
UNIT 1 ADMINISTRATIVE SYSTEM AT THE ADVENT OF BRITISH RULE

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1.0 OBJECTIVES

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

- Understand the administrative system prior to the Moghuls;
 - Explain the Moghul administration which was by and large inherited by the East India Company; and
 - Trace the roots of some of the present day administrative practices and institutions.
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1.1 INTRODUCTION

There are evidences that Indian history originated with the Indus Valley civilization. The sites at Mohenjo-Daro, Harappa and Lothal are described as pre-Vedic period and the coming of Aryans as Vedic period. During the Vedic period, Hinduism first arose (it was during this time when Vedas were written). Large parts of India were united during Ashoka's rule. It was at that time that Buddhism spread not only in India but in other parts of Asia also. In the Mauryan reign, Hinduism took the shape. Islam came to light in the eighth century and in the subsequent three centuries established as a political force. Lodhis, Tughalaks and a number of other dynasties were succeeded by the Moghuls. Indian administration in the contemporary period possesses characteristics of heterogeneity of goals, ideals, focus and roles. It has reflection

Historical Context

The main focus of this Unit is on Mauryan and Moghul administration as it was known in the days of the great emperors, Chandragupta, Ashoka, and Akbar, who are singled out as the most outstanding rulers of India known for their administrative abilities of a high order.

This Unit gives a detailed coverage to Mauryan and Moghul administration because these reflect the significant features of earlier administrative systems.

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

1.2 MAURYAN AND GUPTA ADMINISTRATION

As mentioned earlier, Indian administration can be traced to the Indus Valley Civilisation which is about 5000 years old that forms the basis of our civilisation and culture.

In the ancient period we know of the Magadha, Mauryan and the Gupta Ages. Kautilya's Arthashastra, a political treatise on ancient Indian political institutions, written sometime from 321 to 296 B.C., examines statecraft, gives an account of State administration and reflects the rule of the Mauryan kings. Arthashastra, a treatise by Kautilya, a Brahmin Minister under Chandragupta Maurya, is written in Sanskrit. It discusses theories and principles for effective governance.

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

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

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

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

1.3 MAJOR CHARACTERISTICS OF MOGHUL ADMINISTRATION

The Moghuls upheld the earlier traditions in political and administrative matters. The Moghul emperor was a perfect autocrat and the administration was 'a centralised autocracy'. The king symbolised the state and was the source and centre of all power agencies. The Moghuls did succeed in building up a 'monolithic administration'.

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

1.3.1 Role of the King

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

1.3.2 Bureaucracy

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

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

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

Historical Context

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

1.3.3 Army

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

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

1.3.4 Police

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

Check Your Progress 1

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

- 2) Enumerate the special features of Moghul administration.

1.4 STRUCTURE OF THE MOGHUL ADMINISTRATIVE SYSTEM

1.4.1 Central Administration

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

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

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

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

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

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

1.4.2 Provincial Administration

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

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

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

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

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

1.4.3 District and Local Administration

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

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

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

The ‘parganas’ were further divided into ‘Chaklas’, which were created to facilitate and improve the realisation and assessment of revenue and had their own set of local officials like the ‘Chakladars’. Each of the officials was responsible and accountable to those above.

Check Your Progress 2

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

- 1) Make a list of important officials at the Central level.

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

1.5 REVENUE ADMINISTRATION

1.5.1 Land Revenue as the Primary Source of Income

The Revenue system needs to be closely studied because land revenue has been traditionally, the primary source of income of the State. The State and the

cultivator were two parties to the contract. The right of the State to a share of the produce was recognised as a principle of political economy from times immemorial. What was disputed and had to be determined periodically was the fixing of the share of each.

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

1.5.2 Types of Land Tenurial Systems

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

1.5.3 Administration of Land Revenue

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

- i) Non-proprietary tenures were held by peasant cultivators who worked as tenants and rent-payers. They held land on various conditions and got a share of the produce in cash or kind. Though in theory they could be evicted by the proprietor, yet custom recognised their right to continue as tenants as long as they paid rent.
- ii) The superior proprietary tenures were held by a mixed group. They were descendants or representatives of ancient chiefs and nobles, military chiefs or even middlemen called 'assignees'. They also included hereditary officers and local influential that acted as temporary or permanent owners of the government share of the produce or rent so long as they paid a certain tribute or revenue to the State. They usually took 10% of Government share and were responsible for law and order, land improvement and even administration of justice. These various types of assignees formed the feudal structure of society. They often farmed out their lands and this system of revenue farming was oppressive to the cultivators.
- iii) The subordinate proprietary tenures were in between the earlier two. Their existence came to light as a result of the painstaking researches of Holt Mackenzie and Sir Charles Metcalfe. In the North West Provinces, these formed a large part of the proprietary community and their counterparts were found in Punjab, Bengal, Bihar and Orissa.

Since the bulk of the State's income originated from land revenue, administration of revenue was much critical. The machinery for collection was elaborate and hierarchical. Apart from the official bureaucracy, there were a whole lot of intermediaries who had a role to play in revenue collection. The net result was that the peasants were exploited and victimised. They were the worst sufferers in the system because of undue extortion. The only gain for them was a certain amount of security as they could not be evicted from their holdings for default of payment.

1.5.4 Important Revenue Reforms

Important revenue reforms were introduced during the reign of Akbar when Todar Mal was appointed the Diwan-e-Ashraf. Todar Mal established a standard system of revenue collection, with major highlights as survey and measurement of land, classification of land and fixation of rates. Hence, the overall success or failure of

the revenue system depended on the king and the quality and nature of the centralised administration. Akbar is credited with having scientifically organised his land revenue system. It continued till the 18th century though it gradually lost its vigour and was injurious to the interests of the peasants.

1.5.5 Modus Operandi of Revenue Collection

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

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) Distinguish between the Zamindari, Mahalwari and Ryotwari tenurial systems.

- 2) Who were the "assignees"? What were their functions in the society?

- 3) Mention three important revenue officials.

r 1)

2)

3)

1.6 ADMINISTRATION OF JUSTICE

1.6.1 Administration of Civil Justice

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

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

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

1.6.2 Administration of Criminal Justice

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

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

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

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

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

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

Check Your Progress 4

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.
- I) Describe the types of tribunals for judicial administration.

- 2) Explain the distinguishing features of the Moghul judiciary.
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1.7 LET US SUM UP

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

1.8 KEY WORDS

Bureaucratic Despotism	: Absolute and domineering rule of bureaucrats in a society.
Centralised Autarchy	: Government by an individual or a group with absolute and unrestricted authority.
Intelligentsia	: The educated or intellectual people in a society.
Monolithic Administration	: Undivided and unitary administration.
Paraphernalia	: Miscellaneous.

1.9 REFERENCES AND FURTHER READINGS

- Majumdar, R. (et al) 1967, *An Advanced History of India*; Macmillan, New York
 Misra, B.B., 1959, *The Central Administration of the East India Company 1773-1834*, Manchester University Press, Manchester
 Puri, B.N. 1975, *History of Indian Administration Volume II; Medieval Period*, Bharatiya Vidya Mandir, Bombay

1.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:
 - Functions of the officers holding 'mansabs'
 - Classification of mansabdars into grades
 - Exploitative nature of mansabdari system
- 2) Your answer must include the following points:
 - Army
 - Mansabdari System
 - Police

Check Your Progress 2

- 1) See Sub-Section 1.4.1.
- 2) See Sub-Section 1.4.2 and 1.4.3.

Check Your Progress 3

- 1) Your answer must include the following points:
 - Differences relating to role of intermediaries
 - Differences relating to payment of revenue
 - Differences relating to places where they existed
- 2) Your answer must include the following points:
 - Composition of Assignees
 - Source of Income of Assignees
 - Responsibilities of Assignees
- 3) See Sub-Section 1.5.5.

Check Your Progress 4

- 1) Your answer must include the following points:
 - Two types of tribunals
 - Role of the Chief 'Qazi' and subordinate 'Qazis'
 - Role of 'mir'adl'
- 2) Your answer must include the following points:
 - Justice in Moghul period was based on Quranic Law
 - Classification of crimes into three main heads
 - Nature of punishment
 - Discrimination between Muslims and non-Muslims
 - Dominance of executive authority
 - Gradation of Courts

UNIT 2 BRITISH ADMINISTRATION: 1757-1858

Structure

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

After studying this Unit, you should be able to:

- Understand the important landmarks in the British East India Company administration from 1757-1857;
 - Discuss the features of Regulating Act of 1773 that brought major changes in administration in India and Pitt's India Act of 1784 that effected major changes in England;
 - Describe the structure of Central Secretariat as it took shape in its formative years;
 - Highlight the administrative system of revenue, criminal justice and police; and
 - Explain the features of divisional and district administration during the days of the East India Company.
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2.1 INTRODUCTION

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

While the British started trading operations from 1600 A.D., other foreign powers like the Portuguese, the Dutch and the French were already in the trading business. So the British were in competition with other European powers to capture the trade in the East. Simultaneously, they competed to acquire territorial supremacy. This was possible because of the collapse of the Moghul Empire and the mutually destructive wars between princes and nawabs. For instance, through the Carnatic wars, the English secured the Northern Circars which were previously administered by the French. By winning the Battle of Plassey in Bengal in 1757 and through the Treaty of Allahabad, the British got in 1765, the Diwani of Bengal, Bihar and Orissa and the right of administering these provinces and collecting their revenue.

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

2.2 THE NATURE OF ADMINISTRATION

2.2.1 Characteristic Features of the East India Company

The East India Company, established on 31st December 1600, was a monopoly, mercantile Company, which was granted by the British crown the right to trade in the eastern parts. A trading station, with a number of factors was called **Factory**. A settlement (number of factories) was under an **Agent**. **Factor** was the term applied to an agent transacting business as a substitute for another in mercantile affairs. Employees were graded as apprentices, writers, factors and merchants.

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

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

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

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

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

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

2.2.2 The Regulating Act of 1773

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

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

Changes Introduced by the Regulating Act in England

The Court of Proprietors of the Company was reformed. Formerly, a shareholder, holding a stock of £ 500 and over, became a member of the Court of Proprietors. The Regulating Act raised it to the minimum to £ 1000. This made the Court of Proprietors a compact, better organised body to discharge both its duties and responsibilities.

Changes were also made in the Board of Directors. It was now to consist of 24 members elected by the Court of Proprietors every 4 years, 6 directors retiring every year – instead of all the Directors being elected every year as before. This gave the Board some continuity and facilitated better management.

Changes Introduced by the Regulating Act in India

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

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

The changes in the Company's organisation in England made it more effective managing body at headquarters.

The Act created a centralised administration in India, making the Bombay and Madras Governors subordinate to the Governor-General of Bengal. There was a felt need for a uniform policy for the whole of British India, thus, avoiding much wasteful expenditure.

The creation of the Supreme Court made for better justice to British subjects.

The Regulating Act brought in a system of checks and balances. It made the Governors subordinate to the Governor-General, the Governor-General subordinate to his Council and the Supreme Court effective in its control over the Governor-General in Council.

The Regulating Act laid the foundation of a Central administration and instituted a system of Parliamentary control. It marked the beginning of the Company's transformation from a trading body to a Corporation of a new kind, entirely administrative in its object and subordinate to Parliament.

Defects of the Regulating Act

Though the Act was expected to regulate and centralise administration to provide better justice and bring in a system of checks and balances, it was found to have serious drawbacks in practice. For example, it had the following defects relating to the Supreme Court:

- i) The ambiguity of jurisdiction between the Supreme Council, and the Governor-General in Council was a drawback in the Act of 1773. The Regulating Act entrusted the entire civil and military administration of the diwani provinces to the Governor-General and Council. But the Supreme Court was also authorised to take cognizance of cases not only against British but also native employees of the Company. It could punish all persons who committed acts of oppression either in the exercise of civil jurisdiction or in the collection of revenue. But the Act did not specify whose authority would be final in case of a conflict between the Council and the Court. These difficulties arose because the Company which was the virtual sovereign of the diwani provinces was not declared to be so by Parliament.
- ii) The Regulations passed by the Governor-General in Council had to be registered by the Supreme Court before they were executed as law. Court's refusal to do it could amount to hamper the smooth working of the administration and there was no explanation provided to this effect.
- iii) The Act did not clearly specify which law had to be applied while trying cases. The Court applied English law in all cases even where Indians were charged with offences. This was resented by the Indians.
- iv) The Provincial and other Courts were not recognised. All these defects did much harm. The British Government corrected these defects through the Amending Act of 1781.

The drawbacks relating to the Governor-General-in-Council included:

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

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

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

2.2.3. The Amending Act of 1781

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

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

The Amending Act recognised the appellate jurisdiction of the Governor-General and Council and confirmed their judicial authority to entertain all such pleas and appeals as they had done all along as a Court of record.

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

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 Statement: "The Company's governance was commercial in character".

- 2) Discuss the major defects of the Regulating Act of 1773.

