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CHAPTER— 1

*Evolution of Indian
Administration*

EVOLUTION OF INDIAN ADMINISTRATION

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STRUCTURE

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1.1 LEARNING OBJECTIVES

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After going through this chapter, students will be able to:

- State the historical background and various phases of evolution of Indian Administrative System;
- Discuss the emergence of The Constitution of India and Administrative set-up accordingly;
- Explain the nature and functions of political executives at Union level;
- Give the description of Parliamentary democracy;
- State the concept of Indian Federalism and its nature.

1.2 INTRODUCTION

The chapter presents a historical account of Indian administration through the various committees and commissions that were set up to examine and report on it since the earliest days of British colonisation. In the beginning of the chapter, a historical account of ancient and medieval administration is given with a special reference to Kautilya's administrative thought. It attempts to introduce the reader to the several streams of thought that have contributed to the making of Indian administration, and describes all the important developments in the political and administrative system of the country.

UNIT – 1

From the historical point of view the Indian administration may be studied under the following heads:

- (i) Ancient Period
- (ii) Muslim Period
- (iii) British Period
- (iv) Since Independence

1.3 CONCEPTUAL BACKGROUND AND EVOLUTION OF INDIAN ADMINISTRATIVE SYSTEM

The word 'governance' has been used with different meanings in different parts of India during different times. Ancient India had seen many forms of governance and government during different periods in the region. Even within a given territory there were many kingdoms with different ways of governance.

Archaeological excavations have brought to light the remains of a highly developed urban civilization in ancient India, that stretched across approximately 1520 kilometres, extending from the area on the upper Sutlaj in contemporary Punjab to Lothal in Gujarat. Historians are of the view that this civilization flourished

in the third millennium before the birth of Christ. The Harappa and Mohenjodaro perhaps had democratic government setup with no evidence of monarchy being found.

The decline of the Indus Valley civilization saw the arrival of Aryans in India. From their original settlements in the Punjab region, they gradually began to penetrate Eastward, clearing dense forests and establishing "tribal" settlements along the Ganga & Yamuna plains between 1500 and 800 B.C. By around 500 B.C., most of Northern India was inhabited and had been brought under cultivation, facilitating the increasing knowledge of the use of iron implements, including ox-drawn plows, and spurred by the growing population that provided voluntary and forced labor. As riverine and inland trade flourished, many towns along the Ganga became centers of trade, culture, and luxurious living. Increasing population and surplus production provided the bases for the emergence of independent states with fluid territorial boundaries over which disputes frequently arose.

The rudimentary administrative system headed by tribal chieftains was transformed by a number of regional republics or hereditary monarchies that devised ways to appropriate revenue and to conscript labor for expanding the areas of settlement and agriculture farther east and south, beyond the Narmada River. These emergent state governments collected revenue through officials, maintained armies, and built new cities and highways. By 600 B.C., sixteen such territorial powers—including the Magadha, Kosala, Kuru, and Gandhara—stretched across the North India plains from modern-day Afghanistan to Bangladesh.

However, the kingdom of Magadh one of the 16 great janapadas - politics - had established paramountcy over other kingdoms of the Ganges Valley. The fluid political situation, made it possible for Chandragupta Maurya (reign - 322 - 298 B.C.) to oust the oppressive ruler of Magadh and found his own dynasty. India attained political unity for the first time under him. According to folklore, Chandragupta Maurya laid the foundations of a powerful empire assisted by a Brahmin called Vishnugupta, also known as Kautilya or Chanakya, who wrote the Arthashastra. His treatise on art of governance became very famous. The Arthashastra is the epitome of ancient india government.

