched. Industrial licensing has been abolished for all items except for a short list of six industries related to security, strategic or environmental concerns. The MRTP Act has since been amended in order to eliminate the need to seek prior approval of government for expansion of the present industrial units and establishment of new industries by large companies. A significant number of industries had earlier been reserved for the public sector. Now the ones reserved for the public sector are: (a) arms and ammunition and official items of defence equipment, defence aircraft and warships; (b) atomic energy; (c) subjects specified in the schedule to the

notification of the Government of India in the Department of Atomic Energy; (d) Railway Transport. Private sector participation can be invited on discriminatory basis even in some of these areas. Under the amended MRTP Act, a three-tier system for settling consumer complaints has been provided. This operates as District Level Forum at the district level, State Commissions at the state levels and National Consumers Disputes Redressal Commission at the national level. The National Commission has power to hear the appeals against State Commissions and also has revisional powers. Appeal from the National Commission lies to the Supreme Court.

Election Commission (EC)

The Election Commission is a tribunal for adjudication of matters pertaining to the allotment of election symbols to parties and similar other problems. The decision of the commission can be challenged in the Supreme Court.

Foreign Exchange Regulation Appellate Board (FERAB)

The Board has been set up under the Foreign Exchange Regulation Act, 1973. A person who is aggrieved by an order of adjudication for causing breach or committing offences under the Act can file an appeal before the FERAB.

Income Tax Appellate Tribunal

This tribunal has been constituted under the Income Tax Act, 1961. The Tribunal has its benches in various cities and appeals can be filed before it by an aggrieved person/s against the order passed by the Deputy Commissioner or Commissioner or Chief Commissioner or Director of Income Tax. An appeal against the order of the Tribunal lies to the High Court. An appeal also lies to the Supreme Court if the High Court deems fit.

Railway Rates Tribunal

This Tribunal was set up under the Indian Railways Act, 1989. It adjudicates matters pertaining to the complaints against the railway administration. These may be related to the discriminatory or unreasonable rates, unfair charges or preferential treatment meted out by the railway administration. The appeal against the order of the Tribunal lies with the Supreme Court.

Industrial Tribunal

This Tribunal has been set up under the Industrial Disputes Act, 1947. It can be constituted by both the Central as well as State governments. The Tribunal looks into the dispute between the employers and the workers in matters relating to wages, the period and mode of payment, compensation and other allowances, hours of work, gratuity, retrenchment and closure of the establishment. The appeals against the decision of the Tribunal lie with the Supreme Court.

Check Your Progress 2

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

- 1) Explain the Central Administrative Tribunal?

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- 2) Briefly describe the Monopolies and Restrictive Trade Practices Commission?

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23.6 ADVANTAGES OF ADMINISTRATIVE TRIBUNALS

Administrative adjudication is a dynamic system of administration, which serves, more adequately than any other method, the varied and complex needs of the modern society. The main advantages of the administrative tribunals are:

1) Flexibility

Administrative adjudication has brought about flexibility and adaptability in the judicial as well as administrative tribunals. For instance, the courts of law exhibit a good deal of conservatism and inelasticity of outlook and approach. The justice they administer may become out of harmony with the rapidly changing social conditions. Administrative adjudication, not restrained by rigid rules of procedure and canons of evidence, can remain in tune with the varying phases of social and economic life.

2) Adequate Justice

In the fast changing world of today, administrative tribunals are not only the most appropriate means of administrative action, but also the most effective means of giving fair justice to the individuals. Lawyers, who are more concerned about aspects of law, find it difficult to adequately assess the needs of the modern welfare society and to locate the individuals place in it.

3) Less Expensive

Administrative justice ensures cheap and quick justice. As against this, procedure in the law courts is long and cumbersome and litigation is costly. It involves payment of huge court fees, engagement of lawyers and meeting of other incidental charges. Administrative adjudication, in most cases, requires no stamp fees. Its procedures are simple and can be easily understood by a layman.

4) Relief to Courts

The system also gives the much-needed relief to ordinary courts of law, which are already overburdened with ordinary suits.

5) Experimentation

Experimentation is possible in this field and not in the realm of judicial trials. The practical experience gained in the working of any particular authority can be more easily utilised by amendments of laws, rules and regulations. Amendment of law relating to courts is quite arduous.

In sum, flexibility, accessibility and low cost are the important merits of administrative tribunals. In the words of W.A. Robson, the advantages of administrative tribunals are "cheapness and speed with which they usually work, the technical knowledge and experience which they make available for the discharge of judicial functions in special fields, the assistance which they lend to the efficient conduct of public administration,

and the ability they possess to lay down new standards and to promote a policy of social improvement".

Now we will discuss some of the disadvantages of the administrative tribunals.

23.7 DISADVANTAGES OF ADMINISTRATIVE TRIBUNALS

Even though administrative adjudication is essential and useful in modern day administration, we should not be blind to the defects from which it suffers or the dangers it poses to a democratic polity. Some of the main drawbacks are mentioned below.

In the first place, administrative adjudication is a negation of Rule of Law. Rule of Law ensures equality before law for everybody and the supremacy of ordinary law and due procedure of law over governmental arbitrariness. But administrative tribunals, with their separate laws and procedures often made by themselves, puts a serious limitation upon the celebrated principles of Rule of Law.

Secondly, administrative tribunals have in most cases, no set procedures and sometimes they violate even the principles of natural justice.

Thirdly, administrative tribunals often hold summary trials and they do not follow any precedents. As such it is not possible to predict the course of future decisions.

Fourthly, the civil and criminal courts have a uniform pattern of administering justice and centuries of experience in the administration of civil and criminal laws have borne testimony to the advantages of uniform procedure. A uniform code of procedure in administrative adjudication is not there.

Lastly, administrative tribunals are manned by administrators and technical heads who may not have the background of law or training of judicial work. Some of them may not possess the independent outlook of a judge.

However, there exist certain safeguards, which can go to mitigate or lessen these disadvantages. We will be discussing some of the safeguards to be observed in the working of administrative tribunals.

23.8 SAFEGUARDS IN THE WORKING OF ADMINISTRATIVE TRIBUNALS

Administrative adjudication suffers from many shortcomings that cannot perhaps be denied. But, like delegated legislation, it is an inescapable necessity in a modern complex society. Therefore, to overcome the shortcomings, few safeguards are suggested to make administrative adjudication impartial and certain. These safeguards include:

- 1) Administrative tribunals should be manned by persons possessing legal training and experience. To inspire public confidence, the appointment of members should be made in consultation with the Supreme Court.
- 2) A code of judicial procedure for administrative tribunals should be devised and enforced. This is important in view of the prevalence of varying procedures of administrative adjudication in India.
- 3) Reasons should invariably accompany decisions by the tribunals. "Good Laws", observed Jeremy Bentham, "are such laws for which good reasons can be given". A reasoned decision goes towards convincing those, who are affected by it, about its innate fairness and is a check against misuse of power.

- 4) The jurisdiction of the Supreme Court (as well as the High Courts) should not be curtailed. In other words, the right to judicial review on points of law must remain unimpaired. Some of the administrative tribunals permit appeal to the court of law. Some, however, seek to ban judicial review altogether by making decisions final. According to M.C. Setalvad, former Attorney General of India, the need for judicial review is greater in a nascent democracy like India.

Check Your Progress 3

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

- 1) Discuss the advantages of Administrative Tribunals?

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- 2) Discuss the disadvantages of Administrative Tribunals?

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- 3) Examine the safeguards in the working of administrative tribunals?

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23.9 LET US SUM UP

In view of the increasing role of administration in citizens' life, the administrative tribunals are expected to play an important role in the redressal of citizens' grievances. In this unit we have examined the nature of administrative tribunals and the various reasons for their growing importance. Various types of administrative tribunals are set up in the country to address various issues, such as, the adjudication of disputes and complaints of the public servants, redressal of consumer disputes, industrial disputes, disputes pertaining to income tax etc.

They provide greater flexibility in administering justice and provide relief to the courts. But at the same time they suffer from some limitations as they sometimes violate the principles of natural justice, lack uniform pattern of administering justice and also suffer from the lack of a proper background on law or judicial work.

However, with certain safeguards it is possible to rectify some of these limitations. The administrative tribunals should have people with legal training and experience. A code of judicial procedures should be devised and enforced for their functioning.

23.10 KEY WORDS

Delegated Legislation: it refers to the law making conferred by the Parliament on the Executive.

Dicey's Rule of Law: it means that no man is above the law of the land and that every person, whatever be his rank or status, is subject to the ordinary law and enables to the jurisdiction of the ordinary tribunals. Every citizen is under the same responsibility for every act done by him without lawful justification and in this respect there is no distinction between officials and private citizens.

Principles of Natural Justice: these principles aim to provide fair, impartial and reasonable justice. These principles include:

- i) No person should be a judge in his own cause.
- ii) No decision should be given against a party without affording them a reasonable hearing.
- iii) Quasi-judicial enquiries should be held in good faith and without bias and not arbitrarily or unreasonably. To give every citizen a fair hearing is as much a canon of good administration as it is of a good legal procedure.

Public Good Oriented Justice: In the modern state, Public Good Oriented Justice provides a new type of justice where the individuals are able to assert themselves freely, welfare of the community is kept in view and the system functions like a social institution existing for achieving social end.

23.11 REFERENCES AND FURTHER READINGS

Jain P.C., 1981. *Administrative Adjudication – A Comparative Study of France, U.K., U.S.A. and India*: Sterling Publishers Pvt. Ltd., New Delhi.

Maheshwari, Shriram, 1990. *Indian Administration*; Orient Longman: New Delhi.

Nayak, Radhakant, 1989. *Administrative Justice in India*; Sage Publications: New Delhi.

Prasad, Vishnu, 1974. *Administrative Tribunals in India*; Oxford and IBH Publishing Co.: New Delhi.

S.P. Sathe, 1999. 6th Edition, *Administrative Law*, Bullerworths, New Delhi.

I.P. Massey, 2001. Fifth Edition, *Administrative Law*, Eastern Book Company, 2001.

Fadia, B.L., and Kuldeep, Fadia, 2000, *Public Administration: Administrative Theories and Concepts*, Sahitya Bhawan Publications, Agra.

Wade, H.W.R, 1977. *Administrative Law*, Oxford University Press, New Delhi.

23.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:

- Administrative Law includes the statutes, charters, rules, regulations, procedures, decisions, etc. required for smooth running of administration.
- It determines the organisation, powers and duties of administrative authorities.

2) Your answer must include the following points:

- Administrative tribunals are authorities outside the ordinary court system, which interpret and apply the laws when acts of public administration are questioned.
- They stand midway of the judiciary and administration.
- They are established by the executive and perform quasi-judicial functions and operate on the principles of natural justice.

Check Your Progress 2

1) Your answer must include the following points:

- Central Administrative Tribunal is set up for adjudication of disputes and complaints relating to recruitment and conditions of service of Central Government employees.
- Observance of principles and norms of 'natural justice' in disposing of the cases.
- The tribunal enjoys the status and powers of a High Court.
- Flexibility and informality in the functioning of tribunal.
- Judicial and administrative expertise of the members of tribunals.

2) Your answer include the following points:

- In 1969, the Parliament enacted the MRTP Act by which the Monopolies Commission was set up and given powers to entertain complaints regarding monopolistic and restrictive trade practices and later unfair trade practices by the Amendment Act in 1984.

Check Your Progress 3

1) Your answer must include the following points:

- Flexibility and adaptability.
- Most effective means of giving fair justice to people.
- Ensures cheap and quick justice.
- Provides much needed relief to the ordinary courts.
- Experimentation.

2) Your answer must include the following points:

- It is negation of the rule of the law.
- No set procedures and violates the principles of natural justice.

- They do not have uniform pattern of administering justice.
 - They are manned by administrators who may not have the background of law.
- 3) Your answer must include the following points:
- Administrative tribunals to be manned by persons with legal training and experience.
 - Devising and enforcing of a code of judicial procedure for tribunals.
 - Reasons to accompany decisions of the tribunals.
 - Right to judicial review on points of law to be retained.

UNIT 24 JUDICIAL ADMINISTRATION

Structure

- 24.0 Objectives
- 24.1 Introduction
- 24.2 Judicial System in India
- 24.3 Scope of Judicial Control over Administration
- 24.4 Forms of Judicial Control over Administration
 - 24.4.1 Judicial Review
 - 24.4.2 Statutory Appeal
 - 24.4.3 Suits against the Government
 - 24.4.4 Criminal and Civil Suits against Public Officials
 - 24.4.5 Extraordinary Remedies
- 24.5 Limitations of Judicial Control over Administration
- 24.6 Public Interest Litigation
- 24.7 Legal Aid
- 24.8 Nyaya Panchayats
- 24.9 Let Us Sum Up
- 24.10 Key Words
- 24.11 References and Further Readings
- 24.12 Answers to Check Your Progress Exercises

24.0 OBJECTIVES

After studying this unit, you should be able to:

- Discuss the judicial system in India.
- Explain the scope and the methods of judicial control over administration.
- Analyse the limitations of judicial control over administration; and
- Discuss the various other judicial systems of rendering justice.

24.1 INTRODUCTION

In India, the judiciary occupies an important place. The constitution visualizes an independent judiciary to safeguard the rights of citizens. In a democratic polity, the independent judiciary is a sine qua non to the effective functioning of the system. Administration has to function according to the law and the Constitution. The judiciary has an important role to play in protecting the citizen against the arbitrary exercise of power by administration. In this unit, we shall be discussing the features of judicial system in India, the scope and methods of judicial control over administration, the limitations of judicial administration and various other judicial systems in vogue.

24.2 JUDICIAL SYSTEM IN INDIA

As mentioned in the introduction of this unit, Indian Constitution envisages an independent judiciary. There is a separation of powers between the executive and judiciary. The judiciary, which interprets the constitutional meaning of law and legality of executive actions, must have a separate existence. Lord Bryce has said that there is no better test of the excellence of a government than the efficiency and independence of its judicial system.

Indian constitution incorporated many provisions to ensure the independence of judiciary. Though the executive appoints the judges of the highest courts, that is, the Supreme Court and High Courts, their tenure is kept beyond the purview of the executive. Even in appointing the judges, the executive has to follow certain guidelines. Once they are appointed they are not subject to any executive control in the discharge of their functions. This is done to ensure that the judgments of courts are impartial and fair. In Indian federation, the courts also have an important role to play in adjudicating the disputes between the Centre and States. Thus, the independence of the judiciary is one of the important features of the judicial system in India.

Another important feature of judicial system in India is the single unified judicial system prevailing in the country. The whole system of courts taken together is called the judiciary. Unlike some other federations like the USA, Indian federation has a unified judicial system. If we compare legislative and executive system in our federation with the structure of judicial system, we find a difference. We have separate legislative and executive authorities for the Centre and the States and their functions are divided by the Constitution. But our judicial system is different. It runs like a pyramid from the subordinate courts and districts courts at local level to High Courts for every state to the Supreme Court of India.

The Supreme Court occupies the highest position in the judicial hierarchy in India. It comprises of the Chief Justice and other judges appointed by the President of India. The Supreme Court has three areas of jurisdiction, namely, original, appellate and advisory. The original jurisdiction extends to (a) disputes between Government of India and one or more states, and (b) claims of infringement of constitutionally guaranteed fundamental rights. The Court's appellate jurisdiction extends to four types of cases, that is, constitutional, civil, criminal and special leave. In these types of cases under certain conditions appeals may be made from any State High Court to the Supreme Court. The Court's advisory jurisdiction pertains to matters referred for the purposes of seeking advice. The President of India may refer a question of public importance for the advise of the Supreme Court.

The High Courts are in the second level of judiciary. Ordinarily every state has a High Court, but two or more states may also have one High Court. The High Court consists of a Chief Justice and some other judges appointed by the President of India. The High Court of the states have three types of jurisdictions, that is, original, appellate and administrative. It has among its original jurisdiction the power to issue warrants regarding the fundamental rights of citizens. It also has original jurisdiction to try civil and criminal cases. Its appellate jurisdiction includes the authority to try appeals about civil and criminal cases from the lower courts. The administrative jurisdiction of High Courts relate to superintendence over the subordinate courts.

The subordinate judiciary, that is, courts at the district level and below come into intimate contact with the people in the judicial field. The Governor in consultation with the High Court appoints the judges of the district courts. The Public Service Commission conducts competitive examinations for the selection of candidates for appointment in the State Judicial Service.

The above discussion on judicial system in India clearly shows that the whole judicial system is based on two important features namely independent judiciary and single unified judicial system.

24.3 SCOPE OF JUDICIAL CONTROL OVER ADMINISTRATION

In the context of ever-expanding activities of government and discretionary powers vested in the various administrative agencies and public officials, the need to protect and safeguard the citizen's rights assumes significance and priority. In developing societies where the state is playing an important role in development, judiciary has a special

responsibility to ensure social justice to the underprivileged sections of the community. However, it must be admitted that the courts can not interfere in the administrative activities on their own accord even if such activities are arbitrary. They act only when their intervention is sought. Judicial intervention is restrictive in nature and limited in its scope. Generally judicial intervention in administrative activities is confined to the following cases:

- a) **Lack of Jurisdiction:** If any public official or administrative agency acts without or beyond his/her or its authority or jurisdiction the courts can declare such acts as ultra-vires. For instance, according to administrative rules and procedures, in all organizations, the competent authority is identified for taking decisions and actions. If any authority or person other than the competent authority takes action, the court's intervention can be sought under the provisions of lack of jurisdiction.
- b) **Error of Law:** This category of cases arises when the official misconstrues the law and imposes upon the citizen obligations, which are absent in law. This is called misfeasance in legal terminology. The courts are empowered to set right such cases.
- c) **Error of Fact:** this category of cases is a result of error in discovering cases and actions taken on basis of wrong assumptions. Any citizen adversely affected by error of judgment of public official can approach courts for redressal.
- d) **Error of Procedure:** "due procedure" is the basis of governmental action in a democracy. Responsible government means a government by procedure. Procedure in administration ensures accountability, openness and justice. Public officials must act in accordance with the procedure laid down by law in the performance of the administrative activities. If the prescribed procedure is not followed the intervention of the courts can be sought and legality of administrative actions can be questioned.
- e) **Abuse of authority:** if a public official exercises his/her authority vindictively to harm a person or use authority for personal gain, court's intervention can be sought. In legal terms, it is called malfeasance. The courts can intervene to correct the malfeasance of administrative acts.

Check Your Progress 1

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

- 1) Explain the main features of judicial system in India?

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- 2) How does the single unified system of judiciary function in India?

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- 3) What is the scope of judicial control over administration?

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24.4 FORMS OF JUDICIAL CONTROL OVER ADMINISTRATION

The forms and methods of judicial control over administration vary from country to country, depending upon the type of the constitution and the system of law. Broadly speaking, there are two systems of legal remedies against administrative encroachments on the rights of citizens. One is called the Rule of Law system and the other is called the Administrative Law system. The Rule of Law means that everybody, irrespective of social and cultural differences, whether an official or a private citizen is subject to the same law and the ordinary law of the land. The official cannot take shelter behind state sovereignty in committing mistakes in his official capacity. A.V. Dicey, the main exponent of Law system stated that the Rule of Law assumes equality of Rule of all before law and application of the same law to all. The rule of law system prevails in England and other Commonwealth countries including India. It is also prevalent in the USA and many other democratic countries.

The administrative law system is based on the assumption of separate law and courts for dealing with administrative actions. This system prevails mainly in France. We have discussed in detail about this system in Unit 24 of this course. In the following paragraphs, we shall discuss some of the forms of judicial control over administration in India, under the Rule of Law system.

24.4.1 Judicial Review

The judicial review implies the power of the courts to examine the legality and constitutionality of administrative acts of officials and also the executive orders and the legislative enactments. This is very important method of judicial control. This doctrine prevails in countries where Constitution is held supreme, for example, in U.S.A. India, Australia, etc.

In India, judicial review is restricted by certain provisions of the constitution as well as of Act declaring finality of administrative decisions in particular matters. However, it can be stated that the Legislature in India, being non-sovereign body cannot exclude judicial review in certain cases unless there is a provision to that effect in the Constitution. Generally, the courts do not interfere with purely administrative action unless it is ultra-vires as regards its scope or form.

Even in Britain, where judicial review is not applicable, the courts can use this system of controlling administrative actions within the scope of parliamentary statutes. In view of the parliament's sovereignty in Britain, many administrative acts and decisions are excluded from judicial review by the courts themselves under what is called 'judicial self-limitation'. However, it must be noted that administrative actions can be challenged for want of jurisdiction.

In the USA, judicial review, at least in theory extends to the entire field of administrative action. However, in practice, the courts in the USA have, by self-denial, restricted their power in several ways. For instance, courts usually do not review certain type of decisions particularly those concerning administrative discretion. The power of the courts as regards judicial review, although not crystallized is potentially great.