- 3) How did the Amending Act of 1781 affect the working of the Supreme Court and the Governor-General in Council?

2.3 CONSTITUTIONAL CHANGES FROM 1784-1834

2.3.1 Pitt's India Act 1784

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

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

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

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

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

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

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

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

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

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

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

2.3.2 The Amending Act of 1786

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

If the Governor-General or Governor had to use this extraordinary power, to overrule the majority, both sides had to put in writing their respective positions on the issue under dispute. If the Governor-General or Governor finally chose to act in his own way, he was personally to bear the responsibility of the measure adopted without the concurrence of the Council.

2.4 THE CENTRAL SECRETARIAT

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

2.4.1 The Departments of Secretaries to Government

Before 1756, all transactions of business were handled by one general department with the help of a Secretary and a few Assistants. Due to pressure of business and exigencies of war, the General Department had to be reorganised to secure efficiency and despatch. Accordingly, a plan was drawn up to have two Departments, that is, the Public Department which dealt with the affairs of trade, shipping, revenues, accounts and other matters of a public nature and the Secret Department which dealt with military plans and operations and all transactions with country powers. Separate records should be maintained for each. The two departments had to be jointly managed by a Secretary and an Assistant Secretary, with a sub-Secretary attached to each Department. There were eight Assistants for the Public Department and seven for the Secret Department. Their specific duties were defined. The President and Council at Fort William accepted this plan and implemented it in 1764. But this arrangement lasted only for a year. The functions of the Secret Department were taken over by Clive and his Council in order to

centralise authority in the office of the Governor. In 1774, the Governor-General and Council took over the entire civil and military government of Bengal under the Regulating Act.

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

Foreign Department

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

Military Department

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

Revenue Department

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

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

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

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

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

In 1786, the old Secret Department was renamed as Secret Political Department. The Foreign Department was designated as Secret and Foreign Department. A new Secret and Military Department was set up, with Edward Ray as the

Secretary of all the three departments. The old Military Department was reconstituted in 1786 as the Military Department of Inspection and was distinct from the Secret and Military Department. With slight changes in nomenclature like dropping the words Secret in titles of Departments and creating a new Secret Department these continued after 1787.

2.4.2 Changes in the Secretariat from 1787-1808

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

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

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

- a) The Secret, Political and Foreign Departments.
- b) The Revenue and Judicial Departments.
- c) The Public Department including Commercial branch.
- d) The Military Department.

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

2.4.3 Financial and Colonial Departments

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

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

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

2.4.4 Reconstruction of Departments in 1815

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

Check Your Progress 2

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

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

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

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

- 3) Enumerate the five stages in the setting up of the Revenue Department.

- 4) reorganised the Secretariat and appointed a Secretary-General.
5) brought in the post of Chief Secretary.
6) added the Financial and Colonial Departments.

2.5 DEPARTMENTS UNDER THE GOVERNOR-GENERAL AND OTHER CIVIL DEPARTMENTS

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

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

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

2.6 THE ADMINISTRATION OF REVENUE

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

2.6.1 The Imperial Grant of the Diwani

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

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

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

2.6.2 Formation of the Board or Council of Revenue

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

2.6.3 District Administration and the District Collector

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

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

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

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

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

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

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

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

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

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

2.7 BOARD OF REVENUE

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

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

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

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

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

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

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

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

2.8 ROLE OF DIVISIONAL COMMISSIONERS

The territorial jurisdiction of the Board of Revenue was unmanageable. So in 1822, separate Boards of Revenue were reconstituted. These were the Board of Revenue

for the Lower Provinces or the Sadar Board, Board of Revenue for the Central Provinces or the Western Board.

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

Holt Mackenzie felt the solution lay in appointing local commissioners. William Butterworth Bailey improved on this arrangement by suggesting that these Commissioners of Revenue be given the duties and powers exercised by the Courts of Circuit and Superintendents of Police. Accordingly, a new plan was adopted on 1st January 1829.

Under this new regulation, all British owned land was to be divided into 20 divisions excluding the territory of Delhi which was under a separate Commissioner and stood on a slightly different footing. The Governor-General-in-Council could transfer any district from one division to another and increase or reduce the number of Commissioners according to administrative needs.

The Divisional Commissioners were to exercise the duties, powers and authority vested in the Boards of Revenue and Courts of Wards. In the exercise of their powers they were subject to the control and direction of a Sadar or Head Board of Revenue stationed at the Presidency and guided by the orders of Government.

Check Your Progress 3

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

- 1) Describe the changing functions of the Collector from 1786 to 1853.

- 2) What were the functions of the Board of Revenue?

- 3) Examine the role of Divisional Commissioners.

2.9 THE ADMINISTRATION OF CRIMINAL JUSTICE AND POLICE

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

Hastings had the following four objectives when he sought to improve criminal administration:

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

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

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

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

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

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

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

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

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

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

Administratively, police administration at the hands of the zamindars was unsound in principle. There was much exploitation and personal revenge. Politically, the thanedari system was risky because it meant continuance of small

pockets of local influence which was prejudicial to the Company's interests. Cornwallis' daroga system was hailed as an innovation which strengthened the Magistracy.

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

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

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

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

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

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

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

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

2.10 THE CIVIL SERVICE

With responsibilities of ruling territorial possessions in India, the British Governors and Councillors needed assistants in the Central offices and in districts. They also had to study the manners and customs of the people, collect necessary facts and make timely recommendations. To begin with, the men to fill this important role in public service were drawn from the ranks of writers, factors and merchants of the Company. It was not till 1769 that some of these officers were appointed supervisors over large areas and charged with responsibilities. Though most of the men did not prove equal to their tasks there were a few like John Shore, Charles Stewart, Charles Grant and Jonathan Duncan who did outstanding work. The Court of Directors continued to send every year fresh batch of writers without realising that a revolutionary change had taken place in the Company's role and functions and, therefore, better equipped men were required. None of the

Acts of Parliament between 1773 and 1793 looked into the education and training of civil servants in India.

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

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

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

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

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

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

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

In 1837, an arrangement was made for the preliminary examinations to Haileybury College. Yet it did not achieve the expected results. The men who came out to India were not of the level of competence demanded by the work. Meanwhile, opposition was developing in England against patronage since 1833, when the Company lost the last vestige of commercial monopoly. The Northcote-Trevelyan Report submitted to Parliament in 1854 suggested that patronage must give place to open competitive examination. Among those happy to promote merit system was Macaulay. Once the principle of competition was accepted, the necessary regulations had to be framed. For this an expert body was appointed of which Macaulay was Chairman. The committee recommended that candidates be between ages 18 and 23 and the examination should be in subjects of liberal study. The introduction of the competitive test meant the end of the Haileybury College.

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

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

Check Your Progress 4

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

- 1) How did Hastings improve criminal administration?

- 2) Critically evaluate Cornwallis' darogas of police.

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

2.11 LET US SUM UP

We have seen how administration in India till 1858 was in the hands of the East India Company which was a monopoly trading body. To regulate its management of Indian affairs, the British Parliament passed two major Acts, the Regulating Act and Pitt's India Act. Subsequently, Acts of 1793, 1813, 1833 and 1853 were passed by which the Company was steadily deprived of its authority and power in India and its privileges curtailed. Finally, the Act for the better Government of India, 1858 passed after the Sepoy Mutiny, brought the governance of India directly under the Crown.

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

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

2.12 KEY WORDS

- Court of Wards** : The Board of revenue, looking after matters of estates belonging to females, minors, lunatics, etc.
- Ecclesiastical Matters** : Matters relating to the Church.
- Patronage** : The practice of making appointments to the Company's Office through favour.
- Quorum** : The minimum number of members required being present in an assembly or any meeting before any business can be transacted.

2.13 REFERENCES AND FURTHER READINGS

- Aggarwala, R.N., 1962, *National Movement and Constitutional Development of India*; 4th ed., Metropolitan Book Co. (P) Ltd., Delhi
- Mahajan, V.D., 1956, *Constitutional History of India*; S. Chand and Co. (P) Ltd., New Delhi
- Mishra, B.B., 1956, *The Central Administration of the East India Company 1773-1834*; Oxford University Press, Mumbai
- Roy, N.C., 1958, *The Civil Service in India*; K.L. Mukhopadhyay, Kolkata

2.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

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

Check Your Progress 2

- 1) Your answer must include the following points:
 - Setting up of the Board of Control.
 - Powers of the Board of Control.
 - Indian Government subjected to a system of dual control.

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

Check Your Progress 3

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

- 3) See Section 2.8.

Check Your Progress 4

- 1) Your answer must include the following points:
 - Reconstitution of the criminal courts.
 - Establishment of an efficient machinery of supervision and control.
 - Offsetting the inadequacies of Muslim Criminal Law.
 - Restoration of powers to the Faujdars.
- 2) Your answer must include the following points:

Merits

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

Demerits

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

- 3) Your answer must include the following points:
 - Europeanisation of Civil Service under Cornwallis.
 - Setting up of four courts of circuit.
 - Designation of civil servants as judges of the Court of Circuit.
- 4) Your answer must include the following points:
 - Realisation of variety of functions to be performed by the civil servants as Magistrates, Judges, Ambassadors, etc.
 - Need to make them well acquainted not only with the laws, languages of people, but also about the British constitution, ethics, jurisprudence, etc.
 - Setting up of College of Fort William in Kolkata to provide training on various aspects to the civil servants.

UNIT 3 REFORMS IN BRITISH ADMINISTRATION: 1858 TO 1919

Structure

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

3.0 OBJECTIVES

After studying this Unit, you should be able to:

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

3.1 INTRODUCTION

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

3.2 THE WAR OF INDEPENDENCE AND AFTER

The outbreak of 1857, called by Dr. Pattabhi Sitaramayya as the First War of Independence, was a shock to the British government and its bureaucracy. Economic exploitation, social deprivation, and political unrest made 1857 outburst inevitable. The British rulers had to revise their policy of conquest and annexations and to adopt a cautious and calculated policy of association and cooperation.

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

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

3.3 THE INDIAN COUNCILS ACTS

3.3.1 The Need for Policy of Association

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

3.3.2 The Indian Councils Act 1861

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

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

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

3.3.3 The Indian Councils Act 1892

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

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

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

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

Check Your Progress 1

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

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

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

- 2) Explain the features of Indian Councils Act of 1861.

- 3) Explain the impact of National Movement on administrative reforms.

3.4 THE NATIONAL MOVEMENT AND ADMINISTRATIVE REFORMS

3.4.1 The National Movement and Constitutional Reforms

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

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

The Indian National movement organised itself in the Indian National Congress (1885). Initially influenced by the Western educated upper middle class, it aimed at securing reforms through peaceful and constitutional means. The British rulers also

felt that this would remove misunderstanding about the intentions of the government and would save the empire. The moderates had faith in the British sense of justice and fair play.

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

3.4.2 Demands for Administrative Reforms

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

3.5 THE MORLEY MINTO REFORMS 1909

3.5.1 The Main Provisions

The Indian Councils Act (1909) substantially increased the strength of legislative councils – the Imperial and provincial. For the Imperial, the Supreme Council, the number of additional members was raised from 16 to 60. For major provincial councils, the number was raised to 50 and for minor provinces it was fixed to 30. The additional members were both nominated and elected. The principle of election was functional representation. In the Supreme Legislative Council, the official majority was maintained by in the provincial councils, the non-officials formed the majority. The Act definitely expanded the functions of the legislative councils. These concerned discussions on the budget (The Annual Financial statement), discussion on any matter of general public interest and thirdly the power of asking questions. The Act also increased the number of Executive Councillors in the three major Presidencies – Bombay, Madras and Bengal. Indians were now appointed as members of the Secretary of States' Council (1907) and members of the Governor-Generals' Council (1909). Some other important features of the Act of 1909 included: right of separate electorate to the Muslims; the Secretary of the state for India was empowered to increase the number of the Executive Councils of Madras and Bombay from two to four; two Indians were nominated to the Council of the Secretary of state for Indian affairs; and empowering Governor-General to nominate one Indian Member to his Executive Council, etc.

3.5.2 Examination of the Reforms

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

The reforms introduced Indians to the legislative culture – developing opinions out of the interaction of different interests. This is the essence of Parliamentary institutions. The transfer of Parliamentary responsibility now became the logical next. Introduction of elections (though indirect-elections), the power of asking supplementary questions (though restricted), the right of voting on some part of the budget (the votable part), the right of moving resolution on the matters of public interest strengthened legislative practices. The non-official and elective base also was sufficiently advanced as compared to the earlier Acts. The Indian National Congress, dominated by the Moderates, said that the scheme was a 'large and liberal installment of reforms'. Morley had discussed these reform proposals with Gokhale, the liberal leader.