One of the eminent historians of Indian History, D D Kosambi, has observed that the title "Arthashastra" means 'the science of material gain for a very special type of state, not for the individual. The end was always crystal clear. Means used to attain it needed no justification. There is not the least pretence of morality or altruism. In the Arthashastra the only difficulties ever discussed, no matter how gruesome and treacherous the methods, are practical, with due consideration to costs and possible effects. The Arthashastra recommends espionage and the constant use of agent provocateurs on a massive and universal scale. The sole purpose of

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every action was safety and profit of the state. Abstract questions of ethics are never raised or discussed in the whole book. Murder, poison, subversion was used at need by the king's secret agents, methodically and without a qualm... Chanakya treats strife for the throne as a minor occupational hazard. No regard to morality or filial piety is ever questioned. He quotes a predecessor's axiom; 'Princes, like crabs, are father eaters. The eleventh book of the Arthashastra is devoted to the methods of systematically breaking up free, powerful, armed tribes of food producers that had not yet degenerated into absolute kingdoms. The main technique was to soften them up for disintegration from within, to convert the *tribesmen into members of class society* based upon individual private property. The right of a king to his throne, no matter how it was gained, was usually legitimized through elaborate sacrifice rituals and genealogies concocted by priests who ascribed to the king divine or superhuman origins. The use of absolute power grew even worse under the caste system, which classified people into separate categories on the basis of birth.

The most famous of the Mauryan dynasty is Ashoka the Great. He extended the boundaries of his empire considerably - stretching from Kashmir and Peshawar in the North and Northwest to Mysore in the South and Orissa in the East - but his fame rests not so much on military conquests as on his celebrated renunciation of war. After witnessing the carnage at the battlefield of Kalinga (269 B.C.) in Orissa, Ashoka resolved to dedicate himself to Dhamma - or righteousness. With Asoka, the social philosophy expressed in the sixth-century Magadhan religions had at last penetrated the state mechanism. The king himself would now make a complete tour of inspection throughout his domains every five years. Such a tour must have taken up a good part of the five years, which implies constant traveling except in the rains. All previous royal journeys of the sort had been for personal pleasure such as hunting, or on military campaigns. Every high administrative official was likewise ordered to make a similar quinquennial tour through the entire territory under his own jurisdiction. In addition, there was created a new class of plenipotentiary supervisors with control over officials and special funds. The title was Dharma-mahamatra, which can be translated 'minister of morality', and would later be 'senior regulator of charity and religious affairs'. The correct translation at the Asokan stage is 'High Commissioner of Equity'. Equity is the principle beyond formal codified law and common law upon which both law and justice are supposedly based. Ashoka died around 232 B.C. and the empire began to disintegrate under weak successors.

Pushyamitra Shunga, a Brahmin general usurped the throne after slaying the last Maurya king and presided over a loosely federal polity. In subsequent centuries India suffered a series of invasions, and in the absence of a strong central authority, often fell under the spell of foreign rulers - Indo Bactrians, the Sakas and others. For the next four hundred years, India remained politically disunited

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and weak. It was repeatedly raided and plundered by foreigners. The Guptas restored stability. It was Chandragupta II- Samudra Gupta's successor - who finally defeated the Sakas and re-established a strong central authority or government as we term it today. His reign registered the high watermark in Indian culture. His accomplishments in war and peace were glorious enough for him to claim the title Vikramaditya - the resplendent, great and good king of legends. Fa-hien, a Chinese traveller who was in India from 399 - 414 A.D. has left an interesting account of contemporary India. This age of peace and prosperity witnessed an unprecedented flowering of art, literature and the sciences. The twilight of the Gupta Empire saw the setting in of decay. Powerful feudal governors in the provinces declared their independence. Trade and commerce suffered and social evils crept in. There was only a brief afterglow in the time of Harshavardhan (reign - 604 - 647 A.D.) - of Kannauj - who is famous for his philanthropy and patronage of Buddhism.

POLITICAL THOUGHT IN THE MANUSMRITI

In the history of Indian political thought, the period succeeding the epic period is the period of smritis. In this period, the ancient harmony gradually declined. Social and political law may become more rigid. The smritis are a collection of these laws. Whereas equality was a feature of the various varnas in society during the ancient period, in the period of smritis, the brahmins and the kshatriyas were given greater importance. The most important among these smritis is the Manusmriti. Its importance from the humanist viewpoint is established by the fact that it is called Manava Dharma Shashtra. It provides a detailed analysis of almost every aspect of human life. In addition to psychology, ethics and philosophy, it provides valuable concepts on political science, justice, law and education. The characteristics of dharma elaborated in the second chapter of Manusmriti are the features of varna dharma. The third chapter elaborates the ashrama system. The fourth chapter gives a detailed picture of grihastha ashram, or the period of domestic life. From the viewpoint of political science, the fifth, sixth, seventh and eighth chapters are the most important, and even among these, the last two are of special significance.