24.4.2 Statutory Appeal

The statutes made by Parliament and State Assemblies itself provide that in a particular type of administrative action, the aggrieved party will have a right of appeal to the courts

or to a higher administrative tribunal. Sometimes, legislative enactment itself may provide for judicial intervention in certain matters.

24.4.3 Suits Against the Government

There are several limitations, varying from country to country, as regards filing suits against the government for its contractual liability. The contractual liability of the Union and the State Governments is the same as that of an individual citizen under the ordinary law of contracts, subject however, to any statutory conditions of limits, which the Parliament can regulate under the constitution. The State is liable for the tortious acts of its officials in respect of the non-sovereign functions only. In Britain, under the Crown Proceedings Act of 1947, the State is liable for torts committed by its servants i.e., public officials, subject to some exceptions. In U.S.A, subject to a few exceptions, there is no statutory provision to sue the State in tort. On the other hand, the liability of the State for the wrongful acts of its officials is fully established.

24.4.4 Criminal and Civil Suits against Public Officials

The position regarding the public officials' personal liability in respect of acts done by them in their official capacity varies from country to country. In India, civil proceedings can be instituted against a public official for anything done in his official capacity after giving two months notice. When criminal proceedings are to be instituted against an official for the acts done in his official capacity, previous sanctions of the Head of the State i.e., the President or the Governor is required. Some functionaries like the President and the Governor are immune from legal proceedings even in respect of their personal acts. Ministers, however, do not enjoy such immunity. The Monarch in Britain and President in the U.S.A. are also immune from legal liability.

24.4.5 Extraordinary Remedies

Apart from the methods of judicial control already discussed, there are the extraordinary remedies in the nature of writs of Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo Warranto. These are called extraordinary remedies because the courts grant these writs except the writ of Habeas Corpus, in their discretion and as a matter of right and that too when no other adequate remedy is available. A writ is an order of the court enforcing compliance on the part of those against whom the writ is issued. In India, these writs are available under the provisions of the Constitution. While the Supreme Court is empowered to issue these writs or orders or directives only for the enforcement of Fundamental Rights, the High Courts are empowered to issue these writs not only for the enforcement of Fundamental Rights but also for other rights. In Britain, these are called Prerogative Writs issued in the name of the King as the fountainhead of justice. In the U.S.A. these are provided for partly by common law and partly by statute. The writ of injunction is not specifically provided in the Constitution. However, it is issued by the Indian courts.

We will discuss these writs now.

a) **Habeas Corpus:** Habeas Corpus literally means to have the body of. This writ is an order issued by the court against a person who has detained another to produce the latter before the court and submit to its orders. If it is found that the person is unlawfully or illegally detained, he will be set free. A friend or a relation of the detained person may also apply for this writ on his/her behalf. This writ is a great bulwark of individual freedom and can be described as the cornerstone of personal liberty. This writ is granted as a matter of a right of *prima facie*, if it is established that the person is unlawfully detained. Its utility is, however restricted in India in view of the provision of Preventive Detention Act.

b) **Mandamus:** Mandamus literally means command. If a public official fails to perform an act which is a part of his public duty and thereby violates the right of an

individual, he /she will be commanded to perform the act through this writ. From the standpoint of judicial control over administrative lapses, it is an effective writ. In India, this can also be issued to compel a court or judicial tribunal to exercise its jurisdiction.

c) **Prohibition:** It is a judicial writ issued by a superior court to an inferior court, preventing it from usurping jurisdiction, which is not vested with it. While Mandamus commands activity, Prohibition commands inactivity. This writ can be issued only against judicial or quasi-judicial authorities to prevent exercise of excess of jurisdiction by a subordinate court. As such its significance as a method of judicial control over administration is limited.

d) **Certiorari:** While Prohibition is preventive, Certiorari is both preventive and curative. It is a writ issued by a superior court for transferring the records of proceedings of a case from an inferior court or quasi-judicial authority to the superior court for determining the legality of the proceedings.

e) **Quo Warranto:** Literally, Quo Warranto means 'on what authority'. When any person acts in a 'public office' in which he/she is not entitled to act, the court by the issue of this writ, will enquire into the legality of the claim of the person to that office. If the said claim is not well founded, he/she will be ousted from that office. It is, thus, a powerful instrument against the usurpation of 'public offices'.

Besides the units, there is one more writ, namely the writ of Injunction. It is of two kinds, mandatory and preventive. Mandatory injunction resembles the writ of Mandamus while Preventive Injunction resembles the writ of Prohibition. Through this writ, a public official can be restrained from doing a thing which, if done would cause irreparable damage to the rights of individuals. While Prohibition is a writ available against judicial authorities, Injunction is a writ, which is issued against executive officials.

24.5 LIMITATIONS OF JUDICIAL CONTROL OVER ADMINISTRATION

The effectiveness of judicial control over administration is limited by many factors. Some of these limitations are:

a) **Unmanageable volume of work:** the judiciary is not able to cope up with the volume of work. In a year the courts are able to deal with only a fraction of cases brought before it. Thousands of cases have been pending in Supreme Court, High Courts and Lower Courts for years together for want of time. There is an increase in the cases of litigation without a commensurate expansion of judicial mechanism. The old adage of 'justice delayed is justice denied', still holds good. This excessive delay in the delivery of justice discourages many to approach the court. The feeling of helplessness results in denial of justice to many.

b) **Post-mortem nature of judicial control:** In most of the cases the judicial intervention comes only after enough damage is done by the administrative actions. Even if the courts set right the wrong done, there is no mechanism to redress the trouble the citizen has undergone in the process.

c) **Prohibitive Costs:** the judicial process is costly and only rich can afford it. There is some truth in the criticism of pro-rich bias of judicial system in India. As a result, only rich are able to seek the protection of courts from the administrative abuses. The poor are, in most cases, the helpless victims of the administrative arbitrariness and judicial inaction. As V.R. Krishna Iyer pointed 'the portals of justice are not accessible to the poor'.

d) **Cumbersome procedure:** Many legal procedures are beyond the comprehension of common man. The procedural tyranny frightens many from approaching the courts.

Even though the procedures have a positive dimension of ensuring fair play, too much of it negatives the whole process.

e) **Statutory limitations:** the courts may be statutorily prevented from exercising jurisdiction in certain spheres. There are several administrative acts, which cannot be reviewed by courts.

f) **Specialised nature of administrative actions:** The highly technical nature of some administrative actions act as a further limitation on judicial control. The judges, who are only legal experts, may not be able to sufficiently appreciate the technical implications of administrative actions. As a result, their judgments may not be authentic.

g) **Lack of awareness:** In developing societies, most of the people who are poor and illiterate are not aware of judicial remedies and the role of the courts. As a result they may not even approach the court to redress their grievances. The courts which can intervene only when it is sought may be helpless in this situation. The general deprivation of people also results in deprivation of justice to them.

h) **Erosion of autonomy of judiciary:** There is executive interference in the working of judiciary. The quality of judiciary mostly depends on the quality of the judges. The Law Commission made many recommendations to ensure the judicial standards of the bench. The suggestion to create Judicial Commission with responsibility for judicial appointments deserves serious consideration. In recent years, there are many allegations of corruption against judges. This undermines the prestige and the effectiveness of the judiciary.

Many steps have been initiated to overcome some of the limitations mentioned above. In the succeeding paragraphs, we shall discuss some of these measures, in particular, Public Interest Litigation, Legal Aid and Nyaya Panchayats.

Check Your Progress 2

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

1) Explain the meaning and importance of judicial review?

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2) Discuss the different writs available under the provision of Constitution of India?

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3) Discuss the limitations of judicial control over administration?

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24.6 PUBLIC INTEREST LITIGATION (PIL)

Public Interest Litigation refers to a system of intervention of social action groups in making courts accessible to the deprived, poor and the victims of social oppression. Earlier the 'rule of standing' that means only the wronged person can seek the help of courts, came in the way of judiciary reaching the poor. The poor who are not aware and capable do not exist for the court purposes. The imaginative interpretation of judicial process by creative and socially conscious judges led to the system of PIL, which facilitated the social action groups and conscious individuals to enable the courts take cognisance of various forms of injustices done to the poor. In the Asiad Workers Case, Justice Bhagwati of Supreme Court who championed the PIL observed: "now for the first time the portals of the court are being thrown open to the poor and the downtrodden. The courts must shed their character as upholders of the established order and the status quo. The time has now come when the courts must become the courts for the poor and struggling masses of this country". In recent times, the courts are allowing representations and petitions from members of public through postcards, newspapers, editorials, letters to the editors and as writ petitions. Some of the PILs relate to environment conservation, rehabilitation of bonded labour, undertrials languishing in jails, atrocities on scheduled castes, scheduled tribes, women and other weaker sections, violation of civil liberties, police atrocities, etc. The courts have intervened in such cases on the initiatives of social activists and civil liberties groups. Judicial activism has thus certainly facilitated more access to justice to the poor.

24.7 LEGAL AID

The Constitution of India clearly envisages that opportunities for securing justice are not denied to any citizen by reason of economic or other liabilities. The fundamental entitlement of legal aid is concomitant right that arises out of Art. 14 of the Constitution which enjoins the state not to deny to any person equality before law or equal protection of law. Many commissions made suggestions to provide legal aid to poor to eliminate the implicit bias towards the rich in our legal system. In response, the Government of India, constituted a High Powered Committee in 1980 under the chairmanship of Justice P.N. Bhagwati, the then Judge of Supreme Court to evolve a comprehensive scheme of legal aid. The Committee was reconstituted in May 1987 with Justice R.S. Pathak, Chief Justice of India, as Patron-in-Chief, and Justice R.N. Misra, Judge of the Supreme Court of India, as its executive chairman. As a request to the Committee's work, the National Act that governs the system of legal aid to the poor in this country is the Legal Services Authorities Act, 1987, under which "Authorities" have been set up at national, state and sub-state levels. Under the Act there is a model scheme, for those citizens whose annual income from all sources does not exceed a certain limit are eligible for free legal aid. The limitation as to income is not applicable in case of disputes where one of the parties belongs to scheduled castes, scheduled tribes, vimuktajatis, nomadic tribes or is a woman or a child.

The Legal Services Authorities have been set up in accordance with the provisions of the national law and respective State Regulations in most of the States. The Legal Services Authorities have been set up at the High Court and district levels and in most of the places at taluka levels also. The Supreme Court Legal Aid Committee has been set up for dispensing legal aid in cases coming before the Supreme Court of India.

Under the Legal Services Authorities Act 1987, the institution of Lok Adalat is provided at all levels (State, District and Taluk) for resolution of disputes through conciliatory methods. Such Adalats are proving a successful alternative forum for resolution of disputes through conciliatory methods outside the regular courts, and very near to the clients or the people who need legal support, aid and speedy resolution of disputes.

24.8 NYAYA PANCHAYATS

The Nyaya Panchayat system aims to take justice to the doorstep of rural people. Under the panchayati raj system attempts were made by many state governments to establish Nyaya Panchayats to decide civil and criminal disputes of petty nature.

Different state laws provide for different kinds of jurisdiction of the courts. The members are appointed by the state government from the panel recommended by the village panchayats or block panchayats. The members appointed to the Nyaya Panchayat should be literate and should not hold any office nor should be active member of any political party.

The effective functioning of Nyaya Panchayats can facilitate the speedy settlement of many disputes at the village level itself. They provide for the speedy and summary disposal of cases. Structurally, the system has the advantages of easy accessibility, speedy settlement of disputes, openness, etc. But enough steps should be designed to protect these institutions from the influence of rural rich and vested interests.

Check Your Progress 3

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

- 1) What is meant by Public Interest Litigation?

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- 2) Discuss the advantages of having Nyaya Panchayats in villages?

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24.9 LET US SUM UP

In a democracy, the primary objective of judicial system is to ensure citizen's rights. The judicial system in India is based on the principles of independence of judiciary from executive and the single unified system of judiciary. The main purpose of judicial control over administration is to ensure the legality of administrative actions. The judiciary has an important role to play in the application of rule of law. We have discussed in this unit the main features of the judicial system, the methods of judicial control over the administration and their effectiveness. Some recent trends in judicial system like Public Interest Litigation, Nyaya Panchayats and Legal Aids Systems have also been discussed.

24.10 KEY WORDS

Malfeasance: this is a legal term, which implies abuse of authority by a public official for personal gains.

Misfeasance: when the public official misinterprets the law and imposes upon the citizens' obligations, which are absent in law.

Prima-facie: it is used to describe something, which seems to be true when you consider it for the first time.

Special Leave: the power of the Supreme Court to grant special leave to appeal to the Supreme Court against any judgement, decree etc. by any court or tribunal in India.

Tort: a tort is something that one does or fails to do which harms someone else and for which one can be sued for damages.

Ultra vires: violation of constitutional provisions.

24.11 REFERENCES AND FURTHER READINGS

Basu, Durga Das, 1987. *Introduction to the Constitution of India*, Twelfth Edition, Prentice Hall of India, New Delhi

India 1987. *A Reference Manual*, Publications Divisions, Government of India, New Delhi

Mathew, George. 2000. *Status of Panchayati Raj, The States of India*, Institute of Social Sciences, Concept Publishing House, New Delhi.

Jha, S.N., 1999. *Decentralisation and Local Politics*, Sage Publications, Delhi.

Tyagi A.R. 1989. *Public Administration*, 6th Revised Edition, Atma Ram and Sons, New Delhi.

24.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

- Separation of powers between executive and judiciary.
- India has a single unified judicial system.
- The Supreme Court occupies the highest position in the judicial hierarchy in India.

2) Your answer must include the following points:

- Judicial system in India runs like a pyramid from the subordinate courts at the lower levels to High Courts for every state to Supreme Court of India at the national level.
- Supreme court is at the highest level of judicial hierarchy, High Court at the second level and there are subordinate courts at the district level and below.
- Supreme Court has three areas of jurisdiction, namely, original, appellate and advisory and the High Courts have the original, appellate and administrative jurisdiction.

3) Your answer must include the following points:

- Lack of jurisdiction
- Error of law
- Error of fact
- Error of procedure
- Abuse of authority

Check Your Progress 2

1) Your answer must include the following points:

The judicial review implies the power of the courts to examine the legality and constitutionality of administrative acts of officials and also the executive orders and the legislative enactments. This is very important method of judicial control. This doctrine prevails in countries where Constitution is held supreme, for example, in U.S.A. India, Australia, etc.

2) Your answer must include the following points:

- Habeas Corpus
- Mandamus
- Prohibition
- Certiorari
- Quo Warranto
- Injunction

3) Your answer must include the following points:

- Unmanageable volume of work
- Post-mortem nature of judicial control
- Prohibitive costs
- Cumbersome procedures
- Specialized nature of administrative actions
- Lack of awareness
- Erosion of autonomy of judiciary

Check Your Progress 3

1) Your answer must include the following points:

- It refers to a system of intervention of social action groups in making courts accessible to the deprived, submerged and invisible millions of poor and victims of social oppression.
- It facilitates the social action groups and conscious people to enable courts to provide justice to the poor

- The courts allow representations and petitions from members of public through post-cards, newspapers, letters to the editors and writ petitions.
 - It has enabled more access of justice to the poor
- 2) Your answer must include the following points:
- They decide civil and criminal disputes of petty nature
 - It takes justice to the doorstep of rural people
 - Speedy settlement of case
 - Easy accessibility

UNIT 25 CENTRE-STATE ADMINISTRATIVE RELATIONSHIP

Structure

- 25.0 Objectives
 - 25.1 Introduction
 - 25.2 Centre-State Administrative Relations
 - 25.3 Centre-State Financial Relations
 - 25.4 Centre State Relations: Institutional Framework/Conferences
 - 25.5 Emergency Provisions
 - 25.6 Concluding Observations
 - 25.7 Let Us Sum Up
 - 25.8 Key Words
 - 25.9 References and Further Readings
 - 25.10 Answers to Check Your Progress Exercises
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25.0 OBJECTIVES

After studying this Unit, you should be able to:

- Discuss the division of administrative powers between the centre and the states;
 - Explain the various types of devices for securing centre-state cooperation;
 - Describe the techniques of executive control over the states; and
 - Examine the important recommendations of the Sarkaria and Venkata Chaliah Commissions.
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25.1 INTRODUCTION

Indian Constitution is neither purely ‘federal’ nor purely ‘unitary’. The federal form is clearly manifest in the constitutional distribution of powers between the union and the states not only in the legislative field but also in executive and administrative fields. In normal times, the constitutional scheme has to ensure autonomy of the states in regard to the spheres of activities earmarked for the states in the Constitution. Specific subjects have been allocated to the exclusive fields of the centre and the states respectively and certain subjects have been allocated to the ‘concurrent field’ with the stipulation that in the ‘state’ and ‘concurrent’ fields, the states should have the freedom to follow their own policies except to the extent that Parliament itself decides to legislate under the powers given to it under the Constitution.

Historically, a highly centralised colonial government had slowly been transformed into a semi-feudal set-up. In post-Independent India, the needs of planned development, national integration and maintenance of law and order resulted in a considerable degree of centralisation of powers in the hands of the centre. Single party rule for a long period of time has also contributed to the increasing preponderance of the centre. Centre-State relationship in reality is a matter of interaction between the two levels of governments in course of discharge of their duties to people. In administering subjects like education, health, agriculture, etc. the two levels of governments have to interact in the interest of efficient management of these functions. Administrative problems assume political colour when the interactions are conditioned by considerations

of power and hegemony. As the Administrative Reforms Commission commented “The problem of Centre-State relations has acquired new dimensions and new importance in recent times due to several political parties being in power at the Centre and in the States.”

In this Unit, we will study about the division of administrative powers between the centre and the states and constitutional and extra-constitutional devices for securing cooperation between the two sets of governments. This Unit will also discuss about the different ways in which the union exercises its control over the States.

25.2 CENTRE-STATE ADMINISTRATIVE RELATIONS

As earlier pointed out, the Constitution has clearly delimited the scope of legislative and executive authority of the union and the states. It is at the same time expressly provided under Article 256 of the Constitution that the executive power of the states shall be so exercised as to ensure compliance with the laws of Parliament. Also the union executive power extends to the giving of such directions to the states as may appear to the Government of India to be necessary for the purpose. It is further stipulated under Article 246 of the Constitution that if the state government fails to endorse the laws passed by the Parliament within its jurisdiction, the union government can issue directions to the states to ensure their compliance.

Adequate provisions have been made in the Constitution for the division of executive powers between the centre and the states. The executive power of the centre extends primarily to matters with respect to which Parliament has exclusive authority to make laws. Similarly the executive powers of the states extend to all those matters which are within their legislative domain. But with regard to the matters which are in the concurrent list there are three courses of action with the Parliament in reference to the enforcement of legislation. It can leave it entirely to the states or may take over the task of enforcing it or it may take upon the enforcement of a part of the law, leaving the rest of it to the states for enforcement.

The executive power of the union also extends to giving of directions to the states as to the construction and maintenance of means of communication declared to be of national or military importance. The union government can give directions to the states for the protection of railways within the states.

There is a constitutional provision under which the President may, with the consent of a state government, entrust either conditionally or unconditionally to a state or to its officers, functions in relation to any matter falling within the ambit of union executive power. A state can also, with the consent of union government confer administrative functions on the union.

India, being a federation, the Constitution establishes dual polity with the union at the centre and the states at the periphery. The dual government system and the division of powers are key features of the federal system. Since cooperation and coordination between the central and state governments are necessary for smooth running of the federation, the Constitution provides for a detailed division of executive, legislative and financial powers. The administrative relations between the union and states can be discussed under two parts (a) powers exercised by union over the states as granted by the Constitution and (b) powers exercised by extra constitutional agencies.

Division of Administrative powers between the centre and the states as per constitutional provisions:

- a) Directives by the union to the state governments: The executive power of the union also extends to giving of direction to the state under Article 256 for their compliance. This power of the Union extends to the limit of directing a state in a manner it feels essential for the purpose. For instance, the union can give directives to the state pertaining to the construction and maintenance of means of communication declared to be of national or military importance or protection of railways within the state. This is essential to ensure the implementation of parliamentary laws throughout the country. Non-compliance of the directives might lead to a situation where the union can invoke Article 356, for imposition of President's rule in the state and take over the administration of state.
- b) Delegation of union functions to the states: Under the constitutional provision of Article 258, the President may, with the consent of the state government entrust either conditionally or unconditionally to the government, functions relating to any matter falling within the ambit of union executive power. Under clause (2), Parliament is also entitled to use the state machinery for the enforcement of the union laws, and confer powers and entrust duties to the state. A state can also, with the consent of union government confer administrative functions on the union.
- c) All India Services: Besides central and state services, the Constitution under Article 312 provides for the creation of additional "All-India services" common to both the union and states. The state has the authority to suspend the officials of All India Services. The power of appointment and taking disciplinary action against them vests only with the President of India.