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

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

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

3.5.3 Pointer to Further Reforms

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

3.6 THE ADMINISTRATIVE STRUCTURE

3.6.1 Reorganisation of Departments

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

Departmental organisation not only makes administration smooth but also streamlines its processes and secures economy in its operation. In the beginning, administration was grouped under two broad segments one covering General, Foreign and Finance and the second covering Secret, Revenue and Judicial departments. In 1843, administration was divided into four departments, Military, Foreign, Home and Finance. The Home department dealt with legislation also. In 1855, a separate department of Public Works was established with the development of irrigation and railways. In the course of time three main departments were established. The Legislative Department (1869) took over the legislative work of the Home Department. Obviously, it did not initiate or originate legislation. The second department was Agriculture, Revenue and Commerce created in 1871 mainly to work as a guiding agency in the context of recurring famines. The third department was Industries and Commerce established in 1905. The Railway Board also was constituted in the same year. It was to look after the Industrial and commercial development of the country. Due to the controversy between Curzon and Kitchner over the military administration in India, the Military department was divided into two separate departments, the Army Department and the Military Supply Department. In 1911, Education department was created. The creation of departments reflects the growing volume of work attended by them.

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

3.6.2 The Civil Service

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

3.6.3 Financial Administration

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

3.6.4 Police Administration

The law and order was earlier a community function and was administered by a non-official force controlled by individual zamindars. Lord Cornwallis introduced the daroga system in 1792, replacing zamindari thanedars under the direct control of the district head and on its payroll. At the village level, village patels performed the functions, both revenue and police. With the experiment in Sindh by Sir Charles Napier, a separate self-contained expert police force came into existence. At every district there was a Superintendent who was subordinate to the District Magistrate but departmentally under the control of the Commissioner of Police. In 1860, the Government of India appointed a Police Commission. It recommended the establishment of a single homogenous force of civil constabulary. It was controlled by the Inspector General of Police. He was assisted in his work at the district level by a District Superintendent. The District Magistrate retained his judicial authority in the administration of criminal justice. The codification of penal and procedural law also was undertaken.

3.6.5 Local Administration

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

3.7 THE MONTAGUE–CHELMSFORD REFORMS 1919

3.7.1 The Preamble of the Government of India Act 1919

'It is the declared policy of the Parliament to provide for the increasing association of Indians in every branch of Indian administration and for the gradual

development of self governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the Empire'. In response to the spirit of the preamble, the Act provided complete popular control as far as possible in local government areas. There was also maximum popular representation and freedom to provincial government. This is reflected in the system of dyarchy. The Government of India was still to be responsible to the British Parliament. But Indian legislative council was enlarged and made more popularly representative. In tune with the spirit of the declaration, the control of British Parliament over the Indian Government was relaxed and that of Central Government over the provincial government was reduced. The basic contention was that where the Government of India and the Central legislature were in agreement, the Home Government would not interfere. Main features of the 1919 Act included: (a) the Council of the Secretary of state to have eight to twelve members with three Indian Members and at least one-half of them to have spent a minimum of ten years in India; (b) the Secretary of the state to follow the advice rendered by the Council; (c) the Secretary of state was not allowed to interfere in the administrative matters of the provinces concerning 'Transferred subjects'; (d) to carryout their administrative affairs, the Governors were given 'Instrument of Instructions' as a guide; (e) other than Muslims, the minorities including Sikhs, Anglo-Indians, Christians and Europeans were given right of separate electorate; etc.

3.7.2 The Central Government

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

The Legislature was broad based (the strength of the Council of States 60, and the Central Legislative Assembly 140). But its composition was faulty and powers very much restricted. The Communal representation introduced in the 1909 Act for Muslims was now extended to other communities like the Sikhs, the European thus encouraging separatist tendencies in the Indian people. The Governor General thus had too many powers and was not responsible to the Legislature.

3.7.3 Machinery of Dyarchy at the Provinces

The division of subjects into Central and Provincial (Federalism) and the further division at the provincial level between Reserved and Transferred subjects was a novel feature of the Mont-Ford Reforms. Dyarchy means double government at the provinces. The 'Reserved' subjects in charge of councillors, 'nominated' by the Governor and transferred subjects in charge of councillors – Ministers 'appointed' by him. The reserved subjects were really 'key' departments while transferred subjects were felt 'safe' even if placed in the Indian hands. The councillor in charge of reserved subject was not responsible to the Secretary of State and the

British Parliament. The ministers in charge of transferred subjects were responsible to the provincial legislature. The Governor exercised effective powers over the whole administration through the Instrument of Instruction and Executive Business Rules.

3.7.4 The Balance Sheet of Reforms

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

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

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

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

Check Your Progress 2

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

- 1) Bring out the main provisions of Morley Minto Reforms.

- 2) Explain the important features of Montague Chelmsford reforms.

- 3) What are the reasons for the failure of diarchy introduced by the Montford Act of 1919?
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3.8 LET US SUM UP

The British government was trying to reconcile between the interests of the Empire and national interests of the Indian people. The government needed the association of native people in the administration of this vast colony but also realised the potential danger in such an association. The constitutional experiments beginning with the Indian Councils Acts which tried therefore to obstruct the transfer of effective power to the Indian people by making the Governor/Governor General autocratic and the Legislative Council dominated by official element and divided in it. The reforms in effect could not satisfy the Indian people and the National Congress representing their interests moved to its goal of Purna Swaraj.

3.9 KEY WORDS

Dyarchy	: It is the two-level government introduced at the provincial level under the Montford Act of 1919. It divided the whole administration between the 'reserved' (controlled by Councillors) and 'transferred' (controlled by the Ministers) subjects.
Imperialism	: It is a system where the advanced nations (mostly Europeans) control the less advanced nations (mostly Afro-Asian) mainly for economic reasons. This is regarded as the last stage of development of a capitalistic system).
Liberals	: The group of people who dominated the Indian National Congress in its early years. They believed in constitutional reforms and had a faith in the British sense of justice.
Secretary of State for India	: It was a ministerial post in the British cabinet to look after the affairs of the Indian colony. The Government of India Act 1919, created the post of the Indian High Commissioner to assist him in his duties.
The Indian Councils Acts	: These Acts dealt with the composition, powers and functions of Legislative Councils assisting and advising the Governor General of India in legislative duties.

3.10 REFERENCES AND FURTHER READINGS

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

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

- Maheshwari, S.R., 1984, *Indian Administration*; Orient Longman, New Delhi
Mishra, B.B., 1970, *The Administrative History of India*; Oxford University Press, London
Robert, P.E., 1952, *History of British India under the Company and the Crown*; Oxford University Press, London
Thomson, Edward and Garratt, G.R., 1958, *Rise and Fulfillment of British Rule in India*; Central Book Depot, Allahabad

Reforms in British Administration:
1858 to 1919

3.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

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

Check Your Progress 2

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

UNIT 4 ADMINISTRATIVE SYSTEM UNDER 1935 ACT

Structure

- 4.0 Objectives**
 - 4.1 Introduction**
 - 4.2 Prelude to the Reforms**
 - 4.2.1 The Simon Commission (1927)**
 - 4.2.2 The Nehru Scheme**
 - 4.2.3 Response**
 - 4.3 The Government of India Act 1935**
 - 4.3.1 Main Features**
 - 4.3.2 Comments**
 - 4.4 Administrative System at the Centre**
 - 4.4.1 All India Federation**
 - 4.4.2 Failure of the All India Federation**
 - 4.5 Provincial Autonomy**
 - 4.5.1 Legislature and Executive at the Provinces**
 - 4.5.2 The Working of Provincial Autonomy**
 - 4.5.3 The Gains**
 - 4.6 The Administrative Structure**
 - 4.6.1 Organisation of Departments**
 - 4.6.2 The Public Service**
 - 4.6.3 Administration of Finance**
 - 4.6.4 Administration of Justice**
 - 4.6.5 Local Administration**
 - 4.7 Towards the New Constitution**
 - 4.7.1 The Deadlock**
 - 4.7.2 The Process of Change**
 - 4.7.3 The Legacy of British Rule**
 - 4.8 Let Us Sum Up**
 - 4.9 Key Words**
 - 4.10 References and Further Readings**
 - 4.11 Answers to Check Your Progress Exercises**
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4.0 OBJECTIVES

After studying this Unit, you should be able to:

- Explain the prelude to the Government of India Act 1935;
 - Discuss the features of the Government of India Act 1935; and
 - Understand the administrative structure under the Government of India Act 1935.
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4.1 INTRODUCTION

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

4.2 PRELUDE TO THE REFORMS

4.2.1 The Simon Commission (1927)

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

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

4.2.2 The Nehru Scheme

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

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

4.2.3 Response

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

Congress also was not happy with the goal of dominion status as recommended by the Nehru Report. Obviously, the Report had favoured Dominion status not as an ultimate goal but the next immediate step in constitutional reforms. The Simon Commission's recommendations were discussed in three Round Table Conference 1930–1931–1932. The first Round Table Conference was a failure of

Gandhi's Civil Disobedience Movement. The second met when sympathetic labour party was voted out of power in Britain. The Third worked in the shadow of the Communal Award of MacDonald (August 1932) which accorded separate electorates on communal basis thereby perpetuating communal tensions and encouraging separatist tendencies. The Poona Pact (September 1932) between Mahatma Gandhi and B.R. Ambedkar modified the provisions of the Communal Award with respect to the depressed classes. Ambedkar agreed to joint electorates and in exchange got more representation. The Third Round table finalised the sub-committee recommendations. The three conferences collectively shaped the most important constitutional reforms in the Indian history – the Government of India Act 1935.

4.3 THE GOVERNMENT OF INDIA ACT 1935

4.3.1 Main Features

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

4.3.2 Comments

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

4.4 ADMINISTRATIVE SYSTEM AT THE CENTRE

4.4.1 All India Federation

The Act proposed a federation of British provinces and Princely States in India. The Princely States had an option to join the Federation and the nature of relationship would differ from state to state according to the Instrument of Accession. But the Instrument of Accession once extended would be irrevocable. The Act provided a bicameral legislature – the Lower House elected directly and the Upper House with a composite representation to princely states and affluent classes. The Act also gave more powers to the Upper House (The Council of States) – that of voting grants and making ministers responsible to the Council too. The subjects allotted to the Federal Provincial governments were detailed in the Three list system. Muslim representatives wanted the United States of America model with strong provincial governments. The Liberals favoured the Canadian model with strong Centre by keeping with it the residuary powers. At the Round Tables, Lord Sankey, the Chairman of the Federal Structure Committee, therefore, suggested the model of three list system detailing powers of both the Centre and the provincial governments and doing it exhaustively so as to leave very little powers in the residuary area. The subjects of common interest for the whole

country and which demanded a uniform treatment were covered by the Federal list. These included 59 items. Subjects primarily of provincial interests and where no uniform treatment was necessary were put in the provincial list. This contained 54 items. A third list covered subjects primarily of provincial interests where uniform action was or would be desirable. These numbered 36. Residuary powers to accommodate future needs were vested in the hands of the Governor-General. The Act provided a Federal Court to interpret the provisions and to decide over inter-province disputes. The principle of Dyarchy, that is, dividing governmental administration into reserved and transferred subjects and treating them differentially, was introduced at the Centre. The Act thus proposed a Federal form of government for India and for the first time tried to bring British provinces and Indian States under one common constitution. It carried the essential features of Federation – a written constitution, division of subjects between federal and provincial governments and thirdly, a Federal Court to interpret the provisions of the Constitution. The Act not only pointed out the direction of our constitutional development but also greatly influenced our constitution making in independent India.

4.4.2 Failure of the All India Federation

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

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

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

The Act could have developed some healthy conventions and certain powers given to executive been accepted as natural if the executive would have been responsible to the legislature and the legislature supreme, in its field. Both these aspects were missing. Atlee called, therefore, the keynote of act as ‘mistrust and distrust’. The

line of thinking now changed and Congress felt that the struggle for self-government could not further be carried within a constitutional frame but need to be carried on a mass base. This indicated the full decline of the liberals and the endorsement of Mahatma Gandhi's mass agitational movements. The logic of Quit India thus becomes clear.

Check Your Progress 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 recommendations of Simon Commission?

- 2) What are the features of Nehru Scheme?

- 3) What are the features of Government of India Act, 1935?