Duties of the King

In the seventh chapter, Manu indulges in a subtle analysis of the various aspects of the state. First of all, the duties of the king are elaborately discussed. The just king has been praised and the unjust king has been criticized. According to Manu, the king has been created to protect the varnashrama system. Hence, he has considered in detail the functions as well as the non-functions of the king, along with his qualities and shortcomings. In addition to the king, such other organs of the state as ministers, diplomats or ambassadors, heads of villages, etc., have been considered in detail. The principles underlying the appointment of

ministers, and the justice of such considerations have been explained. In addition, the duties of the army generals have also been clarified.

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Decentralisation of Power

Manu's elaboration of the duties of the head of a village indicate that he supported decentralization. Each village had a state functionary whose activities were supervised by the ministers.

Ruler of Statecraft

Corrupt officials were subject to severe penalties. There were provisions for collecting taxes from traders and others. Heavy taxation of sculptors was prohibited. The Manusmriti explains the importance of safeguarding the public. The characteristics of a friend, an enemy and an alienated person have been described. The methods and occasions for treaties and wars have been analysed. Detailed rules have been suggested for war. The duties of the king subsequent upon a war have also been considered. Rules concerning the king's diet, his mode of life, etc., have been made explicit. In this way, Manu has provides a very detailed picture of the various aspects of a king's life and duties.

System of Justice

The eighth chapter of Manusmriti provides a detailed analysis of the system of justice. Manu has laid down different forms of punishment for different kinds of criminals belonging to different vernas. He makes provision for judgement on criminal action by the Brahmins in the absence of the king. The duty of the state towards immoral women has been specified. A detailed system of punishment has been made explicit for such crimes as theft, looting, rape, cheating in trade, etc. There is provision for different forms of punishment for person of different castes committing the same crimes because according to Manu's system, the duties of a person in society correspond to his rights. The greater the rights, the greater the duties. In this way, Manusmriti makes mention of a human religion, and assuming politics to be a prominent aspect of human life, its principles have been made explicit.

Divine Right of the King

By assuming the king to be invested with divine power, every action of the king was regarded as sanctified and therefore important: According to the eighth couplet of chapter seven, the child king should not be insulted by regarding him as merely human because in the king's form there existed a great divine power. By assuming the king to be divinely inspired, Manusmriti helped in establishing autocracy and the indefinite supremacy of the king. According to the thirteenth couplet, the system propounded by the king should not be violated even by its opponents, which implies that it is wrong to violate any law of state in any circumstance. It is clear that such a view supports the institutionalization of

kingship. Despite this, Manusmriti upholds the just king and denigrates the unjust, and believes that humility and denial of sensual pleasures are important for the king. Hence, it would be wrong to argue that Manusmriti is not basically humanist, though it can certainly be argued that at this stage, the humanism of traditional Indian political thought had lost most of its vigour.

VEDIC PERIOD

The Vedic Period is the period during which the Vedas, the oldest sacred texts of the Indo-Aryans, were being composed. Scholars place the Vedic period in the second and first millennia BC continuing up to the 6th century BC based on literary evidence.

The associated culture, sometimes referred to as Vedic civilization, was centered in the Northern and North-Western parts of the Indian subcontinent. Its early phase saw the formation of various kingdoms of ancient India. In its late phase (from ca. 600 BCE), it saw the rise of the Mahajanapadas, and was succeeded by the Maurya Empire (from ca. 320 BCE), the golden age, classical age of Sanskrit literature, and the Middle kingdoms of India.

Political and Administrative Units

The Grama (village), Vis and Jana were political units of the early Vedic Aryans. A Vish was a subdivision of a Jana or "Krishti", and a Grama was a smaller unit than the other two. The leader of a Grama was called Gramani and that of a Vish was called Vishpati.