The idea of having an integrated well knit All India Services to manage important and crucial sectors of administration in the country which was the legacy of the past was incorporated in our Constitution. Their recruitment, training, promotion disciplinary matters are determined by the central government. A member of the Indian Administrative Service (IAS) on entry into the service is allotted to a state where he/she serves under a state government. This arrangement wherein a person belonging to the All India Service being responsible for administration of affairs both at the centre and states, brings co-operation in administration.

- d) Deployment of Military and Para-military Forces: These can be deployed in a state by the union, if situation warrants, even against the wishes of the state government.
- e) Constitution of Joint Public Service Commission for Two or more States: We have discussed in the Unit on Union Public Service Commission (UPSC) in Block 2 of this course that apart from UPSC and State Public Service Commission, the Constitution also provides for a Joint Public Service Commission. When two or more states through a resolution to that effect, in their respective legislatures agree to have one such Commission, the Parliament may by law, provide for a joint commission. The constitution of the Commission facilitates inter-governmental co-operation.
There is also a provision in the Constitution wherein, on request by two or more states the UPSC can assist those states in framing and operating schemes of joint recruitment to any service for which candidates with special qualifications are required.
- f) Judicial System: A distinctive feature of our federal system is the presence of integrated judicial system. Though we have federal form of government with two sets of government and dual powers, there is no dual system of administration of justice. This is clear by the presence of single integrated

chain of courts to administer both union and state laws with the Supreme Court at the apex of hierarchy of courts. The practice of having one set of courts which was present in our country under the Government of India Act 1935 continued thereafter under our Constitution.

The state governments are empowered to undertake the administration of justice and to constitute courts for this purpose. Hence, there is a High Court in each state as the highest court within the territory of state which is required to administer both the union and the state laws. Hence, the Constitution stipulates that the Chief Justice of the High Court be appointed by the President in consultation with the Chief Justice of India and the Governor of the State.

The Constitution also provides for creation by the Parliament through law, a common High Court for two or more states. For example, the states of Assam and Nagaland have a common High Court. The administration of justice falls entirely within the sphere of state irrespective of whether a matter pertains to civil or criminal law or whether such a law is enacted by Parliament or state legislature.

- g) **Inter-State Council:** India is a union of states wherein the centre plays a prominent role but at the same time is dependent on the states for the execution of its policies. The Constitution has provided for devices to bring about inter-governmental co-operation, effective consultations between the centre and states so that all important national policies are arrived at through dialogue, discussion and consensus. One such device is the setting up of the Inter-State Council. The President is given the powers under Article 263 of the Constitution to define the nature of the duties of the Council. The Council is to inquire into and advise upon disputes which may have arisen between the states. In addition, it may investigate and discuss subjects of common interest between the union and the states or between two or more states in order to facilitate co-ordination of policy and action.

Three such councils have been set up – (i) Central Council of Health; (ii) Central Council of Local Self-Government; and (iii) Transport Development Council. Based on the Sarkaria Commission's recommendations, a permanent Inter-State Council has been created on 1 April 1990, consisting of six Union Cabinet Ministers and the Chief Ministers of all the States and those Union Territories with a Legislative Assembly with Prime Minister as the Chairman. The Sarkaria Commission recommended that in order to differentiate the Inter-State Council from other bodies set up under the Article it must be called Inter-Governmental Council.

- h) **Inter-State Water Disputes:** In India there are many inter-state rivers and their regulation and development has been a source of inter-state friction. These relate to the use, control and distribution of waters of inter-state rivers for irrigation and power generation. In the Indian Constitution, water-related matters within a state are included in the state list, while the matters related to inter-state river waters are in the union list. Keeping in view this problem of unending river water disputes, the Constitution framers vested the power to deal with it, exclusively in Parliament. The Parliament hence, may by law provide for the adjudication of any dispute or complaint, with regard to use, distribution or control of the waters. The Inter-State Water Disputes Act was enacted by the Parliament in 1956 according to which tribunals are set up for adjudication of water disputes referred to them.

The Union government has so far, set up four Inter State Tribunals for Narmada, Krishna, Godavari and Cauvery. Parliament may constitute an authority like the Inter-State Commerce Commission in the USA to enforce the provisions of the Constitution relating to freedom of trade, commerce and intercourse throughout the territory of India. Such an authority has however not yet been set up.

Federal government involves dual government. It is therefore necessary to provide for the acceptance of public acts of both governments to avoid inter-governmental conflict. In the functioning of federation, a state refusing to recognise acts and records of another state may give rise to confusion and inconvenience. To eliminate such a possibility, the Constitution of India provides the 'full faith and credit clause'. Article 261 (i) of the Constitution stipulates that full credit and faith shall be given throughout India to public acts, records, and judicial proceedings of the union and all the states. The term 'public acts' relates to not only statutes but to all other legislative and executive acts of the union and the states. This clause serves a very important purpose of eliminating any possible hindrance to the normal transaction of administrative activities in the Indian federation.

25.3 CENTRE-STATE FINANCIAL RELATIONS

The provisions relating to the financial relations between the union and the states are derived from the Government of India Act, 1935. The areas of taxation have been clearly demarcated between the centre and states. The states have little powers in taxation and are heavily dependent on the centre for financial resources. The chief source of finance of the states is the grants-in-aid from the centre.

The seventh schedule of the Constitution provides for specific entries reserved for the union and the states for imposing taxes. The union can levy taxes on the 12 items of Union List (82 to 92 A). Similarly, the state list contains 19 items on which states are empowered to collect taxes. The residuary powers in taxation vests with Parliament.

There is a four-fold classification of tax revenues between the union and the states. These are:

- a) Taxes levied by the union but collected and wholly appropriated by the state (Article 270). These are stamp duties and duties of excise on medicinal and toilet preparations.
- b) Taxes levied and collected by the centre, but wholly assigned to the states (Article 269). These include duties on succession to property other than agricultural land, estate duty on property other than agricultural land, terminal taxes on goods and passengers (railway, sea or air), taxes on railway fares and freights etc.
- c) Taxes levied and collected by the union and distributed between the union and the states (Article 270). This includes taxes on income other than agricultural income.
- d) Taxes levied and collected by the union but may be shared with the states. This includes the customs and excise duties if parliament by law so provides.

Grants-in-aid and Loans

Besides the devolution of revenues, from different taxes, the centre provides grants-in-aid to the states as per Article 275 to the States for the purpose of promoting the welfare of the Scheduled Tribes and raising the level of administration of the Scheduled Areas. Also every year grants are made to the states, as elected by the parliament on the recommendations of the Finance Commission.

Borrowing Powers

The Constitution also provides for the borrowing of money by the union and state governments under certain provisions. As per Article 292, the union government has powers to borrow money on the security of the Consolidated Fund of India either within or outside the country, subject to limitations imposed by parliament. Recently the state governments are also empowered to borrow money on the same basis from outside India.

Finance Commission

Besides, provisions relating to demarcate of taxes and distribution between the union and the states, Article 280 provides for the constitution of the Finance Commission. The President of India constitutes it every five years. It is to consist of a chairman and four members.

The Finance Commission is entrusted with the tasks to recommend to the President about the (i) distribution of the proceeds of tax between the union and the states and the allocation between the states of the respective shares of such proceeds; (ii) principles that should govern the grants-in-aid out of the Consolidated Fund of India; (iii) measures needed to augment the consolidated Fund of a state to supplement the resources of the panchayats in the states and municipalities; and (iv) any other matter referred to by the President in the interest of sound finance. Till now twelve Finance Commission have been set up. The Thirteenth Finance Commission has recently been constituted with C. Rangarajan as the Chairman.

Financial Relations During Emergency

The financial relations between the union and the states undergoes changes during proclamation of emergency. In case of financial emergency imposed by the President under Article 360, it shall be competent for the union to:

- i) give directions to the state to observe such canons of financial propriety as may be specified in the communication;
- ii) instruct state governments that the salaries and allowances of all public servants including judges be reduced in the specified manner; and
- iii) reserve for the consideration of the President all money bills and financial bills after they are passed by the Legislatures for the state.

Check Your Progress 1

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

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

- 1) Explain the importance of 'full faith and credit clause' incorporated in the Constitution.

- 2) Comment on the significance of All India Services in Centre-State relations.

- 3) Discuss the role of the Inter-State Council.

25.4 CENTRE STATE RELATIONS: INSTITUTIONAL FRAMEWORK/CONFERENCES

There are other extra-constitutional and formal devices for securing consultations between the centre and the states and for bringing about co-operation and co-ordination between the states. These devices are to solve the centre-state conflicts and promote co-operative federalism. Regular conferences are being held as a matter of practice like annual conferences of Chief Ministers, Governors, Chief Secretaries, etc. The Governor's Conference serves as a useful forum where the President who is the Chairman of the conference is apprised by the Governors, of the political, social, and economic situation of the states. Similarly, the Chief Minister's conference serves as a potential forum for discussion of whole range of issues concerning the states and harmonisation of relationship between the centre and the states.

Likewise, a Conference of Inspectors General of Police which is held generally twice a year provides a common platform for discussion of issues like crime situation in the country, prevention, and investigation of crime, training, morale of police force, suppression of immoral traffic in women and children, etc. Such conferences help in the development of co-ordinated approach to operational problems of police. Since establishments such as Central Reserve Police Force, Border Security Force are maintained by the centre, the conference gains importance in bringing about co-operation of these units with the law and order machinery of the state.

In this connection, the role of the Planning Commission and the National Development Council deserves special mention. Originally set up to formulate an integrated national five year plan for economic and social development and to advise the union government on planning and development, the Planning Commission has over the years extended its activities over the entire sphere of administration. There has therefore been justifiable criticism that the Planning Commission which is an extra-constitutional and non-statutory body, has encroached upon the autonomy of the states in a significant way.

The other extra-constitutional body, the Planning Commission has evolved to get the co-operation of the states is the National Development Council (NDC) which consists of all the ministers of the Union Cabinet, the Chief Ministers of the States and the administrators of the Union Territories. The main objective of the NDC is to review the working of the five-year plan periodically and to recommend measures for the achievement of the aims and targets set out in the national plan. But generally the decisions of the Council are binding on the state governments and Government of India. Also, the Planning Commission holds regular consultations with the representatives of the state governments in matters affecting various programmes of planned development.

National Integration Council

The National Integration Council is another constitutional body created in 1986, to deal with welfare measures for the minorities on an all-India basis. It was revived by the National Front Government in 1990, comprising not only Union Ministers and the Chief Ministers of States but also the representatives of national and regional political parties, labour, and women.

Zonal Councils

These are extra-constitutional bodies created under the State Re-organisation Act, 1956. Five Zonal Councils for Northern, Southern, Eastern, Western and Central were created in 1956. The North-Eastern Council was set up in 1971, by an Act of Parliament. Each Council has the Chief Minister and two other ministers of each state in the zone and the administrator in case of a Union Territory. The Union Home Minister is the Chairman of all the zonal councils.

The Council is to advise the Union and State governments which are represented in the council on matters of common concern relating to economic and administrative matters, social planning, inter-state transport matters arising out of reorganisation of State.

Sarkaria Commission

The Sarkaria Commission on Centre-State relations was constituted in 1983 under the Chairmanship of Justice R. S. Sarkaria, a retired judge of the Supreme Court. It was to examine and suggest reforms for an equitable distribution of powers between the Centre and the State. The report was submitted in 1988 and it made 247 recommendations in this regard, suggesting 12 amendments to the Constitution and 20 new legislations. Though it did not recommend any drastic structural changes, it desired streamlining the provisions of the Centre-State relations. It suggested the Centre's financial hold over the state to be diluted and autonomy be given in this regard.

The major recommendations include:

- i) The Governor of a state to be a non-political person appointed with the concurrence of the Chief Minister.
- ii) Articles 256, 257 and 265 of the Constitution and provisions designed to secure co-ordination between the union and the states for effective implementation of Union laws. Nonetheless, a directive under Article 256 and 257 and application of the sanction under Article 365 in the event of its non-compliance, is to be used as a last resort. Before issue of directions to a state and application of section under Article 365, utmost caution should be exercised and all possibilities explored for settling points of conflict by all other available means.

- iii) The representative state to be consulted before deployment of union armed and other forces in that State.
- iv) Sharing of the corporate taxes between the centre and state to be made mandatory.
- v) The transfer of High Court judges should not be against their will.
- vi) The state should have more control over the matters in the concurrent list and the Centre's hold over the union list should be loosened.
- vii) To foster co-operative federalism in inter-governmental relations, the commission recommended the setting up of Inter-State Council under Article 263.

Though the Commission provided a comprehensive review of Central-State relations, few recommendations were accepted. This include:

- a) The President's Proclamation, while imposing emergency in a state, should include the 'reasons' as to why the state cannot be run as per the normal provisions of the Constitution.
- b) As far as possible the centre should issue a warning to the state government before resorting to the use of Article 356.
- c) The Inter-State Council under Article 263 as recommended by the Commission has been set up termed as 'Inter Governmental Council'.
- d) Sharing of corporate taxes between the centre and states has been made mandatory.

Venkatachaliah Commission

The latest high power body constituted to examine the working of the constitution is the National Commission to Review the Working of the Indian Constitution which was notified on January 27, 2000, with Chief Justice Venkatachaliah as Chairman. The terms of reference of the Commission were as under:

The Commission shall examine, in the light of last fifty years, as how far the existing provisions of the constitution are capable of responding to the needs of efficient, smooth and effective system of governance and socio-economic development of modern India and to recommend changes, if any, that are required to be made in the Constitution within the framework of Parliamentary Democracy without interfering with the basic structure of features of the constitutions."

The Commission functioned with the aid of 10 expert teams after having identified the major fields for incisive review:

- 1) Examine ways to strengthen democratic institutions and their accountability;
- 2) Review Electoral Reforms;
- 3) Review the pace of Socio-economic change and development and eradication of poverty;
- 4) Promote Literacy and Employment, besides ensuring Social Security;
- 5) Review Centre-state relations, including Art. 356, appointment of Governors, financial relations and sharing of revenues;
- 6) Strengthen Panchayati Raj Institutions;
- 7) Enlarge the Fundamental Rights and improve the Rights of the Minorities and Weaker Sections;
- 8) Effectuate Fundamental Duties;

- 9) Enforce the Directive Principles of State Policy;
- 10) Legal Control of Fiscal and Monetary Policies.

It appears that the Commission, born out of a controversy about the scope of enquiry, delimited its area of inquiry in such a way that 'parliamentary democracy' and the 'basic structure' were out of bounds for them.

The Commission made as many as 248 recommendations touching on these ten areas of intensive inquiry. Out of these, only 58 involve amendment of the Constitution, 86 pertain to legislative measures and the rest require executive action.

Unfortunately, this Commission Report proved to be a damp squib. There was hardly any national debate on the issue raised; nor is there any interest among parties – ruling or otherwise – to pursue the issues seriously.

25.5 EMERGENCY PROVISIONS

In normal times, the union and the states are expected to function separately within their constitutionally delimited spheres of activities. But our Constitution makes provisions for proclamation of emergencies to enable the union government to acquire the strength of a unitary system in times of 'emergencies'. The Constitution envisages three different kinds of 'emergencies' or abnormal situations calling for a radical departure from the normal governmental machinery as set up by the Constitution.

The first kind of emergency, under Article 356, as we have discussed earlier relates to the failure of constitutional machinery in a state. The President is empowered to make a proclamation when he is satisfied that the government of a state cannot be carried on in accordance with the provisions of the Constitution either on the report of the state governor or otherwise. Under this provision President's rule has been imposed in several states at different points of time. It has proved to be a drastic coercive power which takes nearly, the substance away from the normal federal polity prescribed by the Constitution.

The second kind of emergency is the 'national emergency'. Under Article 352, a proclamation of emergency may be made by the President at any time when he is satisfied that the security of India or any part thereof has been threatened by war, external aggression or armed rebellion. Such a proclamation has far-reaching consequences for the fundamental rights and for the exercise of executive, legislative and financial powers of the union government. The nation virtually slips into a unitary system in times of national emergencies.

A third type of emergency – the financial emergency – may be proclaimed by the President under Article 360. This is done when the President is satisfied that a situation has arisen whereby the financial stability or credit of India or any part of the territory thereof is threatened. During the financial emergency, the union executive has powers to direct any state to observe some specific canons of financial propriety as well as taking measures such as reduction of salaries and allowances of persons service the state or the union.

The emergency provisions are so drastic that when the proclamation of either of the emergencies is in operation, the government is carried practically on a unitary basis and during the crisis the state governments are, in effect merely subordinate governments and function as a part of a union structure.

Check Your Progress 2

Centre-State Administrative Relationship

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

- 1) What are the extra-constitutional devices which help in bringing about cooperation between the centre and the states?

- 2) Explain the three types of emergencies which can be proclaimed by the union as stipulated in the Constitution.

25.6 CONCLUDING OBSERVATIONS

To sum up, the administrative relationship between the centre and the states in India has evolved during the course of colonial rule. After Independence the Constitution of India provided for a system of inter-governmental relationship both for normal times and emergencies. In normal times, the federal polity was expected to function on the principle of dual government. The history of highly centralised government in the past, the influence of the Government of India Act 1935 and the concern of our founding fathers about national stability, peace and harmony led to the acceptance of a constitutional arrangement of distribution of powers that deliberately tilted the scale in favour of the union.

Later, in course of actual governance, the political forces started reshaping the Indian polity and central dominance through President's rule and other provisions harmed the effective working of the federal system. As different political parties came to power at the union and the state level, the phenomenon of central dominance had steadily come under attack by the constituent states. The politics of centre-state relations revolved round such issues as 'more powers to the states', 'more financial resources to the states' and even a clamour for redrafting of the Indian Constitution. In response to the states' demands, the Sarkaria Commission which was set up to review the working of the federal system suggested appropriate constitutional changes but nothing substantial came out of it. But it seems that in the years to come 'consensus' rather than 'control' is going to be the dominant paradigm of centre-state administrative relationship in the years to come.

As the Administrative Reforms Commission cautioned earlier, "In our anxiety ... to strengthen the unity of India, we should not think of indiscriminately creating a central administrative system with the loss of concentration of

administrative powers at a distant centre tends to breed inefficiency and resentment, which in turn sets the minds of the people against the centre. A wise and farsighted administration must be committed to decentralisation of administrative powers.”

Consequently, a federal polity is a decentralised polity. It needs a political will to design and sustain a decentralised political and administrative system. India waits for the emergence of this system.

25.7 LET US SUM UP

The distribution of powers between the centre and states in the legislative and executive fields, as stipulated in the Constitution is clearly delimited in their scope. At the same time the Constitution provides for devices through which cooperation between the centre and states is facilitated. These include constitution of All India Services, Joint Public Service Commission for two or more states and presence of integrated judicial system. Adequate provisions have been made in the Constitution in ensuring smooth financial relations between the centre and states, through provision of grants-in-aid, constitution of Finance Commission etc. The setting of Inter-State Council by the National Front government for the first time is considered a positive step towards promoting harmonious relationship between the union and states in bringing about overall development of the country.

The centre has emerged strong over the years, due to centralisation of certain powers in its hands. Through giving of directions to the states backed by a coercive sanction for their enforcement, exercising supervisory control over the states in the maintenance of order, and proclamation of emergencies, the union exerts its control over the states. The Sarkaria Commission on centre-state relations suggested certain constitutional changes, which would smoothen the relationship between the centre and states. Efforts need to be made to make our federal system decentralised on both political and administrative fronts.

25.8 KEY WORDS

Hegemony : Domination or control by one country or state over a group of others especially if it is a member of that group.

Sarkaria Commission : This Commission on Centre-State Relations was formally constituted by the Government of India, Ministry of Home Affairs on June 9, 1983 under the chairmanship of R.S. Sarkaria (a retired judge of Supreme Court), Shri. B. Sivaraman and Dr. S.R. Sen were the other two members. The objective of the Commission was to examine the working of existing arrangements between the centre and the states and recommend such changes in the said arrangement as might be appropriate within the present constitutional framework.

Article 256 : This provides that the executive power of every state shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that state and the executive power of the union shall extend to the giving of such directions to a state as may appear to the government to be necessary for that purpose.

Article 257

- : This Article of the Constitution relates to the power of the union to give directions to the state government's regarding exercise of executive power to ensure
- a) that the exercise of the executive power of the state does not interfere with the exercise of executive power of the union (257 (i))
 - b) the construction and maintenance of means of communication of national or military importance by the state (257 (ii))
 - c) protection of railways within the state (257 (iii))

Centre-State Administrative Relationship**Article 365**

- : The Constitution stipulates that where any state has failed to comply with or to give effect to any directions given in the exercise of the executive power of the union under any of the provisions of the Constitution, it shall be lawful for the President to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.

25.9 REFERENCES AND FURTHER READINGS

Administrative Reforms Commission, 1980, *Report on Centre-State Relationship*, Government of India, Ministry of Home Affairs, New Delhi.