4.5 PROVINCIAL AUTONOMY

4.5.1 Legislature and Executive at the Provinces

The 1935 Act discontinued the application of dyarchy introduced at the provincial level under the Act of 1919 as the experiment failed miserably. The distinction between transferred and reserved subjects was removed and the whole administration was entrusted with the ministers responsible to the legislature. The provinces were given a separate legal status, specified subjects to operate according to the three-list system and provided a federal relationship with the Centre. But the All India Federation did not materialise and the powers given to the provinces became delegated authority under the devolution rules of the 1919 Act. Significantly, the Joint Parliamentary Committee report stated that each province will possess executive mechanism and legislature. It meant duality of power in ministers and the Governor at the provincial level. The special powers of the Governor and overriding legislative and executive functions of the Governor

General show that the legal meaning to these phrases had significance in practice. The Governor-General was the final authority in case of conflict between the Centre and provinces over the concurrent list. Many Bills in the provincial legislature needed prior approval of the Governor-General. The executive authority of the provincial government was restricted. The Governor-General could give direction, issue instructions to the Governor regarding the manner in which executive authority could be exercised in certain matters. Also in all matters where the Governor acted in his discretion or in his individual judgement, he was bound by the instructions of the Governor-General. On the face of it, many of these provisions would be formal and natural in the context of the formation of a federal state from the otherwise unitary administration. Restrictions of similar nature have found place in our present constitution too. Centre-State relations are more political than administrative. As it would have it, the 1935 Act put these powers in the executives who were politically not responsible to the elected legislature. Governor's power of acting in his discretion and in individual judgement to discharge his special responsibilities was very comprehensive. He had special powers with regard to Police Department and Services besides the power of making ordinances. Further the powers under 'Governor's Act' were more drastic than the power of certification given to him under the 1919 Act. Here he could bypass the legislature. The legislatures were broad based and elections direct. But the principle of communal representation was extended to promote new classes. Voting qualifications were minimum level of literacy and other Monetary-qualifications like payment of income tax, etc. The voters thus constituted hardly 27 per cent of the adult population of British India. It was an advance over the 1919 Act, but it was too short of adult franchise which would make democracy broad based. The legislative and financial powers too were restricted because of the ordinary and extraordinary powers of the Governor.

4.5.2 The Working of Provincial Autonomy

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

4.5.3 The Gains

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

Check Your Progress 2

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

- 1) What are the reasons for the failure of All India Federation proposed in the Act of 1935?
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- 2) Elaborate the gains of provincial autonomy.
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4.6 THE ADMINISTRATIVE STRUCTURE

4.6.1 Organisation of Departments

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

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

4.6.2 The Public Service

The 1935 Act classified services as superior and other services. The Indian Civil Service, Indian Police and Indian Medical (Civil) Services were classified as superior services and controlled by the Secretary of State. These continued to enjoy special rights and privileges. No adverse order against a member of the superior

service could be passed without concurrence of the Governor. They had right to appeal to the Secretary of State against an adverse order.) The 1919 Act had recommended for the establishment of the Federal Public Service Commission and through it, Indianisation of Services was realised. The profile of service that developed was that of a generalist associated with the formulation of policies and their implementation. As a whole Public Service retained an All India character.

4.6.3 Administration of Finance

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

4.6.4 Administration of Justice

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

4.6.5 Local Administration

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

4.7 TOWARDS THE NEW CONSTITUTION

4.7.1 The Deadlock

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

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

4.7.2 The Process of Change

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

4.7.3 The Legacy of British Rule

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

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

The All India services, especially the Indian Administrative Service and the Indian Police Service strengthen integration. It gives an All India character to

governmental personnel and provides a steel frame to the administrative machinery. The structure of these services, their built and shape, their manner of functioning, inter-service and intra service relations and the ethos has influenced not only governmental functioning but governmental thinking too not only of the government but also of people at large.

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

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

Check Your Progress 3

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

- 1) Explain the features of administration of Finance.

- 2) Bring out the significance of British legacy in India.

4.8 LET US SUM UP

The Montford Reforms gave a responsive autocracy at the Centre and a truncated government at the provinces in the form of dyarchy. Its failure was confirmed and the Round Table Conferences indicated the nature of the new constitutional reforms. The 1935 Act, as it was ultimately drafted through these conferences, proposed an All India Federation at the Centre and provincial autonomy at the provinces. The All India Federation could not be formulated as it needed

acceptance by a requisite number of Princely States before coming into force. Provisions regarding provincial governments were implemented. Provincial autonomy was a success in its operations as well as in bringing out its limitations. The Act of 1935 as a whole, however, was important. It not only acted as an interim constitution but also provided a basis for the constitution of Free India. The Acts along with earlier constitutional reforms gave direction to the process of change as well as influenced its contents. It is this aspect which provided continuity in change.

4.9 KEY WORDS

- Bicameral Legislature** : Legislature with two Houses. Normally the lower house is broad based and representative and is politically more important. The Upper House has special significance in a federal form of government.
- Civil Disobedience Movement** : One of the nationwide movements launched by Mahatma Gandhi in 1930 expressing his techniques of Satyagraha. It covered voluntary withdrawal of association with British Government including non-payment of taxes.
- Independence of Judiciary** : Provisions keeping judiciary away from the executive influence. It gives them security of tenure and freedom in the administration of justice. This independence is an indicator of democracy.
- Three List System** : This is the detailed division of subjects between the Central and Provincial governments. Subjects were divided into three types – Federal, Provincial and Concurrent. The subjects which were of common interest for the whole country were covered under the Federal list. Subjects which were primarily of provincial interests were put in the provincial list. The rest of the subjects where uniform action was or would be desirable were put under Concurrent list.

4.10 REFERENCES AND FURTHER READINGS

- Aggarwala, R.N., 1964, *National Movement and Constitutional Development of India*; S. Chand & Co. (P) Ltd., New Delhi
- Johari, J.C., 1977, *Indian Government and Politics*; Vishal Publications, Delhi
- Maheshwari, S.R., 1984, *Indian Administration*; Orient Longman, New Delhi
- Mishra, B.B., 1970, *The Administrative History of India*; Oxford University Press, London
- Robert, P.E., 1952, *History of British India under the Company and the Crown*; Oxford University Press, London
- Thomson, Edward and Garratt, G.R., 1958, *Rise and Fulfillment of British Rule in India*; Central Book Depot, Allahabad

4.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

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

Check Your Progress 2

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

Check Your Progress 3

- 1) Your answer must include the following points:
 - Sources of income for provinces and Centre.
 - Key role of the Auditor General of India.
 - Financial control exercised over expenditure by the Public Accounts Committee.
 - Establishment of the Reserve Bank of India.
- 2) Your answer must include the following points:
 - Inheritance of governmental machinery as developed by the British.
 - Awareness of importance of government, which is to be strong and

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- Framework of District Administration headed by a generalist.
- All India Services.
- Independence of judiciary, judicial structure, regard for its values.

UNIT 5 CONTINUITY AND CHANGE IN INDIAN ADMINISTRATION: POST 1947

Structure

- 5.0 Objectives
 - 5.1 Introduction
 - 5.2 Continuity in Indian Administration
 - 5.3 Departmental Organisations
 - 5.4 The Public Services: Structure
 - 5.5 Public Service Commissions
 - 5.6 Development and Welfare Content of Administration
 - 5.7 Administrative Implications of Federalism
 - 5.8 Political Involvement and Popular Participation in Administration
 - 5.9 Let Us Sum Up
 - 5.10 Key Words
 - 5.11 References and Further Readings
 - 5.12 Answers to Check-Your Progress Exercises
-

5.0 OBJECTIVES

After studying this Unit, you should be able to:

- Understand the continuity and change in Indian Administration after Independence;
 - Explain the structure of public services on the comparative backdrop of the British administration in India; and
 - Highlight the main directions of Indian administration in post-1947 India.
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5.1 INTRODUCTION

This Unit analyses the salient features of Indian administration after independence on the comparative backdrop of the conditions obtained under the British rule. The organisation of the various departments and ministries in independent India is dealt with reference to the departments that existed before Independence.

The growth of the public services in the aspects of structure and Public Service Commissions is delineated thereafter.

The main directions of the welfare content of the Indian administration and of the economic development that has taken place are indicated in the next section. This is done in the follow-up of the Constitutional directives.

The main features of the federalism in regard to the administration are depicted later and finally, the phenomena of political involvement and popular participation are examined.

5.2 CONTINUITY IN INDIAN ADMINISTRATION

There has been continuity in the Indian Administration after 1947 from the pattern that existed before independence. At the same time the political background and the psychological atmosphere and the objectives of administration have changed completely after independence.

The most important reason for this continuity was the sudden and peaceful transfer of power from the British rulers to the Indian people. Another reason

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

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

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

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

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

5.3 DEPARTMENTAL ORGANISATIONS

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

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

From five departments in 1858, at the transfer of the government in India from the charge of the East India Company to the control of the British Parliament (actually

handled by British Government), to eighteen in 1947 indicated an enormous increase in the administrative activity. These nine decades of the British rule witnessed the beginning of the elementary social services like primary education, health and medicine, agricultural research, fiscal incentives for industries, etc. Legislative activity had commenced. The two World Wars introduced price and physical controls over the essential supplies including food, cloth, petrol and kerosene, etc., besides growth in armed services, war industries and supplies. In 1921, the number of departments stood at nine, which were increased to twelve in 1937. After 1919 the main administrative activities in agriculture, education, health, and labour were conducted by the provincial governments, due to decentralisation under the 1919 and 1935 Government of India Acts.

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

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

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

Usually, the ministries at the central level will be having one or more departments, depending on the need for specialisation. For instance, the Ministry of Personnel, Public Grievances and Pension, as the name suggests, has three departments. The number of Ministries and their constituent departments go on increasing on both political and administrative grounds. Need to accommodate many ministries leads to proliferation of Ministries and Departments. Also, specialization asks for creation of new ministries and departments. Science and technology, Atomic Energy, Non-Conventional Energy are such instances of new needs. In short terms, the Ministry of Social Justice and Empowerment exemplifies the need for new administrative set up to deal with social justice and empowerment. The new economic activities undertaken by the Union Government are reflected in the departments of coal, power and non-conventional energy sources in the Ministry of Energy, departments of chemicals and petrochemicals, industrial development and public enterprises in the Ministry of Industry, departments of planning and statistics in the Ministry of Planning, and Ministries of Petroleum and Natural Gas, Programme Implementation and Steel and Mines. Nationalised banks are looked after by the Finance Ministry. Concerns for the development of Science and Technology are imbibed by the Ministries of Science and Technology and Department of Atomic Energy, Electronics and Space. The electronic media and the computers have brought about a change in methods of information, storage and retrieval, and communication. The forum of Parliament and State legislatures have brought in the Ministry of Parliamentary Affairs and increased the work of the Ministry of Law and Justice. The tremendous growth in the strength of personnel

Historical Context

in administration has led to the creation of the new Ministry of Personnel, Public Grievances and Pension. The new Departments of Family Welfare, Youth Affairs and Sports and Women and Child Development mark the compulsions of a social awakening among the families, youth and women and the awareness of social responsibilities towards them, after independence. The Planning Commission, though not a department in the strict sense of the term, belongs to that species.

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

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

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

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

Check Your Progress 1

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

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

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

- 3) What are the new departmental activities undertaken by the Central Government?
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5.4 THE PUBLIC SERVICES: STRUCTURE

The post-independence administration in India was fairly stable due to the continued tenures of the public services which were in office before independence. The Indian Civil Service and the Indian Police Service were the two All India Services that helped the country to hold together. The other All India Services included the medical, engineering, forest, educational and others.

The Indian Civil Services was the most pivotal and prized of these services. Its members occupied positions in the executive councils of the Governor General of India and the provincial Governors. Most of the posts of Secretaries to the departments in the Central and provincial governments and of heads of executive departments were held by them. ICS men were district collectors and magistrates/deputy commissioners. Before independence, the officers of the ICS and other All India Services were appointed by the Secretary of State for India. After independence, under the India Independence Act, 1947, the ICS and other officers in All India Services, who continued in office, became officers in the service of the Government of India. At independence about two hundred and fifty European ICS officers retired, while about fifty of them opted to be in office here. Vallabhbhai Patel, India's Home Minister realised the dire need of the Indian members of the ICS continuing in service here after 1947. He assured to honour the existing terms and security of their tenure. They did contribute to the stability and continuity of the Indian administration.

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

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

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

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

The new public services share, to a long extent, the attributes of political impartiality, selection on merit and integrity like in the ICS and other services before independence. The public services in free India are committed to the objectives of the Constitution.

The local bodies and cooperatives have their own personnel.

5.5 PUBLIC SERVICE COMMISSIONS

To ensure impartial selection of meritorious civil servants, a Public Service Commission in India was established in 1926 with the Chairman and four members. This (Central) Public Service Commission was vested with two functions in the main, recruitment to All India and Central Services, and screening of disciplinary cases. It was also to advise in the matters of standards of qualification and methods of examination for the civil services, so far as recruitment in India was concerned. The Commission was redesignated as the Federal Public Service Commission in the 1935 Act.

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

The Chairman and members of these Commissions are appointed by the President in the cases of the Union Commission and by the Governor in the case of a State Commission (obviously in consultation with the council of ministers). Nearly one-

an office in the government. A short term of six years for Chairman or members and the age limit of sixty five years for UPSC and sixty two years for State Commission, so also bar of further government appointment to them, prevents them from being vested interests.

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

Check Your Progress 2

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

- 1) What are the characteristics distinguishing the IAS from ICS?