The Rashtra (polity) was governed by a rajan (chieftain, 'king'). The king is often referred to as Gopa (protector) and occasionally as Samrat (supreme ruler). He governed the people with their consent and approval. He was elected from a restricted class of 'Royals' (rajanya). There were various types of meetings such as the vidhata or "Sabha".

Gana was the non-monarchical assembly that is a parallel one to the monarchical assemblies of that period headed by Jyestha the same was referred in Buddhist text named Jettaka. The Sabha, situated outside of settlement, was restricted to the Vratyas, bands of roving Brahmins and Kshatriyas in search of cattle, with a common woman (pumsali) while the vidhata was the potlatch-like ritual distribution of bounty.

The main duty of the king was to protect the tribe. He was aided by several functionaries, including the Purohita (chaplain) and the Senani (army chief; sena: army). The former not only gave advice to the ruler but also was his chariot driver and practiced spells and charms for success in war. Soldiers on foot (pattis) and on chariots (rathins), armed with bow and arrow, were common. The king employed Spies and Dutas (messengers).

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THE LATER VEDIC PERIOD**NOTES**

The transition from the early to the later Vedic period was marked by the emergence of agriculture as the dominant economic activity and a corresponding decline in the significance of cattle rearing. Several changes went hand in hand with this. For instance, several large kingdoms arose because of the increasing importance of land and long distance trade. The late Vedic period, from ca. 500 BCE onward, more or less seamlessly blends into the period of the Middle kingdoms of India known from historical sources.

Kingdoms

The late Vedic period was marked by the rise of the sixteen Mahajanapadas referred to in some of the literature. The power of the king and the Kshatriyas greatly increased. Rulers gave themselves titles like Ekarat (the one ruler), Sarvabhauma (ruler of all the earth) and Chakravartin ('who moves the wheel'). The kings performed sacrifices like Rajasuya (royal consecration), Vajapeya (including a chariot race) and, for supreme dominance over other kings, the Ashvamedha (horse sacrifice). The coronation ceremony was a major social occasion. Several functionaries, in addition to the purohita and the senani, took part. The role of the people in political decision making and the status of the Vaishyas as such was greatly decreased.

MAURYA PERIOD

The Maurya Empire was a geographically extensive and powerful empire in ancient India, ruled by the Mauryan dynasty from 321 to 185 BC. Originating from the kingdom of Magadha in the Indo-Gangetic plains (modern Bihar, eastern Uttar Pradesh and Bengal) in the eastern side of the Indian subcontinent, the empire had its capital city at Pataliputra (modern Patna). The Empire was founded in 322 BC by Chandragupta Maurya, who had overthrown the Nanda Dynasty and rapidly expanded his power westwards across central and western India taking advantage of the disruptions of local powers in the wake of the withdrawal westward by Alexander the Great's Greek and Persian armies. By 320 BC the empire had fully occupied Northwestern India, defeating and conquering the satraps left by Alexander.

It was the world's largest empire in its time. At its greatest extent, the empire stretched to the north along the natural boundaries of the Himalayas, and to the east stretching into what is now Assam. To the west, it reached beyond modern Pakistan, annexing Balochistan and much of what is now Afghanistan, including the modern Herat and Kandahar provinces. The Empire was expanded into India's central and southern regions by the emperors Chandragupta and Bindusara, but it excluded a small portion of unexplored tribal and forested regions near Kalinga (modern Orissa).

The Mauryan Empire was one of the largest empires to rule the Indian subcontinent. Its decline began 60 years after Ashoka's rule ended, and it dissolved in 185 BC with the foundation of the Sunga Dynasty in Magadha.