Basu, D.D., 1982, *Introduction to the Constitution of India*, Prentice Hall of India, New Delhi.

Chhabra, H.K., 1977, *State Politics in India (A Study of Centre-State Relations)*, Surjeet Publications, New Delhi.

Chandrapal, 1983, *Centre-State Relations and Cooperative Federalism*, Deep and Deep Publications, New Delhi.

Joshi, G.N., 1983, *The Constitution of India*, Macmillan India Ltd., New Delhi.

Government of India, 1988, *Report of the Commission on Centre-State Relations (Part-I)*, Nasik.

Maheshwari S.R., 1989, *Indian Administration (4th edition)*, Orient Longman, New Delhi.

Pylee M.V., 1983, *Constitutional Government in India (4th edition)*, S. Chand and Co., New Delhi.

Sarkar, R.C.S., 1986, *Union-State Relations in India*, National Publishing House, New Delhi.

25.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:

- Provision of Article 261(i) of the Constitution relating to the clause.

Emerging Issues

- Importance of the clause which provides acceptance of public acts of both the central and state governments, thereby reducing inter-governmental conflict, confusion and inconvenience.

2) Your answer must include the following points:

- Importance of All India Services with personnel manning administrative positions both at union and state levels which brings cooperation in administration.
- The All India Services officers get acquainted with state and district administration and carry with them this experience while migrating to the centre to occupy positions of responsibility.
- This interchange of experience improves decision-making.

3) Your answer must include the following points:

- It helps to bring about inter-governmental cooperation and effective consultations between the centre and states on important national policies.
- It may inquire into and advise upon disputes which may have arisen between the states.
- It may investigate and discuss subjects of common interest between the union and states or between two or more states to facilitate coordination of policy and action.

Check Your Progress 2

1) Your answer must include the following points:

- Governors' Conference
- Chief Ministers' Conference
- Conference of Inspectors General of Police
- Planning Commission
- National Development Council

2) Your answer must include the following points:

- Provisions of Article 356 of the Constitution relating to imposition of President's rule in a state due to breakdown of its constitutional machinery.
- Proclamation of 'national emergency' by the President under Article 352 of the Constitution in times of threat to the security of the country due to war, external aggression or armed rebellion.
- Declaration of financial emergency under Article 360 by the President when there is a threat to the financial stability of the country or territory.

UNIT 26 DECENTRALISATION DEBATE

Structure

- 26.0 Objectives
 - 26.1 Introduction
 - 26.2 Decentralisation: Meaning
 - 26.3 Importance of Decentralisation
 - 26.4 Approaches to the Concept of Decentralisation
 - 26.5 Types of Decentralisation
 - 26.6 System of Decentralisation in India
 - 26.6.1 Pre-Independence Period
 - 26.6.2 Post-Independence Period
 - 26.6.3 Recent Trends in Decentralisation
 - 26.7 Factors Impeding Decentralisation
 - 26.8 Let Us Sum Up
 - 26.9 Key Words
 - 26.10 References and Further Readings
 - 26.11 Answers to Check Your Progress Exercises
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26.0 OBJECTIVES

After studying this Unit, you should be able to:

- Discuss the concept of decentralisation;
 - Analyse the system of decentralisation in India in the pre and post-Independence periods;
 - Explain the functioning of local bodies; and
 - State the factors that hamper the smooth functioning of decentralisation in the country.
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26.1 INTRODUCTION

One of the important problems of organisations including that of public organisations is the issue of centralisation versus decentralisation. In fact, this is one of the dilemmas facing the government and the administration today. While on the one hand the compulsions of socio-economic planning, the requirements of national integration and the consideration of defence strategy, pull the administration towards centralisation, on the other, the political commitment for autonomy, greater participation by the people and the need to take democracy to grassroots pull administration towards decentralisation. We are thus confronted with contradictory pulls and pressures. To further illustrate, in the words of Avasthi and Maheshwari “the Planning Commission symbolises the trend towards centralisation, while ‘Panchayati Raj’ epitomises the trend towards decentralisation”. In this Unit, we shall discuss the meaning of decentralisation, deconcentration, delegation and devolution, and the system of decentralisation in India in the pre and post-Independence periods. The future trends in decentralisation and functioning of rural and urban local bodies will also be explained.

26.2 DECENTRALISATION: MEANING

The term decentralisation is understood differently by different individuals or

institutions. As far as the government of India is concerned, the term refers to the transfer of power from the centre to the states and districts.

the administrative techniques that characterises the art and science of professional management. To quote Pfiffner and Sherwood, "In some respects decentralisation has come to be a 'gospel' of management. Firstly, it is regarded as a way of life to be adopted at least partially on faith, secondly, it is an idealistic concept, with ethical roots in democracy, thirdly, it is in the beginning a more difficult way of life because it involves a change in behaviour running counter to historically-rooted culture patterns of mankind. That is why the new literature of decentralisation dwells on how to bring about changes in organisation behaviour. Men find it difficult to delegate, to think in terms of the abstractions required by long-term planning, to listen rather than to give orders, to evaluate other men and their work in terms of overall results instead of irritations and tensions of the moment. Yet this is the very key to the behaviour required of leaders in a decentralised organisation." It is clear that decentralisation is not only a device for the delegation or dispersal of administrative authority, but it is also a democratic method of devolution of political authority. Further, in a decentralised organisation it is also essential to adopt the democratic norms. Such norms help the various levels of the administrative organisation to develop a reasonable capability for the exercise of authority to reach the most desired decisions. Moreover, they help to assimilate in them the virtues of greater interactions not only among the various organisational levels but also between the organisation and the clientele among the general public.

It has been opined that decentralisation refers to the physical location of facilities and the extent of dispersal of authority throughout an organisation. Hence, it is an arrangement by which the ultimate authority to command and the ultimate responsibility for results is localised in units located in different parts of the country. It is argued that assigning of functions and responsibility, for their efficient and effective performance, to the subordinates or sub-divisions is the essence of decentralisation. We may say that in a decentralised organisation lower levels are allowed to decide many matters and a few cases involving major policies or interpretations are referred to the higher levels of the organisation. However, in common phraseology the term decentralisation is interchangeably used with terms like deconcentration, devolution and delegation, though they have different connotations. Thus, decentralisation denotes dispersal of authority among the lower levels of organisation and its field offices.

Deconcentration, Delegation and Devolution

The word 'decentralisation' is often confused with delegation, deconcentration and devolution, which is not correct. The point is that all these words have their own meanings. For instance, delegation is not a transfer of authority but it is simply an assignment of authority to a lower body by a higher level of government. Delegation is merely a technique of administration or management while decentralisation deals with deep urgencies of democracy. Like delegation, deconcentration is also a technique of administration. Deconcentration denotes assignment of certain functions to the agent of the central or state government in the field. There have always been difficulties in governing the country from the centre and so the government is compelled to deconcentrate certain functions to its agents or officers in the field. Another synonymous term is devolution which is not very much different from deconcentration. The method of devolution is applied to the formally constituted local authorities while deconcentration is applied generally to the field agencies or staff. It is thus clear that delegation, deconcentration and devolution are simply the technical methods of efficient administration. The meaning and scope of decentralisation are much wider and deeper. It is a process of democratisation of political power and thereby aims at achieving democratic values in practice. Decentralisation aims at widening the area of people's participation in decision-making, micro level political authority

and autonomy through transfer of specific powers to people's representative institutions at the bottom.

To make the distinction more clear Panchayati Raj is an example of decentralisation. State governments in India demanding for more powers, amounts to devolution. The District Collector, being vested with authority over development departments in the district is an example of deconcentration. The Commissioner of Police delegating powers to permit holding of public meeting to the Assistant Commissioner of the concerned area is an example of delegation.

26.3 IMPORTANCE OF DECENTRALISATION

Development Administration is basically oriented towards speedy socio-economic transformation. Hence, throughout the developing world there is universal concern now to design new forms of administration to match the needs of development. Decentralisation has been looked at as a singularly useful mode of administration to deliver the public services from convenient local centres close to the clients' locality. Bringing administration to the doorstep of the citizen and establishing a direct relationship between the client and the administration have been the driving force behind decentralisation in most of the developing countries.

The urge for decentralisation has come from many sources. Firstly, it has been prompted by the need to deliver the basic public goods like food, housing, water from local units of administration as soon as possible. Secondly, most people in the developing countries live in rural areas which are away from the National Capital located in distant urban area. Administration has to 'penetrate' the rural areas and link these up with the nation as a whole. Thirdly, in many countries sociological diversities manifest themselves in ethnic, linguistic and religious differences. Administration needs to be decentralised in response to regional diversities. Fourthly, regional and local resources can be utilised for area development purposes, only if administration would move out to the regions and localities. Decentralisation, therefore, facilitates local planning and development with the help of local resources. Fifthly, decentralisation has its own value in political and administrative terms. Politically, local participation in development activities, with intensive responses paves the way for meaningful articulation of local demands. Planning, thus, becomes much more realistic and receives ready political support. From the administrative point of view, local capability to govern local areas increases through sustained participation in local decision-making. Decentralisation is expected to release local energies and enlist local support for development activities. In the process, the local community can steadily attain political and administrative maturity.

26.4 APPROACHES TO THE CONCEPT OF DECENTRALISATION

The different approaches to the concept have been clearly and profoundly presented by Fesler. Following his classification, the approaches can be grouped into four categories: the doctrinal, the political, the administrative and the dual-role.

The doctrinal approach seeks to transform decentralisation as an end in itself through a process of 'romantic idealisation'. The Gandhian concept of 'concentric circle' of power distribution and the idealisation of village community in Panchayati Raj have reduced decentralisation almost to a dogma and as an article of faith. Instead of treating decentralisation as a means to the achievement of some end-values, such idealisation tends to elevate it to the status of a hardened doctrine.

The political approach underscores the essentially political character of decentralisation. Initiatives to decentralise, and willingness to pass on powers and functions to decentralised units, and to allow these units to actually operate within a framework of autonomy, are politically determined. Creation of field units of government, away from central headquarters, exemplify deconcentration. Decentralisation in the shape of devolution to local self-governing bodies marks an attempt to set up autonomous governments at the level of the locality. Field units of government like district administration are the long arms of the central (state) government. To create and maintain local government is thus a major political commitment. In the absence of such commitment, devolution to sub-national governments, including self-governing bodies, will remain more in law than in practice. This leads to what Fesler has called 'illusory decentralisation'. Both Panchayati Raj and municipal government in India represent to a considerable extent this sort of façade devolution.

The administrative approach to decentralisation is motivated by efficiency criterion. Enhancement of administrative rationality becomes necessary. When field administrative units are set up through a process of deconcentration, the measure is considered appropriate for field level decision-making and prompt problem solving. In this process, administrative units might come up at many levels between the locality and the central (state) headquarters. With more and more demand for specialised functions, multiplicity of functional departments would appear at the field level. The administrative situation gradually presents a picture of polarisation between general area-based administrative demands and specific function-centred claims of particular functional departments. Currently, district administration in India is faced with this problem of area-function duality. Decentralisation in administrative terms may not therefore always guarantee 'clarity of authority and orderliness of operations'. To promote such operational principles, conscious attempts are needed to readjust from time to time the conflicting claims of area and functions in deconcentrated field administration.

Finally, the dual role approach, as Fesler puts it, is a kind of rehearsal of the area-function dichotomy in a new setting. Decentralisation is placed within a larger context of development and change, as distinguished from maintenance of status quo. Conceived in administrative terms, the dual role approach seeks to highlight the conflict in field administration between tradition and change. Most field administrative systems were evolved in an earlier era mainly to maintain the established order, to collect revenue and to keep things from going wrong. Almost all the developing countries that have inherited the colonial field system are seeking to bring about speedy social and economic change. As a consequence there has been a radical change in the functions of field administration. To quote Fesler, "The intent is to change established ways of doing things so as to carry economic and social development forward rapidly. This contrasts with the status quo orientation of a field system geared to maintenance of the established order and may conflict with the personal orientation of field generalists so chosen and trained as to identify themselves with the classes, families, and other groups who constitute the 'establishment'." Resolution of conflict between two different orientations in field administration calls for adaptation of decentralisation to changing circumstances. The theme is not unfamiliar to Indian administration in general and to district administration in particular.

26.5 TYPES OF DECENTRALISATION

Four different types of decentralisation can be identified, viz., administrative, functional, political and geographical. Administrative decentralisation refers to decentralisation of authority to the lower officials in the administrative hierarchy of organisations. It may also mean decentralisation powers or functions to the

subordinate units. Functional decentralisation implies that the functions are decentralised to the specialised units or departments like education or health. Political decentralisation involves that the political powers and functions concentrated in the hands of higher-level political organs are decentralised to lower level political organs. We are all aware that Panchayati Raj agencies are units of decentralisation wherein political powers of decision making are decentralised from state governments to panchayats, samitis and zilla parishads. Finally, in geographical decentralisation, the powers and functions of headquarters decentralised to the field departments of the state government, which are further decentralised to their field officers at the regional and district levels. This facilitates quick decision-making keeping in view the local requirements.

Check Your Progress 1

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

- 1) Distinguish between decentralisation, delegation, devolution and deconcentration.

- 2) Analyse the importance of decentralisation.

- 3) Discuss the types of decentralisation.

26.6 SYSTEM OF DECENTRALISATION IN INDIA

A highly centralised imperial rule was gradually decentralised at the level of the provinces with the Government of India Act 1919 and the Government of India Act 1935. Under the Act of 1919, as a sequel to the Montague-Chelmsford Reforms, 'Dyarchy' was introduced in the provinces. This meant that certain

departments were for the first time put in charge of elected ministers responsible to the legislature, and the remaining departments were kept in the charge of Government officials, the Members of the Governor's Executive Council. The Act of 1935 for the first time introduced a federal form of Government and conferred 'Provincial Autonomy' on the provinces subject to certain safeguards.

This process of decentralisation of powers from the central government to the provincial governments was deliberately pursued during British rule for a variety of reasons such as administrative convenience, political pressure generated by the national freedom struggle, and the need for political accommodation of the elite and the intelligentsia.

There was another kind of decentralisation effort noticeable during the colonial rule: the policy of setting up local self-governing bodies in urban and rural areas. It is this form of decentralisation at the grassroots level that continues to raise doubts and debates even today, and this 'decentralisation debate' has assumed considerable significance in recent times for two important reasons: first, poverty alleviation and social justice have become a major political agenda; institutional decentralisation, in this context, is being debated. Second, the Panchayati Raj institutions have been languishing in most states; absence of a constitutional guarantee has been diagnosed as the cause of Panchayati Raj decay. The mode of constitutional protection of Panchayati Raj became a debatable proposition since the proposal was first mooted by the previous Government.

26.6.1 Pre-Independence Period

The decentralisation debate during colonial rule can be traced to the famous Ripon Resolution of 1882. To train the Indians in the art of governance, to enable them to learn from experience and to open up avenues for political participation of the educated class, Ripon strongly advocated the cause of decentralisation of administration through the establishment of local self-governing institutions. The British administrators were not prepared to accept the Ripon thesis as they questioned the competence of Indians to manage local administration and feared a general weakening of field administration under a local self-government regime. The debate was essentially over the choice of values: democracy or efficiency. With the rising tempo of freedom struggle, the imperial policy had to however willingly concede Indian demands for self-government and participation in administration.

26.6.2 Post-Independence Period

The second phase of the decentralisation debate in post-Independence India was staged on the floor of the Constituent Assembly. Panchayati Raj was an important component of Mahatma Gandhi's vision of future India in which economic and political power would be decentralised and each village would be self-reliant economically. It was in accordance with the wishes of the Mahatma Gandhi that Article 40 of the Constitution of India was adopted stipulating that "the state shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to functions as units of self government."

Dr. B.R. Ambedkar, however, had a different view of the Indian rural society. He argued in the Constituent Assembly that the Indian social structure at the village level was hierarchical, oppressive and insensitive to change. In his view, it would be dangerous to give powers to the panchayats as he thought that would mean giving powers to the prevailing rural power structure which would work to the detriment of the harijans and the rural poor.. Two contrasting views about

decentralisation had thus surfaced in the Constituent Assembly; a visionary stand point of decentralisation and a realistic view of decentralisation.

Any scheme of decentralisation presupposes a harmonious society. As Dantwala has observed: "In an unequal society, democratic or decentralised political or planning mechanisms do not succeed in ensuring genuine people's participation." The Gandhian vision of village society is a normative model that serves the purpose of a guidepost. But the reality of rural life and the experiences of Panchayati Raj in India seems to have largely confirmed the belief of Dr. Ambedkar. It is interesting, in this context, to note the observations of the Asoka Mehta Committee on Panchayati Raj Institutions: "Panchayati Raj institutions are dominated by economically and socially privileged sections of society and have as such facilitated the emergence of oligarchic forces yielding no benefits to weaker sections."

The decentralisation debate has its roots at the conceptual level. The concept of Panchayati Raj has been far from clear and as the Asoka Mehta Committee commented: "Some would treat it just as an administrative agency; others as an extension of democracy at the grassroots level; and still others as a charter of rural local government."

The bureaucracy-democracy debate over decentralisation which is as old as the Ripon reforms of the late nineteenth century has been rehearsed in recent times as well. When it came to entrusting local developmental responsibilities, most state governments opted for their official field machinery and virtually bypassed the Panchayati Raj institutions. As the Asoka Mehta Committee reported, some of the state governments would postpone the holding of elections or supersede the Panchayati Raj institutions for one reason or the other. "The lukewarm attitude of the political elite at higher levels towards strengthening of the democratic process at the grassroots was generally the crux of the matter."

26.6.3 Recent Trends in Decentralisation

Even with our development planning experience of more than four decades, there is no sign of abatement of poverty and social injustice in the form of oppression of the harijans and the rural poor. One important reason for this state of affairs that has been widely acknowledged in centralised administration and planning and languishing popular institutions at the grassroots level. At the end of 1985, this point was clearly brought out by the G.V.K. Rao Committee on Administrative Arrangements for Rural Development (CARD). The Committee emphasised the importance of local initiative in local development and recommended revitalisation of the Panchayati Raj institutions. Research findings revealed that the developmental process had gradually been bureaucratised and divorced from the Panchayati Raj institutions leading to what has been aptly termed as "Grass without Roots". To quote one study:

"The basic reason for the failure of rural development and poverty alleviation programmes is the exclusion of the people from participation in the development process and the abandonment of the institutions of democratic decentralisation and the related electoral process."

The G.V.K. Rao Committee came out with a blue print of a decentralised system of field administration with Panchayati Raj playing the lead role in local planning and development. Another novel decentralisation plan below the state level has been advocated by Nirmal Mukherji through devolution of political powers to directly elected "district governments" in India. Such a decentralisation plan will of course virtually affect the Panchayati Raj structure from the district to the village.

The other committee to bemoan the languishing of grassroots democracy is the L.M. Singhvi Committee on Revitalisation of PRIs for Democracy and Development (1986). The Panchayati Raj institutions, as the Committee has observed “have become moribund and ... they have been denuded of their promise and vitality”. To revive Panchayati Raj, the Committee recommended that “local self-government should be constitutionally recognised, protected and preserved by the inclusion of a new chapter in the Constitution”.

This has since been achieved through the 73rd Constitutional Amendment, 1992, that accords Constitutional status to Panchayati Raj Institutions. At the same time, municipal bodies have been accorded Constitutional status under the 74th Amendment, 1992. The Constitutional status of local government – rural and urban – has been discussed in detail in Block 4 of this Course.

26.7 FACTORS IMPEDING DECENTRALISATION

Decentralisation is to be seen not only as a method or approach in administration, it has other dimensions also. To what extent there is actual decentralisation depends on a variety of factors: administrative, political, social and cultural. Administratively in a society where there has been a long practice of centralisation of power, those at the higher levels find it rather difficult to be mentally prepared to transfer powers to lower levels. Conversely, because of the long habit of always looking above for receiving orders there is inertia on the part of the persons working at lower echelons. They would wait for an order from the above. In some cases, it has been found that even when power has been decentralised, there is a tendency to shift the responsibility of taking decisions to the higher levels, to play safe, so that, the onus of responsibility does not fall on them, if something goes wrong administratively.

Rules and procedures are also laid down for decentralisation of powers, but it is seen that in actual practice, things are not what they ought to be. There is always a method of getting around the system, so that the decisions are made from levels higher than that at which the decision should have been taken. Politically also we find that though legally and constitutionally, decentralisation might have been provided for and yet in reality in many cases decisions are being taken by the political executive even in those areas which may not fall strictly in his/her own domain. Because of the hold of the political parties, and the practice of the local politicians being ‘nominees’ of the politicians at the state and national level, the very purpose of decentralisation gets defeated. Socially and culturally also if the society is paternalistic this concept of paternalism also gets transferred to the administrative structures. And this results either in the superior officer acting like a patriarch habituated to giving orders to the officials at the local levels or conversely the officials at the lower level resent every order, or decision or even suggestion on part of their superiors as undesirable imposition. The very spirit of decentralisation of power lies in the fact that we recognise that there are levels of decision-making and at each level we have personnel competent enough to take decisions at their level. The success or failure of decentralisation, therefore, to a very great extent depends on the mentality and attitude of the superior authorities towards their subordinate authorities; whether or not it is based on trust and confidence.