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

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

5.6 DEVELOPMENT AND WELFARE CONTENT OF ADMINISTRATION

After Independence, the welfare and development content of the administration has become very prominent. It might be said that this content is predominant over the law and order and regulatory content. It does not mean that during the British rule the development and welfare aspect did not exist at all. It was there, but it was subordinate to the chief motivation of the foreigners to rule over this country and its people. Railways, posts and telegraph, highways, canals, ports, banking and insurance, capital cities, were set up; a foundation was laid for the future development of the country's economy. Scientific, technical and liberal education

at primary, secondary and University levels began. Health and medical facilities at an elementary level were started. Agricultural research was commenced. After the First World War, fiscal incentives were given for industrial development through individual initiative. But the Public Administration under the British was not deeply involved in the development of the country and welfare of the people.

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

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

Rapid all round industrial development posed a challenge to the administration in free India. To attain industrial self-sufficiency, basic and heavy industries like steel, machine-building, heavy electrical machinery, extraction and processing of minerals were established. The execution of the Industrial Policy Resolution of 1948 and 1956 required industrial development through the growth of public sector as the private sector did not possess the requisite capital and technical personnel. The administration and management of the public sector industries and business called for the recruitment and training of the managerial and technical personnel in the public enterprises. The realisation of the targets set before the public enterprises depended upon the efficiency, skills, innovation and hard work of the directing, managerial and administrative personnel of the public enterprises. Operating various physical and financial controls over the industry, trade and business necessitated by the planning also created special responsibilities for the administration. Currently however, the government

policy towards industrialization and the public enterprises is changing. The preference, since the 1990s has been for a larger side of the private sector and gradual 'divestment' of government shares in public enterprises. Loss-making enterprises are slowly being closed down or privatized.

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

The welfare of the women, the scheduled castes and tribes and other backward sections had also to be advanced on the part of the administration in terms of the Directive Principles and also Fundamental Rights mentioned in the Constitution. Not that the achievements of the administration in regard to the above tasks were uniformly satisfactory in different regions or different functions, but the administration of free India has been engaged in the performance of these tasks, in response to the new social demands after independence.

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

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

5.7 ADMINISTRATIVE IMPLICATIONS OF FEDERALISM

Federalism integrates a nation by distributing governmental functions and powers between the federal, that is, the Central and the constituent State governments.

The Constitution of India has introduced a federal political system. Before 1947, a federation was to be set up under the Government of India Act, 1935. But it was not due to the opposition of most of the princely states. But, for all practical purposes, due to the provincial autonomy and the (elected) ministers' rule in the provinces under the 1935 Act, the provinces experienced the federal reality. The princely states, with few exceptions were, however, princely autocracies, handling all domestic subjects. Treaties existed between a few princes and the British government, but the latter could find excuses to interfere in the former's administration, even to change a ruler. Defence and foreign affairs were the prerogative powers of the Suzerain British government. It could, therefore, be said that the federal principle was absent even in the relations between the British government and the princely States.

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

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

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

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

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

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

Governors and heads of the State governments are appointed by the President of India. They are, for all practical purposes, formal heads. But in times when the

Constitutional provisions do not work, on Governor's report or otherwise, the President's rule comes into operation. Such situations arise when the political party in power loses majority support in the State legislative assembly. In normal times the Governor acts on the advice of the Council of Ministers led by the Chief Minister.

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

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

Check Your Progress 4

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

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

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

- 2) Enumerate the matters within the competence of State Administration.

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- 3) Cite the matters in the Concurrent list.

- 4) Give examples of areas in which consultations between the union and the state administration are held.
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5.8 POLITICAL INVOLVEMENT AND POPULAR PARTICIPATION IN ADMINISTRATION

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

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

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

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

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

Popular participation in administrative processes has assumed prominent proportions after Independence. Before independence, it was confined to the rôle of the popular representatives in the local self-governing bodies. After Independence, specifically from the late fifties, panchayati raj has been the most significant channel of the participation of the rural people in the rural development administration. Community development was the earlier phase of this popular participation. But it was dominated by the officials, so it could not evoke adequate participation of villagers in rural development. So, panchayati raj was introduced in late fifties by a few State governments, like Rajasthan, Andhra, Maharashtra and Gujarat. But its progress was uneven in other States. Lately, West Bengal, Tripura, Andhra Pradesh and Karnataka introduced progressive measures relating to the panchayati raj. The 73rd constitutional amendment has given a further boost to popular participation in rural areas. Much still needs to be done to make it more meaningful and beneficial in terms of increasing agricultural production and improving the standard of life of the rural people. Cooperatives are another channel of popular participation in development.

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

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

Check Your Progress 5

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

- 1) Name a few lobbies or pressure and interest groups that have been working since Independence.
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- 2) How do the people ventilate their demands and grievances at the district level and below? What kinds of demands and grievances do they air?

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

- 4) What role can the voluntary organisations play in the development process?

5.9 LET US SUM UP

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

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

Various new public services have been constituted in free India. The Indian ICS incumbents continued in office, but as a service it was replaced by the IAS. The Indian Police Service and the Indian Forest Service were the other two All-India Services constituted after 1947. Besides, the Central Services man the departments of the Union government. The States have also their own services including the generalist one and those serving various functional departments like agriculture, education, cooperation. Local bodies have their own personnel, so also the cooperatives. Public Service Commissions have been set up to ensure recruitment of personnel on merit and to advice on disciplinary cases, on

transfers and promotions. Chairman and members of these bodies have a fixed short term and are prevented from having any government appointment after the completion of the term in the commission.

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

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

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

5.10 KEY WORDS

- Devolution of Power** : A transfer of authority from a central government to regional governments.
- Pressure Group** : A group of people who seek to exert pressure on legislators, public opinion, etc. in order to promote their own ideas or welfare.
- Suzerain** : A state or sovereign exercising some degree of dominion over a dependent state.

5.11 REFERENCES AND FURTHER READINGS

Basu, D.D. 1998, *Constitutional Law of India*; Prentice Hall of India Pvt. Ltd., New Delhi

Chanda, A. 1968, *Indian Administration*; George Allen and Unwin Ltd., London

Divekar, V.D., 1978, *The Planning Process in India Polity*; Popular Prakashan, Mumbai

Gopal, S. 1979, 1984, *Jawahar Lal Nehru: A Biography*, Volumes 2 and 3; Oxford University Press, Delhi

Jain, R.B. (ed.) October 1983, *Public Services in a Democratic Context*; I.I.P.A., New Delhi

Muttalib, M.A., 1967, *Union Public Service Commission*; I.I.P.A., New Delhi

Prasad, Bishwanath, 1968, *The Indian Administrative Services*; S.Chand and Co., New Delhi

5.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

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

Check Your Progress 2

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

Check Your Progress 3

- 1) Your answer must include the following points:
 - Directive principles are contained in part IV of the Constitution.
 - Nature of Directive Principles; goals underlying the Directives.
- 2) Your answer must include the following points:
 - Walls of illiteracy and bias in rural areas have to be broken.
 - Technical tools, economic means and inputs have to be provided to the farmers.
 - Invo
 - lvement of the rural people.

Check Your Progress 4

- 1) See Section 5.7.
- 2) See Section 5.7.

3) See Section 5.7.

4) See Section 5.7.

Check Your Progress 5

1) See Section 5.8.

2) Your answer must include the following points:

- People visit the district collector and other officers at the district level with their grievances.
- People put up their demands during the tours of the ministers.
- Political parties take up the cause of people.
- Role of Government cooperatives and banks.
- Opposition organise demonstrations.
- Kinds of demands like proper supply of irrigation water, drinking water, slums improvement, etc.

3) Your answer must include the following points:

- Role of Panchayati Raj.
- Role of Cooperatives.
- Municipal government as a mode of popular participation.
- Functions of voluntary organisations.

4) See Section 5.8.

UNIT 6 CONSTITUTIONAL FRAMEWORK

Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Basic Features
- 6.3 Powers of Central Government
- 6.4 Role of Council of Ministers
- 6.5 Constitutional Authorities and Commissions
 - 6.5.1 Comptroller and Auditor General of India
 - 6.5.2 Attorney-General of India
 - 6.5.3 The Special Officer for Linguistic Minorities
- 6.6 Constitutional Commissions
 - 6.6.1 Finance Commission
 - 6.6.5 Election Commission
 - 6.6.6 Official Language Commission
 - 6.6.7 Union Public Service Commission
 - 6.6.8 National Commission for Scheduled Castes
 - 6.6.9 National Commission for Scheduled Tribes
- 6.7 Let Us Sum Up
- 6.8 Key Words
- 6.9 References and Further Readings
- 6.10 Answers to Check Your Progress Exercises

6.0 OBJECTIVES

After studying this Unit you should be able to:

- Understand the constitutional framework of India;
- Throw light on the basic features of our Constitution;
- Discuss the powers are distributed between the Central Government and State Governments; and
- Analyse the role of Council of Ministers, various constitutional authorities and constitutional commissions.

6.1 INTRODUCTION

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

6.2 BASIC FEATURES

Written Constitution

Constitution can be of two types, written or unwritten. Unwritten constitutions are those where most of the provisions are not laid down in a codified manner, but are based on the conventions and traditions of the land, e.g., Britain has an unwritten

constitution. On the other hand, the written constitutions are those where most of the provisions of the constitution are laid down very clearly in black and white, e.g., Constitution of the United States of America is a written constitution.

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

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

Value Premises

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

“We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity, and to promote among them all;

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;

In our constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this constitution.”

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

Parliamentary Democracy

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

Federalism

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

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

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

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

Fundamental Rights

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

Directive Principles of State Policy

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

Fundamental Duties

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

Unique Combination of Rigidity and Flexibility

In a federal system the Constitution is generally rigid. The rigidity of the

Constitution depends upon two factors. First, it depends on the degree of difficulty in the amending process. Secondly, it depends upon the content of the Constitution.

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

The flexibility of the Constitution can also be seen from the fact that in fifty one years, the Constitution has already been amended eight five times.

Independence of Judiciary

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

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

The Supreme Court performs three important functions.

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

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

A unique feature of our constitution is that constitutional status has been accorded to the local government as a third stratum of government. By the 73rd Constitution Amendment Act, 1992 Panchayats in the rural areas, and by the 74th Constitution Amendment Act, 1992 three types of Municipalities in the urban areas have been introduced. It will be discussed in detail in Block 4.

Another important feature of the constitution is that there is a special chapter dealing with civil services. This indicates a prominent place attached to services. The framers of the constitution constitute an independent body like Public Service

Commission for the recruitment of civil servants. They went further and made certain special provisions (Article 311) dealing with the protection of the civil servants. This is foreign to other constitutions.

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 Constitution makers framed the chapter on Fundamental Rights upon the model of:
 - a) British Constitution
 - b) American Constitution
 - c) Canadian Constitution
 - d) French Constitution
- 2) Why is the Constitution of India so lengthy?

- 3) What does Parliamentary Democracy mean?

- 4) What are the essential features of a Federal System?

- 5) What does judicial review mean?

6.3 POWERS OF CENTRAL GOVERNMENT

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

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

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

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

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

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

6.4 ROLE OF COUNCIL OF MINISTERS

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

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

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

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

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

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

6.5 CONSTITUTIONAL AUTHORITIES AND COMMISSIONS

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

- 1) The Comptroller and Auditor General of India (Articles 148-151).
- 2) The Election Commission (Article 324).
- 3) The Union Public Service Commission (Article 315-323).
- 4) The Attorney-General for India (Article 76).
- 5) The Special Officer for Linguistic Minorities (Article 350 B).
- 6) The Finance Commission (Article 280-281).
- 7) The Official Language Commission (Article 344).
- 8) The Committee of Parliament to Examine the Report of the Language Commission [Article 344(4)].
- 9) The State Public Service Commission (Articles 315-323).
- 10) The Advocate-General for the State (Article 165).
- 11) Administrative Tribunals (Article 323 A).
- 12) National Commission for Schedule Castes (Article 338).
- 13) National Commission for Scheduled Tribes (Article 338 A).

Constitutional Authorities

6.5.1 Comptroller and Auditor-General of India

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

The CAG is not given re-employment under the State after his retirement. This ensures his independent functioning. His salary, allowances and pension are not

subjected to vote of Parliament; these are charged upon the Consolidated Fund of India. The Constitution does not define the terms and conditions of his service and his duties and powers. It is the Parliament that defines them.

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

6.5.2 The Attorney-General of India

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

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

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

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

6.5.3 The Special Officer for Linguistic Minorities

The Special Officer for Linguistic Minorities is appointed by the President to investigate matters relating to the safeguards provided for linguistic minorities under the Constitution and reports to the President upon those matters. His report is laid before Parliament. The Constitution did not originally provide for this functionary; this came into being when article 350 B was inserted in the Constitution in 1956 (at the time of reorganisation of States).

Check Your Progress 2

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

- 1) How many entries are there in the State List?

2) What does collective responsibility mean?

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

4) What are the duties of Attorney-General of India?

6.6 CONSTITUTIONAL COMMISSIONS

6.6.1 Finance Commission

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

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

Similarly in every state there is a State Finance Commission created by the 73rd and 74th Constitution Amendment to review the financial position of the local government and make certain recommendations to the Governor. It has been discussed in the Block dealing with Local Government.