In reality, decentralisation is the cumulative result of decentralisation of *functions, finances and functionaries*. Mere legislative provision does not lead to decentralisation in actual life. There must be the genuine political will to decentralise.

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.
- 1) Discuss the system of decentralisation during pre-Independence period.

- 2) Examine the recent trends in decentralisation.

26.8 LET US SUM UP

The process of decentralising powers to the lower levels of governance had been going on since the pre-Independence days. The motives, assumptions and political-administrative compulsions have, however, differed from age to age. Since Independence, India has been experimenting with decentralisation and development. The establishment of Panchayati Raj institutions, on the recommendations of the Balwant Rai Mehta Committee (1957), was a landmark in the history of decentralised development. For a variety of reasons, the Panchayati Raj institutions could not play the desired role and in most states the institutions languished for want of political production and administrative and financial support. Reports of commissions and committees and many research studies have pointed out the danger of continued neglect of the grassroots institutions, both for the health of Indian democracy and for bringing about meaningful local development with active popular participation. The Constitutional amendments – 73rd (for Panchayati Raj) and 74th (for Municipal Bodies) – have since been enacted, granting Constitutional status to local government.

The ‘decentralisation debate’ has assumed considerable significance in recent times for various reasons as discussed in this Unit. There is the need to deepen democracy. People at the grass roots level need to be “empowered”. And, above all, participatory development is possible, and becomes a reality only with decentralisation. In this Unit an attempt was made to discuss the approaches, types of decentralisation, evolution of the system of decentralisation in India. It also highlighted the recent trends, and functioning of institutions of decentralisation in India and factors impeding decentralisation.

26.9 KEY WORDS

Doctrinal	: Dogma, something taught as the principles of a religion, political party.
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Idealisation : Any theory which holds that things exist only as ideas in the mind or that things are really imperfect limitations of unchanging forms existing independently of the material world.

Oligarchic Forces : Government with the ruling power belonging to a few.

26.10 REFERENCES AND FURTHER READINGS

Avasthi and Maheshwari S.R., 1985, *Public Administration* (14th rev. ed.), Lakshmi Narain Agarwal; Agra.

Bureaucracy and Development Administration, 1978, *Centre for Policy Research*, New Delhi.

Jain L.C., Krishnamurthy B.V. and Tripathi P.M., 1985, *Grass Without Roots: Rural Development Under Government Auspices*, Sage Publications, New Delhi.

Maheshwari S.R., 1989, *Indian Administration* (4th rev. ed. and updated), Orient Longman Limited, New Delhi.

Satyanarayana P. (ed.), 1990, *Towards New Panchayati Raj*, Uppal Publishing House, New Delhi.

Indian Journal of Public Administration – Special Number on Decentralisation, July-September 1978.

26.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

- Delegation implies transfer of certain specified functions by the central to the local authority which thereupon acts as the agent of the former.
- Devolution is the assignment of functions to formally constituted local bodies.
- Decentralisation denotes assignment of certain functions to the agents of central or state government in the field.

2) Your answer must include the following points:

- Development administration is basically oriented towards speedy socio-economic transformation.
- To deliver the basic public goods, like food, housing, water.
- Administration has to “penetrate” the rural area.
- Administration needs to be decentralised in response to regional diversities.
- Administration should move out to the regions and localities.
- Local community can steadily attain political and administrative maturity.

3) Your answer must include the following points:

- Administrative
- Functional

- Political
- Geographical

Check Your Progress 2

1) Your answer must include the following points:

- Ripon Resolution of 1882.
- Government of India Act 1919.
- Montague-Chelmsford Reforms.
- The Act of 1935 for the first time introduced a federal form of Government and conferred 'Provincial Autonomy'.

2) Your answer must include the following points:

- G.V.K. Rao Committee on Administrative Arrangement for Rural Development stressed the importance of local initiative in local development.
- It recommended revitalisation of Panchayati Raj Institutions.
- Emphasised on Panchayati Raj's leading role in local planning and development.
- Nirmal Mukherji's plea for devolution of political powers to directly elected 'district governments'.
- L.M. Singhvi Committee on Revitalisation of Panchayati Raj institutions for Democracy and Development which recommended that local self-government should be constitutionally recognised.

UNIT 27 RELATIONSHIP BETWEEN POLITICAL AND PERMANENT EXECUTIVES

Structure

- 27.0 Objectives
 - 27.1 Introduction
 - 27.2 Historical Context
 - 27.3 Policy-Administration Dichotomy
 - 27.4 Principles Governing the Relationship
 - 27.4.1 Norm of Neutrality
 - 27.4.2 Norm of Anonymity
 - 27.5 Areas of Cooperation and Conflict
 - 27.6 Increasing Popular Consciousness
 - 27.7 Relationship between Political and Permanent Executives: A Changing Perspective
 - 27.8 Let Us Sum Up
 - 27.9 Key Words
 - 27.10 References and Further Readings
 - 27.11 Answers to Check Your Progress Exercises
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27.0 OBJECTIVES

After studying this Unit, you should be able to:

- Discuss the relationship between political and permanent executives, in the light of policy-administration dichotomy;
 - Describe the principles which govern their relationship;
 - Outline the areas of cooperation and conflict; and
 - Examine the impact of rising popular consciousness on the relationship.
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27.1 INTRODUCTION

This Unit deals with one of the important issues of Public Administration in India, viz., the relationship between political and permanent executives. The former derives authority from the people while the latter derives strength from its administrative positions and technical expertise. It is the political executive that the permanent executive is subordinated to, because the political executive represents the people. The concept of policy-administration dichotomy, in which is rooted the basic distinction of the two executives, has been dealt with in this unit. Moreover, the principles which govern their relationship in the context of the growing popular consciousness have also been discussed in the unit.

27.2 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. As the capacity of human beings to produce has grown and their overall

consciousness started undergoing change, the structure and the modes of exercise of power could not remain the same. The most important landmark in this evolution was the industrial revolution which paved the way for capitalist development. The capitalist development gave rise to pluralism, liberalism, market-oriented development, the rule of law and so on. Of all the developments the major one has been the rise of the nation state.

The concept of nation is not new to human history. It existed as the symbol of cultural and social life of a society for a long time. The concept of the state is also not new to history. It existed even when there were attempts to establish a social order. But the state and nation have become coterminous only with the arrival of industrial revolution. The nation-state has been experiencing considerable changes. There have been serious attempts to preserve pluralism and consolidate power. In the process it has been realised that concentration of power in any form or in any institution in the long run tends to be counter productive. It was in the wake of this realisation that the system was sought to be built on the concept of separation of powers. It was Montesque, a political philosopher, who advocated the concept of separation of powers with checks and balances so as to ensure that naked power is checked and its abuse is reasonably restricted.

The clear-cut separation of powers between the three branches of government – the legislative, the judiciary and the executive – marks a significant beginning of a new system of power distribution. The sole attempt in this system is to impose proper checks on each branch of the government and more so the executive branch of the government. The executive branch of the government consists of two branches: a) political executive, b) permanent executive. The political executive exercises power by virtue of its elections and the constitutional position. Theoretically they derive power from the people. The permanent executive derives its strength partly from its administrative positions but largely from its technical expertise. As the political executive represents the people and modern governments are based on the concept of popular sovereignty, the permanent executive is subordinated to the political executive. In fact in the parliamentary system of government, the political executive is responsible to the legislature which in turn is accountable to the people. In this arrangement there is also judiciary to ensure that the governance is based on the constitutional provisions on the one hand and the executive, both political and permanent, confirm and enforce the laws passed by the legislatures without violating their spirit. While it would be interesting to study the relationship between the various branches of government, the scope of this discussion is confined to the relationship between the political and permanent executives.

27.3 POLICY-ADMINISTRATION DICHOTOMY

The basic distinction between the political executive and the permanent is rooted in the concept of policy-administration dichotomy. It was Woodrow Wilson, in 1887, made a distinction between politics and administration in his paper "The Study of Administration", which we have studied in Course I of this programme. He considered 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 making 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 by other scholars, such as, Willoughby, Pfiffner, L.D. White, etc. This dichotomy implies that the policy process is entirely different from its implementation. The policy is supposed to be the primary function of politics and the politics in turn are

supposed to be rooted in an ideological structure. Ideology is a set of priorities that a given political party prefers from the available alternatives to solve different problems that people of a society confront. The difference between one political party and the other is based on the differences in preferences. 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 realised 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 problems. There is a question about the separation of facts and values: when the permanent executive furnishes the factual information, does it not get mixed up with their values. Is it possible for the individuals to separate their values from the facts that they collect? Then it is asked: whether the permanent executives implement the policies if they do not subscribe to those preferences? In other words, how can any individual implement a programme which he does not subscribe to. Further is it correct to believe that the members of the permanent executive do not have value preference? These questions are not discussed in detail. However, those who maintain that dichotomy is feasible, argue that policy preferences involve more of values and political processes while the administrative process involves more of technical details and facts and less of values. It would not be possible for the same agency to do both the functions simultaneously with economy and efficiency. The separation of these two functions is not only theoretically desirable but also operationally essential.

27.4 PRINCIPLES GOVERNING THE RELATIONSHIP

Once the premise for separation of these two wings is agreed upon, the two wings must operate based on certain basic conditions. The conditions become all the more necessary when the distinction in activities is delicate and overlapping. It is this necessity that gave rise to two important norms, viz., neutrality and anonymity. Let us try to understand the implications of these two norms.

27.4.1 Norm of Neutrality

The norm of neutrality assumes three conditions: 1) changing of political parties in power, 2) meritorious bureaucracy; 3) permanent bureaucracy. Let us now try to understand these three conditions. Firstly, in a liberal democracy with pluralistic nature of political parties, particularly with electoral mechanism, there is bound to be a change of parties in power. That is, in fact, the logic of the system. In United States, there used to be spoils system before the Pendleton Act was passed. Under this system the political parties coming to power had complete discretion to change the administrative personnel from top to the bottom. This means the political values of the party coincided with the values of the administrative system. For the administrative personnel were chosen mainly on the basis of their values. This system did pose its own problems giving rise to the passage of Pendleton Act which brought in the concept of merit.

This leads us to the second condition, viz., recruitment of the members of administrative system on the basis of merit of the individuals. Here we are not

going into the question of what is merit. It is sufficient to state that the criteria evolved for selection is uniformly applied to all the candidates aspiring to join the administration. Here care is taken to avoid political valuation, in the narrow sense of the term.

This leads to the third condition, viz., recruitment on a permanent basis. This means the persons chosen for the service become life members of the service. This implies that 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 several debates on this question. But the existing theoretical position is that the permanent executive and their individual value preferences cannot go together. With the result neutrality has come to be accepted as one of the governing norms of the relationship between the political and permanent executives.

27.4.2 Norm of Anonymity

The second principle – anonymity flows from the norm of neutrality. The principle of anonymity emphasises that permanent executive works from behind the screen. In other words, they should avoid public gaze. This implies that the political executive takes the total responsibility for omissions and commissions. 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 reason why anonymity has come to be considered as one of the governing norms of political-permanent executive relationship.

The discussion on these two norms can raise the question: how do we reconcile these two norms? For while the first norm advocates neutrality, the second advocates accountability. If the permanent executive is totally accountable to the political executive, can the latter afford to be neutral? If it means that they should be committed to the political executive in power, is it possible for the permanent executive to go on changing its commitment from regime to regime? Otherwise the members of permanent executive should maintain neutrality in such a way that they may even grow indifferent to all the regimes. However, it is assumed that technical and managerial skills are not political. It is often noted that Lenin welcomed Taylorism which was the product of industrial development in America. The skills and the technical knowledge which are assumed to be non-political can be used by any political party in power.

Check Your Progress 1

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

- 1) "The basic distinction between political and permanent executive is rooted in the concept of policy-administration dichotomy." Explain
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- 2) Why is the norm of neutrality essential in the relationship between permanent and political executive?
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27.5 AREAS OF COOPERATION AND CONFLICT

This separation has certain built-in advantages and strengths. The political executives devote their time for political mobilisation of the masses and also for political education of the masses. In addition to mobilising the masses, they can formulate the value preferences by comprehending the popular moods and changing aspirations. They can also discuss various alternatives at a fairly higher level. The permanent executive can continuously evaluate its own field experience and draw meaningful lessons for subsequent programmes. They can also monitor various schemes at day-to-day or step level. They can also devote greater time to improve their own managerial and technical skills for better and effective realisation of the goals. Thus, this separation of functions can lead to division of labour which in turn can contribute to a higher level of efficiency in the society.

There are several reasons for cooperation between these two executives becoming less. The following are some of the important reasons for this deteriorating situation.

- 1) Firstly, the cooperation between the political and permanent executives, depends upon the societal consensus on the goals pursued. This is the advantage of some of the western capitalist societies where there is considerable consensus on the goals of development. There is also a certain degree of homogeneity in the societal formations. This gives an added advantage to those systems. In other words the conditions existing in the society provide the base for a better pattern of relationship between the political and permanent executive. In the third world societies like India where the consensus on development goals has not yet been achieved, there are bound to be certain problems. The heterogeneity of the society is shared by both the political and the permanent executives. The political executives, in the absence of consensus on development and absence of socio-political homogeneity, are subjected to political uncertainty. The absence of long-range view of the society weakens the ideological base. This, in turn, leads to a lot of ambiguity in policy preferences. The leads to

what has come to be popularly known as adhocism. Adhocism cannot provide direction to the permanent executive. On the contrary political processes start occupying even the technical and managerial space. This leads to narrowing down of the distinction between the political executive and permanent executive. This can strain the relationship.

- 2) Secondly, the conflict between these two executives, partly emanates from the historical process and partly from the socio-economic development. Historically speaking the permanent executive during the colonial period not only performed the administrative role but political too. In fact during the colonial phase these two functions converged to a point that to make a distinction between the two would be difficult. It was the anti-colonial movement, aiming at political power for elected representatives, which led to the demarcation of the roles. While the freedom movement presented the aspirations of the people, the bureaucracy appeared as a counter-force. Thus the political elite had their own doubts and suspicion. The bureaucratic elite, deeply rooted in the colonial administrative culture, had an exaggerated view of themselves. They suffered from ego and arrogance. The achievement of freedom should have resulted in redesigning the whole bureaucratic system so as to make them fit to perform the new tasks. But the political elite hesitated to recast the system. With the result the bureaucracy which was used by the colonial masters against the freedom fighters was the very same instrument which the political elite of Independent India had to depend upon. The differences embedded in historical process rendered cordiality between the two branches a bit difficult.
- 3) Thirdly, there is another dimension which leads to conflict. The social origins of the political and administrative elite in India do present a difference. While both the 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 level administrative functionaries. While a bulk of the members of the political executive, particularly at the state level, have been drawn from the rural and agricultural background, the top and middle level administrators are from the urban middle and upper middle classes. These differences are manifest in their style of living, mode of communication, ways of looking at things and their mannerisms. Thus the differences get preserved and accentuated. Although the character of bureaucracy has been changing, it has been changing rather slowly. The nature of political elite is also 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 dominate the permanent and political executives respectively. The relationships are also partly shaped by these factors.
- 4) Fourthly, there are also institutional mechanisms which accentuate or widen the areas of conflict. The political institutions normally are empowered with greater discretion and flexibility. They have to be relatively more responsive as they are in constant touch with the social system. The political executive, in parliamentary system of government, takes even the legislature for granted. In a number of instances they take the decisions to the legislature or Parliament only for ratification. In fact in the parliamentary form of government, the initiative does not rest with the legislature. The whole process is reduced to either the ratification or rejection of what has been brought before the legislative houses. Thus the political executive has become quite strong. In fact it is observed that

parliamentary governments over a period of time have become the cabinet system of governments which in turn are turning into prime ministerial governments. Thus the executive branch has appropriated the 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 by virtue of being an integral part of the executive branch of the government. However, due to long colonial background and the rules and regulations and established procedures, the permanent executive tends to be less flexible. They also do not appreciate the political expediency. For them precedent is very important. The very nature of the institution is such that their authority is located in the law. As a result they do not feel enthusiastic about experiments and innovations. The political executive does attempt to change these institutions through administrative reforms. There are a number of instances to show that the permanent executives do not welcome the reforms. In fact at the first instance they try to hold back the reform measures. The strong habit of clinging to the rules and regulations continue to influence their approach. Thus the conflict arises between flexibility and rigidity, expediency and experience, purpose and the process.

Lastly, in developing countries like India where there is scarcity of resources and intense competition for those limited resources, the political executive is subjected to enormous pressure. The 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 pressurised to violate the norms and the other rules and procedures. They resist these trends as they are rooted in the rigid rules and regulations. This gives rise to tensions. A section of them may make compromises. This process may end up in public offices being used for private purposes. This may land these officers in various controversies and sometimes enquiries etc. These are some of the important reasons that had given rise to a number of tensions in the relationship within the executive branch of the government.

27.6 INCREASING POPULAR CONSCIOUSNESS

In the recent past it is increasingly noticed that rising consciousness of the people can also lead to greater strain in the relationship between the political and permanent executive. In most of the developing economies like India, the resources are limited and are disproportionately distributed. The masses who were under the grip of culture of silence have started coming out of it. This has happened partly due to the freedom movements or anti-colonial struggles. During these struggles the aspirations of the masses have been raised. They have taken part in the movements with new hopes and dreams. This has definitely contributed to greater demands on the system. The consciousness also started changing due to the electoral or political processes. The competitive politics went on further triggering the hopes of the people without matching performance. A number of countries in the third world have put an end or abandoned competitive electoral politics and opted for military dictatorships. But those societies like India which continued to have electoral politics go on making promises to the people. The logic of this political process is that the masses at one stage start insisting on performance, for every promise must end up with performance or frustration. The political systems which developed

higher skills in policy-making have not simultaneously equipped themselves with the necessary capacity to fulfil those promises. This wide gap leads to unrest and sometimes even violent outbursts. It is in this context that we should understand the rapidly changing patterns of relationship between the political and permanent executives.

The political executive, in the situation mentioned above, passes through two distinct changes: the first is the stage of manipulation and the second is the stage of repression. In the stage of manipulation they resort to rhetoric, populistic slogans, ad hoc solutions and shifting the blame on to the others. It is this process in which the political power moves away from the people. The permanent executive has to remain at various field levels and the day-to-day interaction with the 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 developments which gave birth to the notion that policies are good but the implementation is bad. The question that one has to raise is that can there be good policies which are not implementable? Supposing the political executive sets certain unattainable targets and blames the permanent executive, does that get justified. In other words, failure at the level of implementation need not necessarily be an administrative failure. In fact a good policy is the one which is effectively and successfully implemented. For the problems of implementation must be discussed at the stage of policy formulation itself. The strategies of implementation cannot be planned at the implementation level itself. At this level certain technical details can be worked out. Certain minor modifications can be introduced. But the issues like adequate resources, necessary technologies, institutional infrastructure, need to be developed at the policy making level and not at the level of implementation.

The notion that policies are good and implementation is bad has an implicit assumption that political executive is committed while the permanent executive is lazy, indifferent and 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 must see the policy and implementation as an integrated process.

The major outcome of this whole process is the strain that it imposes on the patterns of relationship. The political executive which is in no position to face the tides of increasing consciousness would not know how to tide over the situation. With the result there would be a strong tendency to blame the permanent executive. In fact here may be occasions when the political executive may openly criticise and attack the permanent executive. In such a situation the permanent executive governed by the principle of anonymity may not be in a position to publicly defend itself. The people may express their resentment against the permanent executive more directly, aided and encouraged by the political executive. Thus they may have to face the public wrath in the early stage of public unrest. When the political executive chooses to press the coercive arm into action, the gap between the permanent executive and the people gets further widened. This is a stage where the relationship between the political executive and the people touches the lowest ebb. That is why the relationship of permanent and political executive should be studied in their larger context.

Check Your Progress 2

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

- 1) Why in India, cooperation between the two executives is increasingly becoming less?

- 2) How does the rising consciousness of people lead to greater strain in the relationship between the two executives?

27.7 RELATIONSHIP BETWEEN 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 considered as activities complementary to each other. Hence, for efficient government administration, co-operation between the political and permanent executives is considered imperative. The Administrative Reforms Commission in India also laid down certain norms as:

- a) 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 by them;
- b) the freedom of public servants to expose themselves frankly by tendering advice to their superiors including the ministers; and
- c) the observance by public servants of the principles of neutrality, impartiality and anonymity.