6.6.2 Election Commission

For conducting free and fair elections, an impartial and independent agency for conducting elections is needed. For this purpose, Constitution has set up the Election Commission. The Election Commission has to supervise the entire procedure and machinery for election.

The Election Commission consists of a Chief Election Commissioner and the Constitution provides for other commissioners in the Commission as President may fix from time to time. To begin with the Election Commission consisted of the Chief Election Commissioner who were appointed by the President. The Chief Election Commissioner is also appointed by the President. After the ninth Lok Sabha Elections the Election Commission again became a single-member Commission. Election Commission has again been converted into a multi-member body with the appointment of two Election Commissioners in 1993. This is now a present arrangement. The Chief Election Commissioner and the Election Commissioners have equal say in the decision-making of the body. In order to ensure the independence of the Chief Election Commissioner, two provisions have been made:

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

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

Similarly in every state there is a State Election Commission created by the 73rd and 74th Constitution Amendment for the conduct of all elections to the Panchayats and Municipal bodies. The State Election Commissioner is appointed by the Governor. It will be discussed in the Block dealing with the Local Government.

6.6.3 Official Language Commission

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

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

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

6.6.4 Union Public Service Commission

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

The UPSC is consulted by the Central Government on:

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

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

6.6.5 National Commission for Scheduled Castes

The 89th Constitution Amendment Act 2003, provided for the constitution of National Commission for Scheduled Castes. The Commission shall consist of a Chairperson, Vice-Chairperson and three other Members. The President determines the condition of service, the tenure of the office of the Chairperson, Vice-Chairperson and other Members from time to time. The President will appoint them by warrant and under his hand and seal. The duty of the Commission are as follows:

- 1) The Commission shall have the power to regulate its own procedure.
- 2) It shall be the duty of the Commission –
 - a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
 - b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;

- c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
 - d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
 - f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by the rule specify.
- 3) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.
 - 4) Where any such report, of any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.
 - 5) The Commission shall while investigating any matter referred to in such clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (2), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-
 - a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - b) requiring the discovery and production of any document;
 - c) receiving evidence on affidavits;
 - d) requisitioning any public or copy thereof from any court or office;
 - e) issuing commissions for the examination of witnesses and documents;
 - f) any other matter which the President may, by rule, determine.
 - 6) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.

6.6.6 National Commission for Scheduled Tribes

The 89th Constitution Amendment Act 2003, provided for the constitution of National Commission for Scheduled Tribes. The Commission shall consist of a Chairperson, Vice-Chairperson and three other Members. The President determines the condition of service, the tenure of the office of the Chairperson, Vice-Chairperson and other Members from time to time. The President will appoint them by warrant and under his hand and seal. The duty of the Commission are as follows:

- 1) The Commission shall have the power to regulate its own procedure.
- 2) It shall be the duty of the Commission –
 - a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

- b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
 - c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
 - d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
 - f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by the rule specify.
- 3) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.
- 4) Where any such report, of any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.
- 5) The Commission shall while investigating any matter referred to in such-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (2), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-
- a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - b) requiring the discovery and production of any document;
 - c) receiving evidence on affidavits;
 - d) requisitioning any public or copy thereof from any court or office;
 - e) issuing commissions for the examination of witnesses and documents;
 - f) any other matter which the President may, by rule, determine.
- 6) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

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 functions of a Finance Commission?
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- 2) Discuss the role of Official Language Commission in India.
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- 3) What is the main function of Chief Election Commissioner?
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-

6.7 LET US SUM UP

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

6.8 KEY WORDS

Impeachment Procedure : It is one of the ways of removal of the President of India, the judges of the Supreme Court, Comptroller and Auditor General of India and the Chief Election Commissioner. According to this procedure, a resolution containing the proposal is moved after a 14-day notice in writing signed by not less than $1/4^{\text{th}}$ of the total number of members of either house of Parliament and passed by $2/3^{\text{rd}}$ of the total membership of the House.

Ratification

: To give formal approval or consent.

Residual Powers

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

Right to Secede

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

6.9 REFERENCES AND FURTHER READINGS

Basu, D.D., 1993, *Introduction to the Constitution of India*; Prentice Hall of India Pvt. Ltd., New Delhi

Kapur, A.C., 1970, *Selection Constitutions*; S. Chand and Co. Ltd., New Delhi

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

Pyle, M.V., 1997, (6th ed.), *Constitutional Government in India*; S. Chand & Co. Ltd., New Delhi

6.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

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

5) See Sub-Section 6.2.5.

Check Your Progress 2

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

Check Your Progress 3

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

UNIT 7 CENTRAL SECRETARIAT: ORGANISATION AND FUNCTIONS

Structure

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

After studying this Unit you should be able to:

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

7.1 INTRODUCTION

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

7.2 EVOLUTION OF CENTRAL SECRETARIAT

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

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

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

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

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

The Government of India was still struggling with the post-war problems of demobilisation and reconstruction, when Independence came, accompanied by the partition of the country. At its very inception, therefore, the new government found itself faced with tremendous problems like rehabilitation of refugees from Pakistan, external aggression in Jammu and Kashmir, integration of princely states into the Indian Union, internal security, shortage of essential articles, at a time when there occurred serious shortage of personnel due to the British Officers returning home and many Muslim officers opting for Pakistan. Soon after, the adoption of the goal of a welfare state made unprecedented demands on the already over burdened administrative machinery. At the same time, the Industrial Policy Resolution of 1948 started the process of a vast expansion of the public sector. The inevitable consequence of such a vast expansion, in the functions and responsibilities of the government was a marked increase in the number of departments, and personnel. Thus, the number of departments in the secretariat, which stood at four in 1858, (9 in 1919, 10 in 1939, 18 in 1947) had risen to 74 by 1994. Correspondingly has also multiplied.

7.2.1 Meaning

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

7.2.2 Role

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

functions as the main channel of communication between the Government and other concerned agencies like the Planning Commission, Finance Commission, etc. And lastly, the Secretariat also ensures that field offices execute, with efficiency and economy, the policies and decisions of the Government.

7.3. FUNCTIONS OF CENTRAL SECRETARIAT

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

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

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

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

Check Your Progress 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 role and objectives of the Central Secretariat?

- 2) What are the functions generally performed by the Central Secretariat?

7.4 STRUCTURE OF SECRETARIAT

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

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

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

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

7.4.1 Department/Ministry

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

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

7.5 FUNCTIONS OF DIFFERENT GRADES OF OFFICERS OF THE SECRETARIAT

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

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

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

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

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

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

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

It must be stressed here that the functionaries at these different levels are supposed to perform their functions, keeping in mind the interests of the Government of India as a whole. The Secretary, in other words, is the Secretary to the Government of India, not to his minister alone. This is true of lower levels as well.

7.6 TENURE SYSTEM

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

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

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

- 1) Bureaucratic work in the Secretariats is gradually becoming specialised. The tenure system is essentially based on the myth of the superior efficiency of the generalist civil servants.
- 2) District experience is really not necessary in many areas of Secretariat work.

- 3) The tenure system has led to the bureaucrats getting too dependent on the office establishment to get things done. This had led to 'over bureaucratisation' of the Secretariat.

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

Check Your Progress 2

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

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

- 2) What are the disadvantages of the tenure system?

7.7 EXECUTIVE AGENCIES

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

7.7.1 Meaning

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

7.7.2 Classification

The executive agencies may be classified into the following types:

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

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

7.7.3 Relation between Executive Agencies and the Secretariat

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

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

- 1) There is complete merger between the ministry and heads of executive departments. The examples are the Railway Board and the Ministry of Railways, the Posts and Telegraphs Board and the Ministry of Communications. This pattern is most suitable for organisation undertaking work of an operational or commercial nature.
- 2) In the second pattern, a senior officer of the ministry concurrently operates as head of the executing department. In this way he becomes responsible both for formulation of policies and for its implementation with the assistance of the common office located in the Ministry. The Additional Secretary in the Department of Agriculture is the Director-General of Food. But the main disadvantage of this pattern is that the system completely blurs the functions of the Secretariat and the head of an executive department.
- 3) The ministry's Office is merged in the office of the executive department. The common office serves both the Secretariat offices and the officers of the executive office.

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

- 4) The ministry and the executive department continues to have separate officers but have common files and common file bureau, all located in the organisation of the executive agency. This pattern has significant advantages

but it does not do away with the problems of separate offices with duplicate staff and double scrutiny. A good example is the Ministry of Defence and the Air Force Headquarters.

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

This pattern has the following advantages:

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

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

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

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

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

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

7.8 SUBORDINATE OFFICES

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

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

Check Your Progress 3

- Note:** i) Use the space given below for your answers.
 ii) Check your answers with those given at the end of the Unit.
- 1) What are Subordinate Offices?
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- 2) Explain the relationship between the executive agencies and the Secretariat.
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7.9 LET US SUM UP

In this Unit you have read about:

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

7.10 KEY WORDS

Amiable : Agreeable

Precedents : Standard

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

Subservience : Serving as a means to an end.

7.11 REFERENCES AND FURTHER READINGS

Avasthi, A., 1980, *Central Administration*; Tata McGraw Hill, New Delhi

Chanda, Ashok, 1967, *Indian Administration*; Allen and Unwin, London

Khera, S.S., 1975, *The Central Executive*; Orient Longman, New Delhi

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

Misra, B.B., 1986, *Government and Bureaucracy in India 1947-76*; Oxford University Press, Delhi

7.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

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

2) Your answer must include the following points:

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

3) Your answer must include the following points:

- Executive is a part of Legislature.
- Executive is responsible to the Legislature.

Check Your Progress 2

1) Your answer must include the following points:

- Five grades of officers in the Central Secretariat
- Role of the Joint Secretary
- Role of the Under Secretary

2) Your answer must include the following points:

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

Check Your Progress 3

1) Your answer must include the following points:

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

2) Your answer must include the following points:

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

UNIT 8 PRIME MINISTER'S OFFICE AND CABINET SECRETARIAT

Structure

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

After studying this Unit you should be able to:

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

8.1 INTRODUCTION

The most distinctive feature of the Indian Constitution is the parliamentary system of government. It provides the basic organisational setting in which public policies are formulated. Essentially this system of government means that there is (i) a Parliament directly elected by the people on party lines; (ii) and there is also a Council of Ministers with the Prime Minister at the head to aid and advise the President who acts in accordance with such advice. The real executive is the Prime Minister and his Council of Ministers. In this Unit, we shall describe the various bodies, which provide institutional support to the Prime Minister in his official and policy-making functions.

8.2 POWERS AND FUNCTIONS OF PRIME MINISTER

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

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

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

8.3 INSTITUTIONAL SUPPORT TO THE PRIME MINISTER

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

8.4 EVOLUTION OF PRIME MINISTER'S OFFICE

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

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

8.4.1 Organisation

The Prime Minister's Office is headed politically by Prime Minister and administratively by the Principal Secretary. Additionally it consist of one or two Additional Secretaries, three to five Joint Secretaries, a number of Directors/Deputy Secretaries and Under Secretaries. There are also other officers like Officer on Special Duty, Private Secretaries, and so on. These officers are supported by regular office establishment.

The background and experience of the key personnel in the Prime Minister's Office is not stated in a formal manner and the incumbents are appointed in this office to essentially provide 'secretarial help' to the Prime Minister. It has a Secretary who may or may not come from the civil service. Other personnel are generally drawn from the civil services and posted for varying periods. The work is shared between the Secretary, the Additional Secretary, Joint Secretaries, the Deputy Secretary and other personnel. Being a small office and because they should interact freely among themselves, no fixed duties are laid down for the members of staff. The division of work is made according to the convenience and experience of the staff in the office.

8.4.2 Functions

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

- Assisting the prime minister in respect of his overall responsibilities as head of the government like maintaining liaison with central ministries/departments and the state governments.
- Helping the prime minister in respect of his responsibilities as chairman of the Planning Commission, and the National Development Council.
- Looking after the public relations of the prime minister like contact with the press and general public.
- Dealing with all references, which under the Rules of Business have to come to the prime minister.
- Providing assistance to the prime minister in the examination of cases submitted to him for orders under prescribed rules.
- Maintaining liaison with the President, Governors, and Foreign Representatives in the country.
- Acting as the 'think-tank' of the prime minister.

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

8.5 THE CHANGING ROLE OF THE PRIME MINISTER'S OFFICE

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

It was Nehru's successor Shastri, who took the first step towards establishment of a powerful Secretariat. He appointed L.K. Jha as the Secretary to the Prime Minister and he became the head of the Secretariat. Jha's powerful and dynamic personality raised the status and stature of the Secretariat and also added to its tasks. Under Jha's stewardship the Prime Minister's Office started commanding a formidable influence in the making of decisions, a trend which got further strengthened during Indira Gandhi's Prime Ministership. At the time of assuming office she had a very limited experience of administration; hence, her dependency on her Secretariat became greater, especially, on complex economic and foreign policy issues. Mr. L.K. Jha was succeeded by Mr. P.N. Haksar under

whom the Prime Minister's Secretariat grew to such an extent that it became an independent executive force. Much of the domestic and foreign policy took shape at the secretariat and a lot of authority came to be concentrated in the Prime Minister's Office. This became all the more marked during the period of the Internal emergency (1975-1977) which ushered in an era of authoritarian Prime Ministerial rule. As a consequence the Prime Minister's Secretariat became the focus of all authority and its writs began to be obeyed by all central ministries, departments and other executive agencies. During Indira Gandhi's reign the Prime Minister's Secretariat virtually became a national policy formulation body and the Cabinet Secretariat its enforcement arm.