Policy implementation also needs the consultation and guidance of the political executive. Also certain operational decisions taken during implementation of policies have policy implications. In the present day globalisation 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 professionalised. The implementation activities also need the co-operation of political representatives as they acquire the necessary feedback, which is helpful for policy formulation. The earlier held view about the conceptual distinction between policy and administration cannot hold good in present times.

27.8 LET US SUM UP

Thus, in this Unit, the relationship between political and permanent executive has been analysed. The principles governing their relationship, viz., norm of neutrality and norm of anonymity have also been discussed. The Unit made an attempt to highlight the reasons behind the strained relationship between the two. The areas of cooperation between the ministers and secretaries have been explained too.

27.9 KEY WORDS

- Liberalism** : It is the belief in gradual social progress by reform and by changing laws, rather than by revolution.
- Nation-State** : A state organised for the government of a nation whose territory is determined by national boundaries, and whose law is determined at least in part, by national custom and expectation.
- Pendleton Act** : The reform of Civil Services in U.S. began with The Pendleton Act (1883). Its aim was to promote appointment on the basis of merit through open competitive exam and assure the appointees security of tenure. It recommended the establishment of a United States Civil Service Commission. The Act was concerned with classified positions only. Labourers, workmen and persons nominated for confirmation by the Senate were excluded from the purview of the Act.
- Populistic Slogan** : A slogan made to win the will of the people irrespective of the fact that the promises therein may be too "high" to achieve.
- Pluralism** : The existence of a variety of different people, opinions or principles within the same society, system or philosophy.

27.10 REFERENCES AND FURTHER READINGS

Bhambri C.P., 1977, *Bureaucracy and Politics in India*, Vikas, New Delhi.

Eisenstadt, S.N., 1969, *Modernization: Protests and Change*, Prentice-Hall of India Private Limited, New Delhi.

Heady, Ferrel, 1966, *Public Administration: A Comparative Perspective*, Prentice-Hall of India Private Limited, New Delhi.

Jain R.B., 1976, *Contemporary Issues in Indian Administration*, Vishal PublicationS, New Delhi.

Kothari, Shanti and Ramashray Roy, 1969, *Relation Between Politicians and Administrators at the District Level*, IIPA and the Centre for Applied Politics, New Delhi.

Riggs, Fred W., 1964, *Administration in Developing Countries: The Theory of Prismatic Society*, Houghton Mifflin Co., Boston.

Srivastava, G.P., 1976, *Relation Between the Political and Permanent Executive in India*, in *Changing Aspects of Public Administration* (ed.), O.P. Motiwal, Chugh Publications, Allahabad.

27.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:
 - The policy, being the primary function of politics, is rooted in an ideological structure.
 - Permanent Executive deals with factual information about concrete situations.
 - Need for separation of facts and values.
- 2) Your answer must include the following points:
 - Changing of political parties in power.
 - Meritorious bureaucracy.
 - Permanent bureaucracy.

Check Your Progress 2

- 1) Your answer must include the following points:
 - Absence of consensus on development and socio-political homogeneity.
 - The bureaucratic elites' exaggerated view of themselves.
 - Factor of social origins of the members of the political and permanent executives.
 - Institutional mechanisms, widening the areas of conflict.
- 2) Your answer must include the following points:
 - Freedom movements and then Independence leading to new hopes and dreams.
 - Competitive electoral politics raising the aspiration of the masses.
 - Political executive's emphasis on populistic slogans.
 - Failure to meet the promises and blaming of each other.

UNIT 28 PRESSURE GROUPS

Structure

- 28.0 Objectives
 - 28.1 Introduction
 - 28.2 Pressure Groups: Meaning
 - 28.2.1 Pressure Groups and Political Parties
 - 28.2.2 Pressure Groups and Lobbying
 - 28.3 Characteristics of Pressure Groups
 - 28.4 Types of Pressure Groups
 - 28.5 Nature of Pressure Groups in India
 - 28.6 Methods of Operation of Pressure Groups in India
 - 28.7 Limitations of Pressure Groups
 - 28.8 Concluding Observations
 - 28.9 Let Us Sum Up
 - 28.10 Key Words
 - 28.11 References and Further Readings
 - 28.12 Answers to Check Your Progress Exercises
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28.0 OBJECTIVES

After studying this Unit, you should be able to:

- Explain the meaning and characteristics of pressure groups in India;
 - Discuss the various types of pressure groups existing in the country;
 - Throw light the problems faced by the pressure groups; and
 - Highlight the need for their effective functioning.
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28.1 INTRODUCTION

Pressure groups have become a very important part of an administrative system. These groups try to pressurise the administrative and political system of a country either to ensure that their interests are promoted or to see that at least their interests are not relegated to the background. No system can function effectively without taking their viewpoint into consideration. In developing countries like India where there is a scarcity of various resources on the one hand and acute poverty and deprivation on the other, the pressure on administrative system is bound to be very heavy. The pressure groups arise in different forms in different walks of life. They provide a stabilising mechanism and form a crucial component of the structural equilibrium which means that they perform the system maintenance function. There can be another side of the phenomenon where the pressure on the system may reach a breakdown point. Thus, the questions like how the pressure groups are formed, how do they operate and what mechanisms the system adopts to cope with the pressures become important issues confronting the administration of any country. This Unit tries to give us a clear picture regarding the functioning of pressure groups in India.

28.2 PRESSURE GROUPS: MEANING

Pressure groups are forms of organisations, which exert pressure on the political or administrative system of a country to extract benefits out of it and to advance

their own interests. In the present contest these forms of organisations are broadly referred to as Civil Society Organisations (CSO). In this unit we shall be examining their role as pressure groups. The term 'pressure group' refers to any interest group whose members because of their shared common attributes make claims on the other groups and on the political process. They pursue their interests by organising themselves and by influencing the governmental policies. Their aim is to see that laws or government's actions are favourable to their interests.

Pressure groups have been in existence in different forms ever since governmental machinery became capable of delivering certain benefits to either individuals or groups. They did take more concrete form in the wake of industrial revolution and the rise of market oriented economies. The emergence of trusts and monopolies and the struggle over tariffs led to the formation of pressure groups. With the advancement of technology and agricultural skills new problems, desires and needs arose and therefore new groups and organisations came into being to advance their common interests. State assumed various welfare functions in addition to its earlier regulatory activities. All this entrusted considerable power and discretion in the hands of state apparatus and the need to exert more pressure on the State became stronger. The dominant sections of the society needed the help of the State in promotion of the economic activities and the weak and the deprived needed its help for meeting their basic requirements. To articulate their interests, and exert pressure on the State apparatus these groups gained prominence. Pressure groups in mobilising and organising masses have widened the base of political participation as well as creating a responsive political and administrative system. They help in social integration, political articulation and act as catalysts for change.

Finer has characterised pressure groups as 'anonymous empire'. Richard D. Lambert views it as unofficial government. These groups influence both public policy as well as administration. They also contribute towards determination of political structure of society and the form of government. Any social group which seeks to influence the behaviour of any political officer, both administrative as well as legislative, without attempting to gain formal control of the government can be called a pressure group.

28.2.1 Pressure Groups and Political Parties

Pressure groups have to be differentiated from political parties. Political parties, in the strict sense of the term, are associations of individuals sharing common values and preferences. They are organised on ideological lines and present a vision for the future. They have well trained cadres who are engaged in continuous political mobilisation of the masses. They use all the political means available to capture the power and consolidate their position to attain or realise their ideological goals. In a broader sense they are also interest groups. They have a social base whose interests it must protect and promote. They may adopt pragmatic approach and operate only in the immediate context. They may, sometimes, degenerate to the level of a pressure group to extract benefits for their group. In such a situation the distinction between a pressure group and political party may even disappear.

The pressure groups unlike the political parties are formed to solve their immediate problems. They are relatively more temporary than political parties. A pressure group may appear for a short time if it does not present any long-range programme. However, where the interests of the group are of long-range, the pressure group may also last longer. In such cases it may even project the sectarian interests as general or universal interests. It depends on the imagination

of their leadership. The pressure groups may have a well-knit organisation and organised membership. Generally they do not have cadres and do not directly deal with people. In most of the cases they deal either with the political parties or governmental apparatus. The pressure groups have far greater flexibility compared to political parties as they do not go to people and stake their claims for power. It is precisely this process that distinguishes political parties from pressure groups.

28.2.2 Pressure Groups and Lobbying

Pressure groups and lobbying is not one and the same thing. Lobbying takes place when a few members of pressure groups loiter in the lobbies of the legislatures with a view to securing an opportunity to interact with legislators and to influence the decisions of the legislators. Parity cannot be drawn between lobbying and pressure groups even though the lobbyists are the representatives of particular interest groups. Lobbying is a communication process used for persuasion; it cannot be treated as an organisation. Lobbying is used in governmental decision-making and it aims at influencing the policy process. It acts as an instrument that links citizens and decision-makers. Lobbying is different from pressure groups in the sense that pressure groups are organised groups and they perform various functions including lobbying.

28.3 CHARACTERISTICS OF PRESSURE GROUPS

To have a proper understanding of pressure groups we must try to familiarise ourselves with the various characteristics of pressure groups.

Based on Certain Interests

Each pressure group organises itself keeping in view certain interests and thus tries to adopt the structure of power in the political systems. In every government and political party there are clashing interest groups. These groups try to dominate the political structure and to see that groups whose interests clash with theirs are suppressed. Thus, each political party and system is pressurised by certain interest groups which may be similar or reactionary to each other.

Use of Modern as well as Traditional Means

Another characteristic feature of pressure groups is that they try to follow modern means of exerting pressure, without fully giving up the traditional or old ways of operation. They adopt techniques like financing of political parties, sponsoring their close candidates at the time of elections and keeping the bureaucracy also satisfied. Their traditional means include exploitation of caste, creed and religious feelings to promote their interests.

Resulting Out of Increasing Pressure and Demands on Resources

As the resources of developing countries are usually scarce, there are claims and counter claims on their resources from different and competing sections of the society. In such a situation, there has to be a process of allocation. The public policies thus become the devices through which allocation takes place. However, the allocation process has to be accompanied by certain amount of authority for the demands of all the groups cannot be satisfied. In the process certain other groups are denied the benefits. Those who are denied the benefits are found to be unhappy and do express their resentment through different forms. This may range from mild protests to violent outbursts. In such a situation the allocator of values, viz., the

State employs different techniques to contain the movement or meet the protest. At ideological level the State would claim legitimacy of its authority to allocate the values. If the legitimacy claim is accepted then the conflicts get resolved in a more orderly fashion. If the claims for the legitimacy are rejected, the State employs force and justifies it on the grounds of legitimacy and maintenance of order in the general interest of the society. The pressure groups take birth in this process.

In every society there is a continuous generation of demands. In developing countries like India, where around forty per cent population is below the poverty line, the demands emanate from the basic physical requirements of human beings. There are demands not only for food and basic needs but demands for work and opportunities. It is significant to note that the pressure for these demands has come more from the elite than the poor people themselves. Although there is restlessness, it has not acquired a concrete form in terms of poor peoples' organisation. The poor continue to be one of the most unorganised segments of the society with the result their problems do not get articulated sufficiently and pressure applied is not adequate to extract the share that is due to them.

Alternative to Inadequacies of Political Parties

Pressure groups are primarily a consequence of inadequacies of the political parties. The political parties are expected to articulate the demands of different deprived and dominant interests in the system. They are also expected to organise and mobilise the support structure to various demands. In India, the spectrum of political parties indicates that while all of them do talk of the poor and other deprived sections and give prominent place to their problems in their manifestoes, a larger number of them neither have the capacity nor the political will to organise the poor. Thus, the political parties leave a wide gap in the system. This gap is not filled by the pressure groups either. This is due to the inability of the poorer sections to organise themselves.

The political parties have not been able to present the interests of the dominant groups as adequately and fully as one would expect them to do. Most of the political parties compete for the same social base. With the result there is not much difference between one party programme and the other. This has left enormous gaps in the socio-economic system of the country. These gaps have come to be filled up by the pressure groups.

In a mixed economy where the state has opted for planned development, the dominant interests are always suspicious of the intentions of the state. This gives rise to organised pressure groups as a counter-check to politics and political parties. For instance, the Acts like Monopolies Restrictive Trade Practices (MRTP) or land reforms can always be a source of doubt about the real intentions of the policy formulators. That is the reason why the dominant interests are alert through pressure groups.

Another reason why political system leaves considerable space for pressure groups is the continuous regulations and restrictions imposed by the political system. From obtaining a licence to selling a product in the market, there is presence of the State. This is a highly bureaucratised process. The interest or pressure groups not only need to have a highly organised pressure system but maintain middlemen, liaison officer, hidden persuaders and so on. They adopt several methods to extract the favours from the system on the one hand and circumvent highly impending procedures, rules and regulations on the other. The

political parties because of their dependence on the poor voters do not publicly plead for the course of the dominant interests. On the contrary their rhetoric is anti-dominant social groups. This gives rise to pressure groups.

Represent Changing Consciousness

Pressure groups are a sign of changing consciousness. The consciousness of different groups go on changing as the result (i) changing material conditions; and (ii) increasing politicisation. The change in the material conditions leads to higher-level consciousness. For instance the increase in the food production or industrial goods does bring a change in the way individuals and groups look at the world. The stagnation in production leads to fatalism but increase in the production leads to demands, protests and formation of new pressure groups. This is the initial expression of the changes in material conditions. This also leads to sharpening of the political processes. The political parties and political groups try to mobilise various groups by raising new demands or articulating the new aspirations. The people at large respond to those processes as they enter a new phase of consciousness. Thus, the changing material conditions and consciousness create a new situation for the rise of pressures and in turn the pressure groups.

The pressures arising from competition are, in fact, the real arena of pressure group phenomenon. The poor and the deprived sections lack the capacity to organise themselves, therefore, they are usually organised or represented by the elite for upper strata. That is why the nature of pressure that is applied on behalf of the poor would be different from the pressure that the better off sections apply on the society. The better off sections who are locked up in competition from the limited resources of the society employ all the methods possible to extract maximum benefits from the system. It is in understanding the modes and methods that these groups adopt, our awareness of the problem gets enlarged.

In present times, the role of some movements, for protection of rights of people, has become significant. They are playing the role of a pressure group. For example, the Narmada Bachao Andolan (NBA) movement has generated consciousness amongst the people in questioning the actions of government regarding dam construction and its repercussions.

Similarly, in the State of Rajasthan, a people's organisation known as Mazdoor Kisan Shakti Sangathan (MKSS), could succeed in making the people question and demand information on money spent on roads; loans to poor and so on. This made the basis for the right to information movement. People are exerting their rights to get information from the government regarding activities that rightfully concerns them.

Check Your Progress 1

- Note:** i) Use the space given below for your answers.
 ii) Check your answers with those given at the end of the Unit.
- 1) Discuss the meaning of pressure groups.
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- 2) In what way are pressure groups different from political parties?

- 3) Explain the difference between lobbying and pressure groups.

28.4 TYPES OF PRESSURE GROUPS

Different writers on comparative government have classified interest groups or pressure groups on the basis of their structure and organisation. According to Almond and Powell, interest groups can be classified into four categories,

- i) Institutional Interest Groups
- ii) The Associational Interest Groups
- iii) Anomic Interest Groups
- iv) Non-Associational Interest Groups

Institutional Interest Groups

These groups are formally organised which consist of professionally employed persons. They are a part of government machinery and try to exert their influence. But they do have much autonomy. These groups include political parties, legislatures, armies, bureaucracies and churches. An example of institutional group can be the West Bengal Civil Services Association. Whenever such an association raises protest it does so by constitutional means and in accordance with the rules and regulations.

Associational Interest Groups

These are organised specialised groups formed for interest articulation, but to pursue limited goals. These include trade unions, organisations of businessmen and industrialists and civic groups. Some examples of Associational Interest Groups in India are Bengal Chamber of Commerce and Industry, Indian Chambers of Commerce, Trade Unions such as AITUC (All India Trade Union Congress), Teachers Associations, Students Associations such as National Students Union of India (NSUI) etc.

Anomic Interest Groups

These are the groups that have analogy with individual self-representation. In such type of groups, perpetual infiltrations such as riots, demonstrations are observed.

These groups are found in the shape of movement demonstrations and processions, signature campaigns, street corner meetings, etc. Their activities may either be constitutional or unconstitutional.

Non-Associational Interest Groups

These are the kinship and lineage groups and ethnic, regional, status and class groups that articulate interests on the basis of individuals, family and religious heads. These groups have informal structure. These include caste groups, language groups, etc.

28.5 NATURE OF PRESSURE GROUPS IN INDIA

The different types of pressure groups found in India are business groups, trade unions, peasant groups, student groups, teachers' association, caste and religious associations, women's associations, etc.

The Business Groups

The Business group is the most important and organised pressure group in India. They are also most effective. They are independent of the political parties that exist and they have enough resources with which they can safeguard their interests. Business associations have existed in India even before Independence. The important business groups include the Confederation of Indian Industry (CII), Federation of Indian Chambers of Commerce and Industry (FICCI) and Associated Chamber of Commerce. They exert varied kinds of pressures, they try to influence planning, licensing bodies and economic ministries. Some businesspersons are always there in different legislatures at the Central as well as State level. Every Ministry of the Government of India has some kind of consultative committee and business groups are represented there. During pre-budget meetings the Finance Ministry interacts with the groups, to secure suitable inputs which helps in budget formulation.

Trade Unions

The Indian Trade Union movement has rapidly developed. The trade unions were present prior to Independence. Under communist influence, the All India Trade Union Congress (AITUC) was established in 1920s. The emergence of the communist movement also played an important role in the growth of trade unions in India. In 1948, the Indian National Trade Union Congress (INTUC) was established. Trade Unions in India are closely affiliated with the political parties; many national political parties have got their own federations of trade unions. In fact no amount of independence from political parties exists in trade unions. They seem to have been able to exert significant pressure at the policy formulation level and their strength is well recognised by political parties and government. The trade unions when required can be very vocal and militant in their actions to meet their demands. They work through the weapon of strike and have been able to achieve monetary gains in terms of wage increase, bonus, change in wage structure, etc. These type of pressure groups have been able to encourage class consciousness and class solidarity among the workers. We have witnessed over the past few years the trade unions resorting to demonstrations, during the disinvestment by the government in public sector undertakings over the past few years.

Inspite of certain institutional limitations, such as, ideological differences, internal splits, external pressures, lack of international backing, the trade unions exert significant pressure at various levels of policy formulation.

Peasants Organisations

The rise of peasants groups in India has been mainly due to abolition of Zamindari System, implementation of Panchayati Raj, land reform measures, Green Revolution Movement. They gained power since 1960s. In 1936, the All India Kisan Sabha was established and after 1942 the Communist Party of India acquired control over it. Different parties have got their own peasant organisations. Like the trade unions, there is no peasant organisation which may be independent of party control, though at the State level, their organisations are non-political, independent of the political parties and homogenous. The agriculturists are mainly organised more in regional or local class unions than on all-India basis. Even though there are some important All India Kisan Associations like All India Kisan Congress, All India Kisan Kamgar Sammelan, Akhil Bharatiya Kisan Sangh, peasant groups have been mainly organised on territorial basis.

Their demands relate to procurement prices of agricultural products, fertiliser subsidy, tenancy rights, electricity charges, etc. The Bharatiya Kisan Party (BKP) in Western U.P. is considered the most significant pressure group. The interplay of language, caste factor, weak financial positions, etc. have been greatly responsible for non-emergence of national level pressure groups.

Students Organisations

The student organisations in India have also acted as pressure groups both prior to Independence and after Independence. The All Bengal Students Association was formed in 1928. The All India Students Federation (AISF) was established in 1936. After Independence the political parties continue to be affiliated with student organisations. The All India Students Congress and later on the National Students Union of India (NSUI) are affiliated to the Congress Party. The All India Students Federation and Students Federation of India (SFI), are controlled by Communist Party of India. The Radical Students Union, Democratic Students Union, Akhil Bharatiya Vidyarthi Parishad (ABVP) etc. are all affiliated to different political parties. They try to pressurise governmental policy on various crucial issues, their activities are not just confined to educational issues. Like the students organisations we also have teachers' associations.

Community Associations

Apart from these there are various community associations in India. These community groups are organised on the basis of caste, class and religion. Some examples of caste organisations are Scheduled Caste Federation, Backward Caste Federation, etc. Amongst other organisations there are some like Vishwa Hindu Parishad, Northern and Southern India Christian Conference, etc. which represent interests that are supposed to safeguard their respective religions.

28.6 METHODS OF OPERATION OF PRESSURE GROUPS IN INDIA

The pressure groups adopt different methods to realise their goals. These methods even include cordial rapport with the political party in power, to even resorting to agitational methods. The pressure groups finance the political parties during the election time and sometimes even during the non-election times. They control the parties through this funding mechanism. There have been several debates on election finances but no discussion resulted in regulating or controlling the flow of finances. Once the parties receive financial support, they cannot oppose these groups and their interests. On the other hand, they have to promote their interests. It is believed that several members of the national and state legislative bodies are on the rolls of the top industrial groups.