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

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

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) Enumerate briefly the powers and functions of the Prime Minister.

- 2) Name the various bodies which provide institutional support to the Prime Minister in his official functions.

- 3) Describe the functions of the Prime Minister's Office

8.6 CABINET SECRETARIAT

On the attainment of Independence in 1947 a popular cabinet headed by the Prime Minister replaced the Executive Council of Viceroy. The Executive Council Secretariat formally became the Cabinet Secretariat. Consequently the Secretary of the Executive Council of the Viceroy was renamed as the Cabinet Secretary.

The Cabinet Secretariat is a staff body, which has an important coordinating role in the process of decision-making at the highest level and operates under the direction of the Prime Minister. The Cabinet Secretary is the administrative head of the Cabinet Secretariat.

8.6.1 Evolution of Cabinet Secretariat in India

In 1948, the cabinet decided to start the Economic and Statistical Coordination Unit as a part of the Cabinet Secretariat. Its work was to secure all available information from existing statistical cells of the various ministries/departments and to present this information periodically to the cabinet. It was also required to coordinate the activities of various ministers and to give them advice about future work. The Unit also took over the work relating to development schemes from the Secretariat of the Development Board pending the constitution of the Planning Commission. In this capacity, its function was to examine various development schemes of the Centre and the States and report to the cabinet about them. After the setting up of the Planning Commission in March 1950, this work was transferred to the Commission.

In 1949, the cabinet approved the Central Statistical Office to be attached to the secretariat and to establish a Central Statistical Unit which was set up in 1950. This Unit was to function in an advisory capacity. Later in February 1951, the work relating to statistical coordination and statistical publication of a general nature, which was previously being handled by the Economic Adviser to the government of India in the then Ministry of Commerce was transferred to the Cabinet Secretariat. In May 1961, a Central Statistical Organisation was set up which together with the Statistical Unit was attached to the Cabinet Secretariat.

Following the report on the reorganisation of the machinery of the Government (1949) the Cabinet decided that the Economic Committee of the Secretariat which was previously located in the Ministry of Finance should be treated as a part of the Cabinet Secretariat and called it Economic Wing. The Economic Wing was intended to develop eventually into a Central Economic Office. However, the proposal did not materialise, and it was decided that the work done by the Economic Wing should be transferred to the Finance Ministry which had already set up a Central Economic Office. Early in the same year the work relating to the Joint Communication – Electronics Committee, which was a sub-committee of the Chiefs of Staff Committee was transferred from the Ministry of Defence to the Cabinet Secretariat and attached to its Military Wing.

Organisation and Method Division (O&M) of the Government of India started functioning in March 1954, continued to remain as a separate wing of the Cabinet Secretariat till 25 March 1964, when a new department called Administrative Reforms was set up in the Ministry of Home Affairs and the O&M Division was transferred to this new department. It was decided on 15 February, 1961 that the Central Statistical Organisation, an attached office of the Cabinet Secretariat, should be given the authority and status of a department of the government. Accordingly, the Department of Statistics was created in April 1961 as a part of the Cabinet Secretariat with adequate authority to consider statistical methods; to advise on and issue general directions regarding the setting up of standards, norms and methods of data collection to all central and state agencies; and to deal with

references from them on such questions. This department had under it two attached offices, namely, the Central Statistical Organisation and the Computer Centre. In addition, it had one subordinate office – the Directorate of National Sample Survey. This department, however, was later taken out of the cabinet secretariat.

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

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

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

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

8.6.2 Organisation and Functions

The organisation of the Cabinet Secretariat and its role has been constantly shifting with the reorganisation of the executive functions of the union government.

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

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

8.7 ROLE OF THE CABINET SECRETARY

The office of the Cabinet Secretary and its functions has evolved over a period of time. The Administrative Reforms Commission 1969 recommended that Chief Secretary should be appointed for the period of three years. This term of three years was recommended to enable the functionary to provide effective leadership to the Civil Service. Recently, N.D.A. Government accepted the recommendations of the Administrative Reforms Commission that Cabinet Secretary should be appointed for the fix term of two years. The first two benefits was T.R. Prasad. He is a member of the civil service and presides over the committees of secretaries. These committees examine inter-ministry matters, and issues that concern the Government as a whole. The Cabinet refers certain matters to them as well. The committees, however, recommend a decision to the concerned Ministry; they do not decide.

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

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

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

Check Your Progress 2

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

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

- 2) Describe the role and significance of the post of the Cabinet Secretary in India.

8.8 CABINET COMMITTEES

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

8.8.1 Size

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

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

8.8.2 Function and Role

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

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

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

Check Your Progress 3

- Note:** i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the Unit.
- 1) What are Cabinet Committees?

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

8.9 LET US SUM UP

In this Unit you have read about:

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

8.10 KEY WORDS

Devolve : Entrust

Extra-constitutional : Not mentioned in the Constitution

Micro-cabinet	: A small body which performs similar functions as that of the Cabinet.
National Emergency	: Emergency declared due to war, external aggression or armed rebellion (Article 352). It is different from emergency declared in states on account of breakdown of Constitutional Machinery (Article 356) and Financial Emergency (Article 360) in which President can modify the provisions of allocation of financial relations between the Union and the States.
Real Executive	: The real executive is the one to which the legal powers of titular executive pass. Legally all powers are vested with titular executive but he does not exercise them in practice. Real executive legally does not have any powers but in practice exercises all the powers vested in the titular chief executive. In England, the Queen and in India, the President are titular executives while President of USA and PM of India are examples of real executives.

8.11 REFERENCES AND FURTHER READINGS

- Avasthi, A., 1980, *Central Administration*; Tata McGraw Hill, New Delhi
Chanda, Ashok, 1967, *Indian Administration*; Allen and Unwin, London
Jain, H.M., 1969, *The Union Executive*; Chaitanya Publishing House, Allahabad
Khera, S.S., 1975, *The Central Executive*; Orient Longman, New Delhi
Maheshwari, S.R., 1995, *Indian Administration*; Orient Longman, New Delhi
Sharma, L.N., 1976, *The Indian Prime Minister*; Macmillan, New Delhi

8.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:
 - PM as the head of Council of Ministers
 - Advisory role of Prime Minister
 - PM as a link between the President and the administration
 - Supervisory role of PM
 - Appointment and removal of personnel by the PM
 - Issuing directives and formulating policies.
- 2) See Section 8.3.
- 3) Your answer must include the following points:
 - Briefly touch upon evolution of Prime Minister's Office
 - Organisation of Prime Minister's Office in brief
 - Functions with regard to assistance to the Prime Minister in maintaining relations with Ministers and representatives of foreign governments
 - Prime Minister's Office handles complaints from public which are addressed to the Prime Minister
 - Prepares answers for questions raised in the Parliament on general subjects.

4) Your answer must include the following points:

- Role of Prime Minister's Secretariat under different Prime Ministers
- Prime Minister's Secretariat was very important in Congress period
- During the Janata period, Prime Minister's Secretariat was reduced to the status of a mere 'Office'
- Prime Minister's Office is gaining importance once again.

Check Your Progress 2

1) Your answer must include the following points:

- Meaning of Cabinet Secretariat
- In 1948, Cabinet Secretariat had Economic and Statistical Coordination Unit (ESCU) as its part
- In 1950, Planning Commission took over the work of ESCU
- In 1951, Central Statistical Unit was set up and work relating to statistical coordination and publication was transferred to Cabinet Secretariat
- In 1961 itself, a Central Secretariat was created as a part of the Cabinet Secretariat
- In 1962, Emergency Wing was created in Cabinet Secretariat
- In 1965, an Intelligence Wing was added in Secretariat
- O & M from 1954 to 1964 was a separate wing of Cabinet Secretariat.

2) See Section 8.7.

Check Your Progress 3

1) See Section 8.8.

2) Your answer must include the following points:

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

UNIT 9 UNION PUBLIC SERVICE COMMISSION/SELECTION COMMISSION

Structure

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

9.0 OBJECTIVES

After studying this Unit you should be able to:

- Explain the evolution of UPSC over the years into its present form;
 - Discuss the constitution of UPSC with reference to its composition, appointment, terms of members;
 - Describe the various types of functions of UPSC; and
 - Critically analyse its advisory role.
-

9.1 INTRODUCTION

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

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

administration. The success or failure of a system is gauged by the ability of the organisation in personnel management to meet the above objectives.

9.2 EVOLUTION OF UPSC

9.2.1 Development of Public Service Commissions in India

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

It was as early as in 1933, that Lord Granville, who was then an influential member of the House of Lords advocated the practice of recruitment of candidates through competition instead of nominations by the directors. Yet nothing was accomplished in this direction till 1853. However, in 1833, a clause was inserted in the Charter Act granted to the Company declaring that henceforth fitness was to be the criterion of eligibility to the civil services irrespective of caste, creed or colour.

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

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

9.2.2 First Period 1926-37

(Government of India Act 1919 and Lee Commission)

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

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

The Lee Commission 1923

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

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

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

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

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

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

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

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

9.2.3 Second Period (1937-50)

(Government of India Act 1935)

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

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

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

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

9.2.4 Third Period (1950 Till Date)

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

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

Check Your Progress 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 were the important recommendation of the Lee Commission?

- 2) The First Public Service Commission in India was set up in
- a) 1919
 - b) 1937
 - c) 1926
 - d) 1909
- 3) Describe the functions of the Federal Public Service Commission as laid down by the Government of India Act 1935.

9.3 CONSTITUTION OF UPSC

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

Composition, Appointment and Terms of Members

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

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

A member may be removed from Office by the President if he is an adjudged insolvent, or engages in any paid employment outside the duties of his Office or, is in the opinion of the President infirm in mind or body. He cannot be removed

from Office on any other ground except if the Supreme Court finds him guilty of proven misbehaviour on a reference made to it by the President. The word 'misbehaviour' has been explained in the Constitution. A member shall be deemed to be guilty of misbehaviour if (i) he is interested or concerned in any contract or agreement made on behalf of the Government of India or of a State or (ii) if he participates in any way in the profit of such contract or agreement in common with the other members of an incorporated company.

9.4 FUNCTIONS OF THE UPSC

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

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

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

2) **Executive Functions:** The Commission has a specific constitutional duty of conducting examinations for appointments to the services of the Union. Under this provision the UPSC conducts many written examinations for different categories of post annually, besides the holding of interviews for selection of candidates for specialised and other categories of positions. Here too it may be noted that the Commission's jurisdiction is narrowly restricted to gazetted officers who constitute an insignificant proportion of the total number of government employees. This means that the executive jurisdiction of the Commission extends to only 1.9% of the total employees of the Central Government.

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

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

- i) All disciplinary actions affecting a government employee like censure, withholding of increments or promotion, reduction to a lower grade, compulsory retirement, removal or dismissal from service, etc.
- ii) Claims for reimbursement for costs incurred by an employee in legal proceedings instituted against him in respect of acts done in the execution of his duty.

- iii) Claims for the award of pension in respect of injuries sustained by an employee and any question as to the amount of any such reward (Constitution of India, Article 320(3)(C)).

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

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

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

The Commission also discharges certain functions, which through conventions have been entrusted to it, though these are not stipulated in the Constitution. Under the Constitution, recruitment to the Defence forces is beyond the purview of the Commission, as the defence service is not a part of the Civil Service. But since 1948 the Commission has been conducting written tests for the selection of scientists and technicians for the pool of highly qualified scientists and technologists, who are deputed to Central Government, scientific institutions, national laboratories, universities etc. These functions are being discharged by the UPSC on the basis of conventions only.

Limitations of the Functions of the UPSC

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

- a) The Constitution of India, under Article 335, requires the government to take into consideration the claims of the members of the Scheduled Castes and Tribes in the matters of appointment to various posts. As per Article 320(4) the UPSC need not be consulted as regards the extent to which the reservations are to be made for the candidates belonging to the Scheduled Castes and Tribes. But once these conditions are determined, the Commission as a recruiting agency proceeds with the process of selection.
- b) The President has been empowered to make regulations excluding matters from the purview of consultation with UPSC. All such regulations must be laid before each House of Parliament for approval for a period of not less than fourteen days. The Parliament if necessary can modify or annul them.

The posts, the recruitment of which does not require the advice of UPSC include membership or chairmanship of tribunals, commissions, high powered committees, posts of a highly technical and administrative nature and filling up of temporary positions where appointments are made for less than a year.