The pressure groups also maintain close rapport with the State apparatus, viz., the bureaucratic machinery. The organised pressure groups maintain a wavelength with the key bureaucrats. The role of rampant corruption needs no mention. The liaison officers are appointed to take care of the bureaucrats, particularly when they are stubborn. The lobbyists, middlemen, etc. have acquired enough of skills to manage them. This has also given rise to favouritism, corruption and other maladies in bureaucracy. While one cannot find anything seriously wrong with the pressure groups, it is the methods of operation which have become controversial.

Although all the pressure groups use identical methods, there are some groups which are far more effective than the others. The capacity of a pressure group is determined by:

- a) leadership
- b) organisational abilities
- c) mass media
- d) economic power base
- e) mobilisational techniques

There is a need to discuss these factors to assess the potential of a pressure group and the way it is determined.

Leadership

This is one of the essential components of pressure groups. For it is the leadership which has to protect the interests of the group. It has to be so projected that in public image it is viewed as a universal interest. The leadership should also regularly communicate to the political parties, policy-making agencies and the public. The support of all these three forces is essential. The leadership should be able to establish credibility and be able to carry public opinion. The leadership should be, therefore, capable of communicating the viewpoint of their group orally, in writing and through dialogue. In short the success of leadership lies in universalising the particular interest.

Organisational Abilities

There is also a need for an organisational network. In a country like India with its size and magnitude, it becomes essential that there are units of the organisation throughout the country. These organisations are needed for two reasons: firstly to associate the various facets of the interest groups and consolidate them and secondly, in a highly diversified society, communication should take place at multiple points so that rapport with different agencies at different levels is maintained. The size and organisational strength can always play a significant role in terms of the response of political system to the demands that the pressure group puts forward.

Mass Media

In India the mass media is slowly gaining importance. In countries like United States it has come to dominate the socio-political process to such a point that can make the things unmake. In United States it is completely in private sector. In India the newspapers are by and large owned by the major industrial houses. Now the regional newspapers are also becoming influential. The print as well as the Television in present times through their skills of communication create powerful

public images and through continuous debate and propaganda influence the public opinion. The political parties and policy-making agencies are sometimes kept on tenterhooks by the media. In fact during the post-Independent India one issue on which government had to retreat is the issue of freedom of press. Whenever the bills were introduced either in the state legislature or union parliament, they had to be withdrawn. Enough of public pressure could be built on this issue. For this is a major weapon in the hands of the industrial houses or private sector to influence the policy-making process.

Economic Power Base

The economic power of the interest groups is a crucial factor. The influence a pressure group commands is proportionate to its economic strength. From financing the elections and party funds to carrying propaganda, the economic power of the group plays an important role. In India the industrial and trading houses have been far more influential and powerful than the farmers associations, inspite of farmers being spread all over the country. It is clear that without adequate economic resources the pressure groups cannot exert proper pressure.

Mobilisational Techniques

Effectiveness of the pressure groups also depends on their capacity to mobilise the people. The interest groups not only create public opinion but sometimes draw the general masses into agitational and protest politics. If they want to set an industry in a particular area, they create the necessary climate and make the people of the area demand for the industry. If they want infrastructure facilities they pressurise the government through its network at first and through a public demand and an agitation, later, if necessary. This is how a major irrigation dam can also be demanded and realised. In a society where the majority is semi-literate and semi-conscious, private interests can always be converted into public interests.

28.7 LIMITATIONS OF PRESSURE GROUPS

In India, organised groups largely influence the administrative process rather than the formulation of policy. This is dangerous as a gap is created between policy formulation and implementation. Unlike the pressure groups in the developed countries of the West, where these are invariably organised to safeguard economic, social, cultural interests, etc., in India these groups are organised around religious, regional and ethnic issues. Many a time factors of caste and religion eclipse the socio-economic interests. The result is that instead of serving a useful purpose in the political administrative process, they are reduced to work for narrow selfish interests. Moreover, many of the groups have a very short life because of the lack of resources. This explains the reason for the mushroom growth of pressure groups as well as their withering away as it becomes difficult to sustain the interest of the persons, initially attracted to form these pressure groups.

In a country like India the tendency to politicise every issue, whether it has social, economic, cultural import, restricts the scope, working, and effectiveness of pressure groups. Instead of the pressure groups exerting influence on political process, they become tools and implements to subserve political interests. As a matter of fact, the factors which inhibit development of sound civic consciousness, also hinder emergence of healthy and functional pressure groups as a legitimate means of projecting legitimate socio-economic-ethnic and cultural interests of the citizen.

Check Your Progress 2

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

- 1) Discuss the different types of pressure groups.

- 2) What methods of operation do the pressure groups adopt?

- 3) Analyse the problems faced by the pressure groups in India.

28.8 CONCLUDING OBSERVATIONS

Pressure groups are now considered as an indispensable and helpful element of the democratic process. The society has become highly complex and individuals cannot pursue their interests on their own. They need the support of other fellow beings in order to gain greater bargaining power; this gives rise to pressure groups based on common interests. For a long time these groups remained unnoticed, initially they were considered as harmful for the democratic process, but now their role in the political process has become very important. Democratic politics has to be politics through consultation, through negotiation and some amount of bargaining is also involved. Thus, it is very essential for the government to consult these organised groups at the time of policy formulation and implementation.

28.9 LET US SUM UP

Thus, we saw that pressure groups are a very important part of any system. No administrative and political set up can function without the advice and cooperation of pressure groups. The Unit explained the meaning and importance of pressure groups. An attempt was made to discuss the nature of pressure groups in India and

their methods of operation. The different types of pressure groups that exist in any political and administrative system were highlighted upon. The problems of pressure groups and need to overcome them were also clearly dealt with.

28.10 KEY WORDS

- Fatalism** : The belief that all events are determined by fate and hence are inevitable.
- MRTP Act** : To prevent the concentration of economic power and to control the growth of monopolies, the government adopted the Monopolies and Restrictive Trade Practices Act (MRTP Act) in 1970. Undertakings under this Act have to obtain government approval for expansion of their activities.
- Disinvestment** : The government through the industrial policy of 1991, provided for offering a part of government's shareholding in select public sector enterprises, to mutual funds, investment institutions, workers. This was to encourage wider public participation and promote greater accountability of public enterprises.
- Rhetoric** : The art of using words effectively, in a forceful and dramatic way which appears to be clever and important.
- Tariffs** : A system of taxes upon exports and imports.

28.11 REFERENCES AND FURTHER READINGS

Chakraborty, Sunil Ranjan, 1974, *Pressure Groups in West Bengal*, in Indian Journal of Political Science, April-June, Volume 35.

Das Harihara and Sasmita Das, 1988, *Indian Government and Politics*, Discovery Publication House, Delhi.

Goyal, O.P., 1977, *India: Government and Politics*, Light and Life Publishers, New Delhi.

Hansraj, 1982, *Indian Government and Politics*, (Indian Political System), Surjeet Publications, Delhi.

28.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:

- Pressure groups are forms of organisation, which exert pressure on political and administrative system.
- They pursue their interests by organising themselves.
- They have become stronger as a result of industrial and technological development.
- They have to be differentiated from political parties and lobbying.

2) Your answer must include the following points:

- Pressure groups unlike political parties are formed to solve their immediate problems.
- Usually they are relatively more temporary than political parties.
- Pressure groups have greater flexibility as compared to political parties.
- Pressure groups do not have cadres and generally they do not directly deal with people.

3) Your answer must include the following points:

- Parity cannot be drawn between pressure groups and lobbyists.
- Lobbying cannot be treated as an organisation.
- Pressure groups perform various functions that include lobbying.

Check Your Progress 2

1) Your answer must include the following points:

- Associational Interest Groups
- Non-Associational Interest Groups
- Anomic Interest Groups
- Institutional Interest Groups

2) Your answer must include the following points:

- Strength of leadership
- Mass media
- Organisational capability
- Economic strength
- Mobilisational capability.

3) Your answer must include the following points:

- Narrow selfish interests
- Lack of resources
- Political pressures
- Gap between policy formulation and implementation.

UNIT 29 GENERALISTS AND SPECIALISTS

Structure

- 29.0 Objectives
 - 29.1 Introduction
 - 29.2 Generalists and Specialists: Meaning
 - 29.3 Relationship Between the Generalists and Specialists
 - 30.3.1 Arguments in Favour of the Generalists
 - 30.3.2 Arguments in Favour of the Specialists
 - 29.4 Recommendations of the Administrative Reforms Commission
 - 29.5 Bridging the Gulf Between the Two
 - 29.6 Let Us Sum Up
 - 29.7 Key Words
 - 29.8 References and Further Readings
 - 29.9 Answers to Check Your Progress Exercises
-

29.0 OBJECTIVES

After studying this Unit, you should be able to:

- Explain the meaning of the term ‘generalists’ and ‘specialists’;
 - Review and assess the roles of generalists and specialists in administration;
 - Discuss the impact of the relationship between generalists and specialists on administration; and
 - Outline the recommendations of the Administrative Reforms Commission on this issue and review their follow-up.
-

29.1 INTRODUCTION

The administration of any country requires different categories of personnel to carry out its functions. The personnel ought to have the necessary knowledge, skills and qualities to be able to perform the various administrative functions. There are horizontal and vertical divisions in administration. The horizontal divisions are marked according to the territorial or regional levels at which the personnel are located. The vertical divisions, on the other hand, are demarcated according to the functions or tasks allotted to the employees or their groups. The vertical divisions are further conceived to belong to the generalist and the specialist categories. These are not as such formally defined categories. Functions and tasks are just the basic units of the classification or categorisation of the administrative personnel in government. In this Unit we will discuss about the functions of the generalists and specialists, nature of their relationship and its impact on administration. The Administrative Reforms Commission’s recommendations to improve the relationship between the two will also be dealt with.

29.2 GENERALISTS AND SPECIALISTS: MEANING

A generalist is considered 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 different from the specialisation needed for job offered, he/she is not fit to be posted in a particular department engaged in performing specific function such as agriculture, health, social service, etc. The posting of a generalist civil servant in a department or at a regional level of administration has nothing to do with the 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 regional level such as a district or a division, (a group of districts) or in the secretariat.

A generalist usually performs the POSDCORB functions (planning, organising, supervising, directing, coordinating, reporting and budgeting).

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 terms of their education and experience in administration of specific subjects. They include medical doctors, engineers, scientists, etc. Generalists are selected in administration on the basis of their having obtained a University degree irrespective of the subjects at it. They are selected, unlike the specialists, for having reached a certain (minimum) level of education *per se* indicating the essential minimum extent of intellectual and mental development. The Generalists are not chosen in administration for their proficiency in a particular discipline or branch of study or for further training or experience in that branch. It is said that administration *per se* becomes a matter of specialisation of the generalists.

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 level of responsibility, say from the clerk to the superintendent to the officer-in-charge of an office and further to the executive officer leading to the secretary of a department or ministry, functions 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-making, control of the administrative machinery, direction, supervision and control of the employees, coordination within and outside the organisation under control, and public relations. The technical or functional departments are no doubt suffused with the substantial content of the subject matter of the respective departments.

In modern times the functions of administration have become varied and complex. The state, besides maintaining law and order and looking after regulatory functions is engaged in multifarious economic and welfare functions. The state has been entrusted with the task of setting basic industries like steel, mining and heavy electricals. 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 are a must for the modern state. In a country like India where the

peasantry forms the bulk of the population besides the above-mentioned functions, the state is also concerned with assisting them with finances, technical information and 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 growing numbers at various levels and in different departments and ministries.

A specialist is a person who has special knowledge in a specific field. To systematise the working of the specialists in administration, they are recruited in cadres, i.e., groups of public services like engineers, medicos, statisticians, agricultural scientists, computer scientists, etc. The number of generalist administrators at supervisory or directional levels has not grown to the extent to which the number of specialist officials with higher responsibility has increased. Clerks, typists, stenographers, accounts clerks, etc. are appointed in all departments at all territorial levels. But they do not perform duties of direction, supervision, control, coordination and public relations, which are the managerial functions of an administrator. So these employees or officials with lesser and routine responsibilities are left out in the discussion on the roles of the generalists and the specialists here.

Specialists are also posted as advisers, special/administrative assistants and researchers to the chief executive, viz., Prime Minister, Chief Minister or City mayor. Here they operate as a staff agency, and not as a line agency. In line agencies, i.e., departments or public enterprises also, specialists like the lawyers or statisticians assist the administration.

29.3 RELATIONSHIP BETWEEN 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 during 19th century where generalists formed the basic 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 continued even after independence also.

The issue of the relationship between the generalists and the specialists has come to the fore on account of various factors. In the first place, they are organised in separate hierarchies, i.e., groups having supervisor-subordinate relations between various levels. That is why, the generalists and the specialists have lost contact with each other, and they look to each other with a kind of envy and suspicion. In the second place, the tasks of policy-making, control of administrative machinery and management at highest levels are allotted largely to the generalists in preference to the specialists, excluding few exceptions. In the third place, generalists are moved from one department to another, from one type of job to another, from a department to a public enterprise or local government and back, without hindrance. The specialists, on the other hand, are transferred or promoted within their respective departments. These contrasting situations have given rise to a feeling among the generalists of being 'administrators' *per se* and **par excellence**, and an inferiority complex and a feeling of being neglected among the specialists. Posts of secretaries in the government departments, and even of

heads of most executive departments are reserved for the generalists. There are also salary differences in favour of the generalists. This privileged position of the generalists tends to offend the self-image of the specialists, and in result their morale and confidence.

The generalists and the specialists also function in the private sector industries and business. But their relations do not suffer from bitterness or envy, as in Public Administration. This is so because in private administration specialists like engineers, accountants also occupy managerial and executive positions.

In India, gradually, the basis of liberal university education in arts (including social sciences) and sciences for the recruitment to the Indian Civil Services has been broadened to include graduates in engineering, medicine and technology. So, the old Macaulayan premise of liberal education based university graduates as "flowers of the earth" being the most suitable for selection as civil servants does not hold good in India today. The members of the Indian Administrative Service(IAS) occupy higher posts in various departments both in the field and the secretariat except those which are too technical, i.e., specialists that are occupied by the members of the Central Services. Apart from the Central Services which are included among the specialist services, scientists, legalists, engineers, economists and other cadres are also termed 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 considered 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 secretaryship 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 secretaryship 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 different positions in their own departments in the field and the Secretariat. A few of them rise to the secretaryship of the respective department. What is said here about the specialists in the Central administration applies to those in the State administration.

Check Your Progress 1

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

- 1) Who are the specialists in administration?

- 2) What type of functions are performed by the generalists?

- 3) Why has the issue of the relationship between generalists and specialists come to the fore?

29.3.1 Arguments in Favour of the Generalists

Traditionally, the Indian public services have been structured on the British pattern of division of services into the higher “administrative class and other subordinate technical services”. The origin of such dichotomy can be traced to the famous Northcote-Trevelyan Report on “Organisation of the Permanent Civil Service”, 1853. The report recommended that the superior posts in the administration should be filled with educated and promising young men by a competitive examination. This administrative class recruited on the basis of literary attainments in recent years has come to be called generalists. The Macaulay report in 1854 laid emphasis on the superiority of generalists over the specialists. This was the basis and the philosophy on which the Indian Civil Service was constituted. This philosophy continued to hold good till Independence. However, due to the increased welfare functions of the government, Trevelyan and Macaulay philosophy has been questioned and challenged seriously.

The main idea in the selection of the generalist civil service and the placement of its entrants to the high level positions in any department including the secretariat is that the intelligent young university graduates would occupy these positions with distinction without a formal in-service training. Another idea behind the generalist civil service was that these young entrants would perform the functions of providing advice to the government in policy-making, formulating decisions for execution of government policies, whichever be the subject or function of administration. The technical experts in the respective subjects would help in these tasks.

Various points are put forward in favour of the generalists. They have a broad outlook and flexibility of approach, to adjust themselves to any department and position at any level, and to reflect and judge on any issue in administration. As they shift the ability of the generalists to assimilate different experiences functional, public and political, their ability to occupy higher position in any department and post gets strengthened.

Besides, it is argued that the generalist acts as a mediator, an umpire between the expert and the politician, the people and the government, the pressure groups and the public interest represented by the parliament/legislature and the political

executive, and the conflicting points of view and aspects. The generalists are said to know the "minister's mind" better than the specialists. They tone down the angularities and extremities of the positions taken by the technocrats or the specialists. The specialists, it is held, favour costly proposals which the generalists can size up.

29.3.2 Arguments in Favour of the Specialists

During the nineteenth century when the generalist civil service was founded in Britain and India, highly specialised knowledge was not required in administration as its functions were limited to the maintenance of law and order and looking after regulatory activities. The general criticism of the 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-making and had made basic evaluation of the policies difficult. The methods adopted for execution of policies are also ineffective. Effective communication with the sources of expert advice in and outside the administration is not established. Because most of the policies and the decisions flowing from them are executed by the specialists or officials under their charge, the generalists are away from the perception regarding the extent of the effective execution of the policies and the decisions and the reasons for it. 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 developments in particular subjects like engineering, agriculture, education, health, etc., as they move from one department to another, and even out of a department to a public 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 various grounds. The shortcomings in the administration by the generalists are cited in their own favour. The chief merit of the specialists claimed by them for occupying the highest positions of headship of executive departments and secretaryship of secretariat departments in advance on the strength of their knowledge and experience of respective specialities. It is also actively canvassed by the specialists that, on the one hand, the generalists become better qualified to hold higher positions in different departments because they themselves have fashioned the system in their own favour, and on the other hand, the specialists are deprived of occupying highest positions even though they are better equipped. Scientific training inculcates an objective spirit among the specialists which reduces the alleged functional bias in them. Nor are the generalists completely free from a personal bias in the course of administration. The charge on the specialists of not being cost-conscious and of being too close to own department's clientele, is answered with a similar argument.

The dual hierarchical structures of the cadres of the generalists and the specialists respectively not only mar administrative efficiency but also create discontent among the specialists. Easier and more cordial communication between them would result. Better expert advise from the specialists would be evoked.

Career planning is necessary both for the generalists and the specialists in the interest of the development of both and the greater efficiency and effectiveness of the administrative system. Both have to be trained in the managerial functions and techniques. A common body of knowledge useful to both needs to be taught in the course of the post-entry training. Better communication and cooperation between these two components of the administrative system have to be encouraged.

In 1968, the Fulton Committee in U.K. recommended a greater role for the specialists in administration. It favoured fostering professionalism among the specialists through training in management and also specialisation in subject matter.

Check Your Progress 2

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

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

- 1) What are the arguments advanced by the generalists in favour of their dominant position in administration?

- 2) What are the arguments put forth by the specialists in favour of their position in administration?

29.4 RECOMMENDATIONS OF THE ADMINISTRATIVE REFORMS COMMISSION

The issue of the relationship of the personnel of the Indian Administrative Service with those of the specialist services occurs at both the levels central as well as the state. The IAS is an All India Service in the sense that its personnel are recruited and appointed by 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 various departments after having a stint of service with the state governments as a deputy secretary or a secretary. They serve the Government of India on a tenure basis for say five years, and revert to their respective states on completion of the tenure unless their tenure is extended. 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 among 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 level.

There could be no two opinions about the “main considerations for the formation of the Indian Administrative Service” as stated by a Study Team of the Administrative Reforms Commission. These are to: i) provide top administrative personnel to the central government as well as to the state governments; ii) provide opportunities to the central administrative machinery for constant touch with realities and for contact with the people; iii) provide opportunities to the state administrative machinery for acquiring a wider outlook; iv) facilitate liaison between 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 various programmes of development; that many of these skills are not available; and that these considerations have a great bearing on the staffing policies of the government.

One of the major recommendations of the ARC was that all posts requiring close and intimate familiarity with a subject matter, i.e., a function should be put into a separate cadre (i.e., service). These posts should form a functional service and should, therefore, be earmarked for the officers of the service. However, the movement of persons at various levels in the functional service is not to be automatic but through careful selection at each level. The unified grading structure recommended by the ARC sought to help the process of selection.

The ARC recognised however that there would be many posts which would not require subject matter (functional) specialisation but would call for broad conceptual and managerial skills. These are the policy level posts of secretaries in the secretariat. For these posts no single functional service is uniquely qualified. These posts are very important, so the Commission has suggested that they should not be manned as at present but by a different method. The method recommended by the Commission is to hold an examination to all officers of higher services with 8-12 years of experience in government and test them for their suitability to occupy higher-level policy positions. This examination should be designed to assess the candidate's capacity for communication, clarity of thought, overall managerial ability, power of analysis and comprehension of current social, economic and political issues. The ARC has suggested that after the officers are selected on the basis of this examination, they should be allotted to one of the eight specialities mentioned by the Commission, according to their background and aptitude. These specialities are: (i) personnel 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 defence; and (viii) general administration. After this allotment, the careers of these officers would be within the selected speciality, but there would be judicious job rotation of these officers in related areas.

Criticisms could be offered on these categories of functional professionalisation of the civil services in India at the higher policy-making level, as also on the mode of examination to be held at the mid-career of the civil servants for selections to this level. 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 among the specialists in respect of their claims to the higher level posts in policy-making.

Similar professionalisation and mode of selection was suggested by the ARC at the state level.

29.5 BRIDGING THE GULF BETWEEN THE TWO

Of late, certain steps have been initiated towards inducting specialists into administrative positions both at the centre as well as the states. For example, the Department of Atomic Energy is headed by a nuclear scientist, Ministry of Law by a member belonging to the legal profession or service. Similarly, scientists preponderate in the scientific research departments. The Planning Commission is exclusively manned by specialists and professionals.

There is another method in vogue of giving a specialist head of the department ex-officio status of Joint/Additional Secretary to the government. For instance, at the union level, the members who are heads of operating departments are ex-officio secretaries in the Union Ministry. At the state level 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. Similarly, 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. Similarly, imparting of training in managerial techniques and reforms in administration as suggested by the Commission is under way. But the concept of overall career planning and development seems to have been stuck up.

In the public enterprises, prior to the report of the ARC on public enterprises, government secretaries most of whom were generalists used to be appointed either in ex-officio capacity as part time Chairman/Managing Directors or Directors or on a full time substantive basis. The recommendation of the ARC to discontinue the practice was accepted and implemented by the Government.

Another possible way out to bridge the existing gulf between the generalists and specialists could be the formation of any one of the following hierarchies like:

- i) Separate Hierarchy: The system is prevalent in Australia, Sweden where there is common pay and greater respect for specialists.
- ii) Parallel Hierarchy: This is a system where a specialist will be working with a generalist like for example Director General (Specialist) will be working with Deputy Secretary (Generalist).
- iii) Joint Hierarchy: Here both a generalist as well as a specialist report jointly to a permanent Secretary who is a generalist.
- iv) Unified Hierarchy: This implies creation of a unified civil service merging both central and All India Services. This requires common competitive examination of uniform standard and uniformity in emoluments and conditions of service. While in India no steps were taken to create such a service, in Pakistan in 1973, unified civil service was created wherein all the services and cadres in their civil service were merged in one service.

The generalist Indian Administrative Service, with all its shortcomings, has proved to be an asset to the administration both at the national and state level. Its alleged omniscience, overbearing outlook towards the specialists, its inadequate ‘professionalism’ and outdated knowledge in scientific and technological sectors of administration are known and have been discussed in scholarly works and current journals, magazines and newspapers. But its national outlook has helped to keep the State administration into the national mainstream. Its integrated approach has kept the national administration alive to the requirements of fostering interrelations among different sectors of administration as well as between the centre and the

At the same time, the value of the specialists' contribution and role in the administration at both the central and the state levels has to be appreciated. India has progressed tremendously in scientific, industrial, transport, communication, agricultural, educational and other fields. The specialists' role in this multisided national progress and the administrative infrastructure and processes for it, should be recognised.

The complexion of administration is undergoing a change with the tasks getting more and more specialised in recent times. The discharge of functions by the administration in present times needs more professionalisation. While in the USA, the public service places emphasis on some specialist inputs, Indian system modelled on the British pattern gave importance to generalism. But now the gap between the generalists and specialists is getting reduced through suitable measures. Now generally 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 next few years opportunities are being made available to specialise in their areas of preference.

Policy formulation, and implementation are the key components of administration. The contribution of generalists and specialists in this process 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 along with proficiency in skills of organisation and policy making.

Check Your Progress 3

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

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

- 1) What are the recommendations of the ARC regarding specialist services?

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- 2) How far have the recommendations of the ARC on staffing been implemented?

29.6 LET US SUM UP

Thus, we can say that the problem of smoothening the relationship between generalists and specialist is not an easy task. More efforts have been made to implement them properly. Many departments have tried to give a lot of incentives

to the specialists like appointing them as secretaries ex-officio or in own right in the central secretariat and state secretariats. More developments towards this direction are underway. What has to be realised is that generalists and specialists both have very important roles to play in administration and their contributions ought to be recognised.

29.7 KEY WORDS

Horizontal Division : Horizontal divisions in administration are made according to the territorial levels at which personnel are located.

Intelligent Amateur : The theory which holds the view that person who is not a specialist has a broader view of administrative activities.

Par Excellence : One uses this word when one wants to emphasise that something is the best possible example of a particular thing.

Per se : It is a formal expression which is used to say that one is considering a particular subject only from a general or theoretical point of view rather than taking into account the practical aspects, or one's own experiences.

Vertical Division : Vertical divisions in administration are made according to the functions or tasks performed by the employees.

29.8 REFERENCES AND FURTHER READINGS

Chanda, Asok, 1968, *Indian Administration*, G. Allen and Unwin, London

Jain, R.B. 1976, *Contemporary Issues in Public Administration*, Vishal Publications, New Delhi

Report of the Fulton Committee on the Civil Service, Volume I, 1968, HMSO, London

Report of the Administrative Reforms Commission on Personnel Administration, 1969, Government of India; Manager of Publications, Delhi

Personnel Administration: Implementing the Reforms, Indian Institute of Public Administration, 1970, New Delhi

Sharma, M.P. and B.L. Sadana, *Public Administration in Theory and Practice*, Kitab Mahal, Allahabad, 1998

29.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:

- Specialist is a person who has special knowledge in some specific field

- To take care of the diverse functions in a welfare state specialists are appointed in administration.
- They are recruited in cadres, i.e., groups of public services.
- Their number has increased substantially over the period of time.

2) Your answer must include the following points:

- Planning and organising.
- Supervision and control.
- Direction.
- Staffing and coordinating.

3) Your answer must include the following points:

- They look to each other with envy and suspicion.
- Salary differences in favour of the generalists.
- Posts of secretaries to government departments and even heads of most executive departments are reserved for the generalists.

Check Your Progress 2

1) Your answer must include the following points:

- Generalists have a broad outlook and flexibility of approach
- Generalists are more experienced
- Generalist acts as a mediator between the expert, i.e., the specialist and the politician, the people and the government, the pressure groups and the public interests.

2) Your answer must include the following points:

- Specialists have developed the essential professionalism and adequate knowledge.
- Generalists are away from perception regarding the extent of the effective execution of the policies.
- Generalists do not have necessary knowledge to take up policy-making.

Check Your Progress 3

1) Your answer must include the following points:

- ARC recommended that all posts requiring close and intimate familiarity with a subject matter should form a functional service.
- The movement of persons at various levels in the functional service is not to be automatic but through a careful selection at each level.
- For policy level posts, no single functional service is uniquely qualified. These should be manned by officers of higher services with 8-12 years of experience in government through an examination.
- The selected officers should be allotted one of the eight specialists mentioned by the commission.

2) Your answer must include the following points:

- The ARC's recommendation regarding the eight-fold professionalisation for selection to the higher policy level posts has not been implemented in India.

Emerging Issues

- An independent personnel and administrative reforms department has been constituted at the centre in accordance with the recommendations of the ARC
- The training in managerial techniques in administration as suggested by the Commission is under way.

UNIT 30 ADMINISTRATIVE REFORMS

Structure

- 30.0 Objectives
 - 30.1 Introduction
 - 30.2 Meaning of Administrative Reforms
 - 30.3 Need for Administrative Reforms
 - 30.4 Types of Administrative Reforms
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30.0 OBJECTIVES

After reading this unit you should be able to:

- Explain the meaning and importance of Administrative Reforms;
 - Describe the reform measures undertaken by the government since independence; and
 - Examine the reforms in the light of the recent initiatives taken.
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30.1 INTRODUCTION

When India achieved independence, it inherited a colonial legacy in administration, which was suited to the needs of revenue collection and maintenance of law and order. During the years following independence, the Indian government was mostly pre-occupied with the problems of administrative integration of the princely states and the rehabilitation of the refugees and the displaced.

With India becoming republic the objectives for the development of the country was spelt out. The focus shifted to the social and economic development of the country. Attention was directed to people-oriented administration. Administration had to be responsive to the development needs of the people. Thus, there was a need to reform the administration to suit the needs of independent India.

The Government of India undertook various measures for bringing in reforms in administration. It constituted various committees and commissions and organised conferences to suggest reforms in administration. We will be discussing them in the ensuing sections.

We will first discuss the meaning, needs, and types of administrative reforms, which will be followed by the reform steps and measures undertaken in the country since independence.

30.2 MEANING OF ADMINISTRATIVE REFORMS

Administrative reforms have been variously defined. There are many names given to this phenomenon of reforms such as administrative change, administrative

transformation, administration restructuring, administrative reengineering, renewal, realignment etc. The idea is that administration is in need of re-alignment and re-adjustment and it must evolve to a new form and format through a planned, systematised and well-directed process.

Administrative reforms can, in short, be defined as artificial inducement of administrative transformation against resistance. This definition highlights three distinct elements, namely:

- Administrative reform is artificially stimulated;
- It is a transformatory process; and
- There is existence of resistance to change process.

Obviously, reforms do not take place by 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 creates requirement for comprehensive and systematic efforts.

Administrative reform paves the way for new order. It refers to the formal, mechanistic and meditated process of structured change.

30.3 NEED FOR ADMINISTRATIVE REFORMS

The distinguishing characteristic of modernised social system is its ability 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 must also correspondingly change to be in step with the outer modernisation process. 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 basic character, content and style of functioning is greatly influenced by the political environment, its institutional dynamics and process, in not merely setting national goals, priorities, or deciding between competing values, and allocating resources but also in devising the most 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 resources, controlling the entire economy through regulation and development, ensuring a just and equitable economic order, correcting age old social imbalances through newer forms of institution-making, 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, skill-generation, attitude-formation and a host of other structural-functional reorganisation. 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 have to act as partners with the citizens. Administration cannot fulfil 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 necessitate reforms.

30.4 TYPES OF ADMINISTRATIVE REFORMS

Administrative reforms, according to Gerald E. Caiden, can be of four types.

- Reforms imposed through political changes.
- Reforms introduced to remedy organisational rigidity.
- Reforms through the legal system, and
- Reforms through changes in attitude.

Reforms imposed through political changes

Administration is shaped and influenced by political forces. The change in political scene also affects administration. Structure and working of administration is affected by political changes.

Reforms introduced to remedy organisational 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 significant changes in administration. Legislation is normally preceded by consultations and deliberations in several forums such as committees, commissions, press etc.

Reforms through changes in attitude

Human beings are an important part of any organisation. 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 by the people working in the organisation.

Check Your Progress 1

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

- 1) Explain the meaning of administrative reforms?

- 2) Discuss the need for administrative reforms?

30.5 ADMINISTRATIVE REFORMS IN INDIA SINCE INDEPENDENCE

The Context for Reforms

When India became independent in 1947, it faced problems 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 by 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.

Various measures were taken up by the GOI in administrative reforms. We will discuss these measures now.

Secretariat Reorganisation Committee, 1947

The Government of India set up the Secretariat Reorganisation Committee in 1947, which was headed by Girija Shankar Bajpai. The Committee enquired into the matters of personnel shortages, better utilization of the available manpower and improvement of methods of work in the Central Secretariat.

Shri N. Gopalaswamy Ayyangar Report, 1950

Shri N. Gopalaswamy Ayyangar conducted a comprehensive review of the working of the machinery of the Central Government, which was presented in his report on 'Reorganisation of the Machinery of Central Government'.

A.D. Gorwala Committee, 1951

In July 1951, a Committee headed by Shri A.D. Gorwala in its Report on Public Administration underlined the need for having a clean, efficient and impartial 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 reorganisation 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.

Among 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 provide 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-study 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 was also established as a part of this Committee to promote the use of modern tools of management. It also undertook studies on problems related to development administration at the district level.

Committee on Prevention of Corruption, 1962

The Committee was set up under the chairmanship of K Santhanam to study 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 terms of reference was the widest as it covered the entire 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:

- 1) 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;

Emerging Issues

- 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.
- 2) It recommended the reactivating of the O & M units in different ministries and departments.
- 3) It called for setting up of a special cell in the central reforms agency to give effect to the reports of ARC; and
- 4) It stated that the central reforms agency should be research based in matters dealing with the methods of work, staffing pattern and organisational structure.

Kothari Committee, 1976

The Committee on recruitment and selection methods under the chairmanship of Shri Kothari was set up in 1976 by the UPSC to examine 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 examine 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 study of the important 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 rationalisation and modernisation 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 examine and review the working of the existing arrangements between the union and states with regard to powers, functions and responsibilities in all spheres and make recommendations as to the changes and measures needed.

National Commission to Review the Working of the Indian Constitution, 2000-03, under the Chairmanship of Chief Justice (Retd.) Venkatacheliah, was set up to examine the working of the Indian Constitution.

Check Your Progress 2

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

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

- 1) Explain the major recommendations of the ARC?

Administrative Reforms

- 2) Why was the Kothari Committee constituted?

- 3) What were the recommendations of the Commission on Centre-State relations?

Conference of Chief Secretaries, 1996

A Conference of Chief secretaries of the state and union territories was organised by 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 included:

- 1) Setting up of an inter-ministerial Working Group on Right to Information and Transparency headed by Shri H.D. Shourie;
- 2) Constituting an Expert Group headed by Shri N. Vittal to look into the computerization in personnel system and public services;
- 3) Formulation of citizen's charters by all ministries with public interface;
- 4) Steps to provide timely disposal of departmental enquiries and vigilance proceedings;
- 5) Developing grievance redressal machinery; and
- 6) 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 by the Conference of Chief Secretaries, a national

debate was generated on the above-mentioned issues to elicit opinion of the wider public, which included 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 by both the Centre and the State governments.

The Action Plan has three components, namely:

- 1) Making Government Accountable and Citizen-friendly
- 2) Transparency and Right to Information
- 3) Improving the Performance and Integrity of the Public Services

We will discuss the three components now.

Accountable and Citizen-friendly Government

To make the government and administration accountable and friendly to the citizens, the following steps are undertaken.

a) 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.

b) Redressal of Public Grievances

Director of Grievances have 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. Similarly, 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 level, States like Madhya Pradesh, Tamil Nadu and Uttar Pradesh have made institutional arrangements to monitor the redressal of public grievances by 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.

c) Reviews of Laws, Regulations and Procedures

The existing laws, regulations and procedures are to be reviewed, amended, modified and reformed in order to make them simpler. The Action Plan provides 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 transparency in the functioning of the government.

A Commission was set up under the chairmanship of Shri P C Jain for reviewing the steps taken by different ministries and departments in this regard. The Commission made certain 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 by modifying and amending various Acts and laws. The outdated laws have been repealed. The Department of AR & PG monitor the review of such rules and regulations by 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 241 laws. The follow up action has been taken up under the supervision of a Standing Committee.

d) People's Participation: Decentralization and Devolution of Powers

The Action Plan provides for the decentralisation and devolution of powers. This will include people's participation consistent 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 by providing constitutional status to the PRIs in the country. Elections are conducted for these bodies. There are around 2.5 lakhs Panchayats, of which about 2.25 lakhs are Gram Panchayats and they have elected approximately 3.4 million representatives at all levels. 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 give effect to these provisions.

Transparency and Right to Information

This provision in the Action Plan entails freedom of information to the public. This will include amendments to the Official Secret Act, 1923 and Indian Evidence Act. The Freedom of Information Act, 2003 has been passed. The Act seeks to provide freedom to every citizen to secure information under the control of public authorities. It seeks to make government open, transparent, responsive and accountable to the people. This Act provides easy access to the people to all information relating to government activities and decisions except matters relating to national security. Most 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 by 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. The civil servants are to adhere to ethical standards and be committed to basic principles of the Constitution such as secularism, social justice, rule of law, professionalism and integrity. The Plan also entails the preparation of the Code

of Conduct for the Central and State civil services. It also aims to regulate the relationship between the politicians and the civil servants.

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 various 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 by executive order. The provisions of giving statutory status is 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 by central public servants, corporations, societies and local authorities. It provides for the CBI to obtain approval of the government before conducting any inquiry into an offence committed by officers of the rank of joint secretary or above in any government department or PSU. The Bill passed by the Lok Sabha in Feb. 2003, provides 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 provide for close networking of various related agencies.

At the Union level, the Lokpal Bill proposes to deal effectively with corruption in high places and the nexus between politicians, civil servants, businessmen and criminals. The bill is pending before the Parliament. Several 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 by 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 process proposals for the postings and transfers of the officials of the level of deputy secretary, director and joint secretaries. This will curb the practice of frequent and arbitrary transfers of the public servants. Many of the States have also laid down the transfer policy pertaining to the civil servants.

Fifth Pay Commission, 1997

The Commission was established 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. The Commission observed that the entire machinery of the government has to be reinvigorated. Some of the important recommendations pertain to the down-sizing of

staff, determining the size of the ministry/department, no file movement beyond three hierarchical levels for a decision to be taken, injection of the concept of multi-skilling at the Group D level and abandoning of the centralised planning model.

30.6 EVALUATION OF RECENT REFORMS

At the Central level, various ministries and departments have been slow in implementing the reforms. The citizen's charters lack quality, as many 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 by 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 many of the Information and Facilitation Counters set up by 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 level, much is left to be achieved. The Right to Information Act has been placed in several 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 levels whereas in some States more powers have been given to the gram panchayats and the intermediate levels and not to the district level. 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 by 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 distribution. Also, there is dearth of resources, which creates problems for rendering better services.

30.7 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 aspects 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 continued till the end of 1984. Department of Personnel and Administrative Reforms was also set up at the State level.

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 by 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 provide 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 requirements, 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 particular.

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.

Check Your Progress 3

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

- 1) What are the three components of the Action Plan?
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- 2) Briefly describe the functions of the Department of the Administrative Reforms and Public Grievances.
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30.8 LET US SUM UP

Administrative reforms are vital for the sustenance of the government machinery. The focus on good governance today has necessitated reforms in government as well as in administration. The Government of India undertook reform measures since independence. Various commissions and committees were set up to suggest reforms in the administrative system, organisation, methods and procedures. One of the important commissions to suggest reform was the ARC, which made recommendations covering the entire gamut of administration at the Centre and States.

Major reforms in the recent years pertain to the implementation of the Action Plan on Effective and Responsive Government. There are three vital components of the Plan that aims at making administration responsive and citizen friendly, transparent with the right to information, and improvement of the performance and integrity of the civil services. The Centre and States have implemented the Plan to a certain extent. More steps in this regard are on the anvil.

The Department of Administrative Reforms and Public Grievances is the nodal agency of the GOI for administrative reforms as well as for redressal of public grievances.

30.9 REFERENCES AND FURTHER READINGS

Administrative Reforms Commission, 1968. *Report on the Machinery of Government of India and its Procedures of Work*, The Manager of Publications, Delhi

Bhambhani, C.P., 1985. *Public Administration*, Educational Publishers, Meerut.

Bhattacharya, Mohit, 1987. *Public Administration: Structure, Process and Behaviour*, The World Press Private Ltd., Calcutta.

Government of India, 2002. *Department of Administrative Reforms and Public Grievances: Through the Ages*, Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pensions, New Delhi.

Maheshwari, S.R., 1986. *Indian Administration*, Orient Longman Limited, New Delhi.

Sadana, 1998. *Public Administration in Theory and Practice*, Kitab Mahal, New Delhi.

The Indian Journal of Public Administration, July-Sept. 1998. *Towards Good Governance*, Vol. XLIV, No. 3

30.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:

Administrative reforms is artificially stimulated, it is a transformatory process, it cannot take place by itself, it is a calculated and manipulated and through it old order is replaced by a new order.

- 2) Your answer must including the following points:

The need for reforms is due to the following reasons:

- Administration has to change with changing social, political and economic scenario.
- Bureaucracy has to change its organisation, structure and methods of working in consonance with the traits of good governance.

Check Your Progress 2

- 1) Your answer must including the following points:

The major recommendations of the ARC related to:

- Laying down the functions of the Department of Administrative Reforms.
- Re-activation of the O&M units.

- 2) Your answer should include the following points:

The Kothari Committee was constituted to examine and report on the system of recruitment to AIS and Central Group A and B Services to be followed by UPSC.

- 3) Your answer should include the following points:

The recommendations of the Commission on Centre-State relations were related to improving the relations between the Union and States with regard to powers, functions and responsibilities in all spheres.

Check Your Progress 3

- 1) Your answer should include the following points:

The components of the Action Plan are:

- Making administration citizen friendly;
- Transparency and right to information; and
- Improving the performance and integrity of public services.

- 2) Your answer should include the following points:

The functions of AR&PG are:

- Administrative reforms
- Organisation and methods
- Policy and coordination of issues pertaining to public grievances.