9.5 ADVISORY ROLE OF UPSC

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

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

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

Check Your Progress 2

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

1) The Chairman and other members of the UPSC are appointed by the:

- a) Prime Minister
- b) Chief Justice of India
- c) President
- d) Parliament

2) What are the executive functions of the UPSC?

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

9.6 LET US SUM UP

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

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

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

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

9.7 KEY WORDS

Censure : Severe disapproval

Patronage : Practice of making appointments to Office through favour

9.8 REFERENCES AND FURTHER READINGS

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

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

Muttalib, M.A., 1967, *The Union Public Service Commission*; IIPA, New Delhi

Pai Panandiker, V.A., 1966, *Personnel System for Development Administration*; Bombay

Sinha, V.M., 1986, *Personnel Administration, Concepts and Comparative Perspective*; R.B.S.A. Publishers, Jaipur

9.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer must include the following points:

- Main objective of setting up of Lee Commission in 1923

- Recommendations of the Commission regarding
 - Establishment of Public Service Commission
 - Membership, qualification of members
 - Functions of the Commission

2) 1926

3) See Sub-Section 9.2.3.

Check Your Progress 2

- 1) President
- 2) See Section 9.4.
- 3) Your answer should cover the following points:
 - Provisions of Article 323 of the Constitution
 - Concurrence of the Appointment Committee in case of non-acceptance of Commission's recommendations.

UNIT 10 PLANNING PROCESS

Structure

- 10.0 Objectives
 - 10.1 Introduction
 - 10.2 Meaning of Planning
 - 10.3 Need for Planning
 - 10.4 Types of Planning
 - 10.5 Genesis of Planning in India
 - 10.6 Planning Machinery at Central Level
 - 10.6.1 Organisation and Role of the Planning Commission
 - 10.6.2 Internal Organisation
 - 10.6.3 Committees on Plan Projects
 - 10.6.4 Programme Evaluation Organisation
 - 10.7 Role of National Development Council (NDC)
 - 10.8 Problems of Centralised Planning
 - 10.9 Let Us Sum Up
 - 10.10 Key Words
 - 10.11 References and Further Readings
 - 10.12 Answers to Check Your Progress Exercises
-

10.0 OBJECTIVES

After studying this Unit you should be able to:

- Analyse the importance and meaning of planning and discuss its evolution in India;
 - Examine the planning machinery at the central level;
 - Discuss the role of National Development Council; and
 - Explain the problems of centralised planning.
-

10.1 INTRODUCTION

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

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

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

10.2 MEANING OF PLANNING

Planning is preparation for action. Planning is a conscious effort to achieve desired ends. It is a rational method of application of resources for the fulfillment of specific objectives. Planned economy would mean an economic system in which

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

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

10.3 NEED FOR PLANNING

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

10.4 TYPES OF PLANNING

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

- a) Overall Planning
 - b) Limited Planning
 - c) Administrative Planning
- a) **Overall Planning:** The overall planning commonly called socio-economic planning is more comprehensive. It is more than laying down a few economic targets here and a few physical targets there. It is an overall effort to achieve an all round development of the country. This type was first adopted by Stalin in USSR and being used in Russia since then. Most of the third world countries are adopting this type. Four years and seven year plans are manifestations of this type.
- b) **Limited Planning:** Limited planning does not centralise all the socio-economic activities at one focal point. The state opting for this type of planning selects the main objectives which the society as a whole considers

fundamental. Through proper planning and regulation of the activities of the individuals and group it directs the life and activity of the society in such a way that those objectives are attained.

- c) **Administrative Planning:** Government planning is nothing but administrative planning. The administrative planning is mainly concerned with administrative programmes. It seeks to provide a broad framework for action as it defines major objectives, establishes inter-bureau policy and links departmental policy and programmes with the related departments. Its main purpose is to give a detailed shape to the policy plan, to make objectives clearer and more workable.

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

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

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

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) Define the term Planning.
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- 2) Discuss need of Planning.

- 3) Explain the types of Planning.

10.5 GENESIS OF PLANNING IN INDIA

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

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

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

means. All the plan proposals explicitly accepted the rapid improvement of the living standards of the people as the central objective of development.

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

10.6 PLANNING MACHINERY AT CENTRAL LEVEL

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

10.6.1 Organisation and Role of the Planning Commission

The Planning Commission is a multi-member body and the number of members has varied from time to time. In the initial year of its inception, the Commission concentrated mainly on plan formulation. It was composed of only full-time members. The Prime Minister as Chairman of the Commission provided the needed close relationship with the Central Government. But over the years the Commission got involved in a number of administrative matters and also gathered to itself certain functions of a purely executive nature. The composition of the Commission underwent a substantial change and a number of Union Ministers were appointed as a part time member of the Commission. The Planning Commission was reconstituted in August 1967 on the lines suggested by the ARC except that the Prime Minister continued to be the Chairman of the Commission and the Union Finance Minister, its part-time member. In addition to full-time members, which varies from three to eight, other Ministers of Central Government have also been appointed as Members for certain specific reasons connected with the portfolios. The appointment of Ministerial Members and Full Members varies according to the party, which comes to power at the center.

Members of the Planning Commission

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

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

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

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

Role of Planning Commission

The Planning Commission has been assigned a lot of functions.

- 1) The Commission makes an assessment of the material, capital and human resources of the country, including technical personnel and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirements;
- 2) It formulates a plan for the most effective and balanced utilisation of the country's resources;
- 3) On a determination of priorities, the Commission defines the stages in which the plan should be carried out and propose the allocation of resources for the due completion of each stage;
- 4) It indicates the factors which are tending to refund economic development and to determine the condition for the successful execution of the plan;
- 5) It also determines the nature of machinery which would be necessary for securing the successful implementation of each stage of the plan in all its aspects;
- 6) It appraises from time to time the progress achieved in the execution of each stage of the plan and to recommend the adjustment of policy and measures that such appraisal might show to be necessary;
- 7) Moreover, it makes such interim or ancillary recommendations as might be appropriate on the prevailing economic conditions, and current policies.

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

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

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

10.6.2 Internal Organisation

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

The General Divisions are concerned with certain special aspects of the entire economy. These are:

- 1) Economic Divisions: Financial Resource Division, Development Policy Division, International Economics Division and Socio-Economic Research Unit;
- 2) Perspective Planning Division;
- 3) Labour, Employment and Manpower Division;

- 4) Statistics and Surveys Division;
- 5) State Plans Division, including multi-level planning, Border Area Development Programme, Hill Area Development and North Eastern Region (NER);
- 6) Project Appraisal and Management Division;
- 7) Monitoring and Information Division;
- 8) Plan Coordination Division; and
- 9) National Informatics, Yojana Bhawan Unit.

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

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

- 1) Agriculture Division
- 2) Backward Classes Division
- 3) Communication & Information Division
- 4) Development Policy Division
- 5) Education Division
- 6) Environment & Forest Division
- 7) Financial Resources Division
- 8) Health, Nutrition & Family Welfare Division
- 9) Housing, Urban Development & Water Supply Division
- 10) Industry & Minerals Division
- 11) International Economic Division
- 12) Labour, Employment and Manpower Division
- 13) Multi-level Planning Division
- 14) Monitoring Division
- 15) Perspective Planning Division
- 16) Plan Coordination Division
- 17) Power & Energy Division
- 18) Programme Evaluation Organisation
- 19) Project Appraisal & Management Division
- 20) Rural Development Division
- 21) Science & Technology Division
- 22) Social Developmetn & Women's Programme Division
- 23) Social Welfare Division
- 24) State Plans Division
- 25) Transport Division
- 26) Village & Small Enterprises Division
- 27) Water Resources Division
- 28) Administration & Services Division
- 29) Other Units
 - Border Area Development Programmes
 - Socio-Economic Research Unit
 - Western Ghat Development

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

Advisory Board on Energy which was functioning as a Unit under the Cabinet Secretariat was transferred to the Planning Commission with effect from 1st September 1988. Consequently, a new technical division, viz., 'Energy Policy Division', has been setup in the Planning Commission.

The National Informatics Centre, which was earlier under the Department of Electronics, was transferred to the Planning Commission with effect from 14th March 1988. Since then, it has become a part of the Planning Commission. The Computer Services Division, which was earlier functioning under the Advisor (Monitoring and Information) has now been merged with the National Informatics Centre. Apart from research and plan formulating structural units described above, the Planning Commission has Services Division which is concerned with the administration, accounts and general services, required for the commission. The general administration including accounts is under the overall charge of the Secretary, Planning Commission. The Accounts Branch functions with an Internal Finance Advisor and Controller of Accounts who works under the ambit of General Administration.

Check Your Progress 2

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

- 1) How did Planning evolve in India?

- 2) Write about the organisation of Planning Commission.

- 3) Discuss the role of Planning Commission.

10.6.3 Committee on Plan Projects

An analysis of the Second Five Year Plan indicates the traditional view of economy, namely reduction in the staff strength, which has become outmoded in the context of the Plan. The real issue in the plan expenditure requires a great deal

of thought and effort in standardising the practices and procedures of execution in order to ensure realistic estimation of costs; to achieve basic economy based on scientific development of the techniques from the inception of the projects; and to set up norms and standards for evaluation. It was against such background that the COPP was established in 1956 for exploring the possibility of achieving economy consistent with efficiency in the projects included in the second Plan. It had the Home Minister as Chairman and Ministers for planning and finance and Deputy Chairman, Planning Commission as members. In addition, the Prime Minister, as Chairman of the National Development Council nominated two Chief Ministers of the States as members of the Committee for each class of Projects. The Union Member concerned with a project under investigation was also a member of the Committee.

Some of the important functions entrusted to the COPP were to:

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

10.6.4 Programme Evaluation Organisation

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

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

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

10.7 ROLE OF NATIONAL DEVELOPMENT COUNCIL (NDC)

The NDC is headed by the Prime Minister and consists of the Central Ministers, Chief Ministers of the States and Lt. Governors, Administrators of Union

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

- i) It acts as a kind of bridge between the Union Government, the Planning Commission and the State Governments.
- ii) NDC prescribes guidelines for the formulation of National Plan including the assessment of resources for the Plan.
- iii) NDC considers the National Plan as formulated by the Planning Commission.
- iv) NDC considers important questions of social and economic policy affecting national development.
- v) It also reviews the work of the Plan from time to time and recommends such measures as are necessary for achieving the aims and targets set out in the national plan including measures to secure the active participation and cooperation of the people, improve the efficiency of the administrative services, ensure the fullest development of the less advanced regions and sections of the community and, through sacrifice, borne equally by all the citizens, build up resources for national development.

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

10.8 PROBLEMS OF CENTRALISED PLANNING

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

- 1) Whether planning should come from above or below?
- 2) To what extent should the society be subject to planning and how the people should be associated in the formulation and execution of plans?
- 3) What modification should be made in the relationship between the Centre and the States which have distinct powers in a federal constitution so as to make centralised planning effective?
- 4) Who should constitute the members of the planning body?
- 5) If the planning body is set up outside the normal executive organisation of the government, as the Planning Commission in this country is, should its advisory services be arranged in the existing organisation or should it have an administration of its own for this purpose?
- 6) To what extent should the Planning Commission concern itself with the details of the Plan?
- 7) What should be the Planning Commission's responsibility in reviewing the progress of the Plan and what reports is the Planning Commission entitled to ask from the executive authorities?
- 8) What is the mechanism for dovetailing the work of the planning machinery in the states with that of the centre, etc.?

Although some of these problems have been taken care of in the initial establishment of the Planning Commission and its subsequent reorganisations, it must be confessed that the administrative organisation for planning has grown

haphazardly without any systematic examination of these problems. The result is that Planning Commission today is a mammoth organisation, almost 'a parallel government' in the words of Pandit Nehru.

It is to be noted that the Planning Commission and the National Development Council are not constitutional bodies. Now we have a constitutionally mandated District Planning Committee in every District, for further reading vide the planning process.

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) Describe the functions of Programme Evaluation Organisation.

- 2) Discuss the importance of National Development Council.

- 3) Examine the problems of centralised planning in India.

10.9 LET US SUM UP

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

10.10 KEY WORDS

- Planned Economy** : detailed scheme, method, etc. put together for achievement of development goals.

Rolling Plan

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

The Rolling Plan system had the following features:

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

Totalitarianism

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

10.11 REFERENCES AND FURTHER READINGS

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

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

Paranjape, H.K. 1970, *The Reorganised Planning Commission: A Study in the Implementation of Administrative Reforms*; Indian Institute of Public Administration, New Delhi

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

10.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) See Section 10.2.
- 2) See Section 10.3.
- 3) See Section 10.4.

Check Your Progress 2

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

Check Your Progress 3

- 1) See Sub-Section 10.6.4.
- 2) See Section 10.7.
- 3) Your answer should cover the following points:
 - Constitution of members of the planning body

- Modifications in the relationship between the centre and the states to make centralised planning effective .
- Association of people in the planning process
- Nature of the Planning Commission's responsibility in review of progress of plan.