Under Chandragupta, the Mauryan Empire conquered the trans-Indus region, which was under Macedonian rule. Chandragupta then defeated the invasion led by Seleucus I, a Greek general from Alexander's army. Under Chandragupta and his successors, both internal and external trade, and agriculture and economic activities, all thrived and expanded across India thanks to the creation of a single and efficient system of finance, administration and security. After the Kalinga War, the Empire experienced half a century of peace and security under Ashoka: India was a prosperous and stable empire of great economic power whose trade extended across Western and Central Asia and Europe. Mauryan India also enjoyed an era of social harmony, religious transformation, and expansion of the sciences and of knowledge. Chandragupta Maurya's embrace of Jainism increased social and religious renewal and reform across his society, while Ashoka's embrace of Buddhism was the foundation of the reign of social and political peace and non-violence across all of India. Ashoka sponsored the spreading of Buddhist ideals into Sri Lanka, Southeast Asia, West Asia and Mediterranean Europe.

Chandragupta's minister Chanakya wrote the book "Arthashastra", one of the greatest treatises on economics, politics, foreign affairs, administration, military arts, war, and religion ever produced in the India. The Arthashastra and the Edicts of Ashoka are primary sources of written records of the Mauryan times. The Mauryan empire is considered one of the most significant periods in Indian history.

Administration

The Empire was divided into four provinces, which one of the four, look like a giant crescents. with the imperial capital at Pataliputra. From Ashokan edicts, the names of the four provincial capitals are Tosali (in the east), Ujjain in the west, Suvarnagiri (in the south), and Taxila (in the north). The head of the provincial administration was the Kumara (royal prince), who governed the provinces as king's representative. The kumara was assisted by Mahamatyas and council of ministers. This organizational structure was reflected at the imperial level with the Emperor and his Mantriparishad (Council of Ministers).

Historians theorize that the organization of the Empire was in line with the extensive bureaucracy described by Kautilya in the Arthashastra: a sophisticated civil service governed everything from municipal hygiene to international trade. The expansion and defense of the empire was made possible by what appears to have been the largest standing army of its time. According to Megasthenes, the empire wielded a military of 600,000 infantry, 30,000 cavalry, and 9,000 war elephants. A vast espionage system collected intelligence for both internal and external security purposes. Having renounced offensive warfare and

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expansionism, Ashoka nevertheless continued to maintain this large army, to protect the Empire and instill stability and peace across West and South Asia.

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KAUTILYA AND HIS POLITICAL AND ADMINISTRATIVE THOUGHTS

Kautilya, also known as Chanakya, is India's most illustrious political economist of all time. He regarded economic activity as the driving force behind the functioning of any political dispensation. In fact, he went to the extent of saying that revenue should take priority over the army because sustaining the army was possible out of a well-managed revenue system.

Kautilya advocated limiting the taxation power of the State, having low rates of taxation, maintaining a gradual increase in taxation and most importantly devising a tax structure that ensured compliance. He strongly encouraged foreign trade, basing it on the premise that for a successful trade contract to be established, it had to be beneficial to all. He emphasised State control and investment in land, water and mining.

Kautilya was a true statesman who bridged the gap between experience and vision. For Kautilya, good governance was paramount. He suggested built-in checks and balances in systems and procedures for the containment of malpractices. Many postulates of Kautilya's philosophy of political economy are applicable to contemporary times.

Brief Outline

Kautilya belonged to the Magadh State, which corresponds to present day South Bihar. Magadh was then the biggest state in India. Kautilya studied at one of the world's oldest universities, Takshasila University. He joined Chandragupta Maurya's empire, after a brief stint with the previous Nanda Dynasty. He served as the Mahaamatya, in the Mauryan empire, a post similar to the present day Prime Minister and, thus, possessed rich experience in political administration and defence matters.

Vishnugupt's (better known as Kautilya, or Chanakya) (350 BC - 275 BC) treatise Arthashastra deals extensively with aspects of political, economic, and social management and is the oldest book on management in the world. It was written by Kautilya around 350 BC. When literally translated, it means 'Scripture of Wealth'.

Kautilya was credited with bringing down the Nanda Dynasty and influencing the defeat of Alexander in India when the warrior was on his way to conquer the world. As a political thinker, he was the first to visualise the concept of a 'nation' for the first time in human history. During his time, India was spilt into various kingdoms. He brought all of them together under one 'Central Governance', thus creating a nation called 'Aryavartha', which later became India.

Kautilya's Arthashastra is an important source of knowledge on polity, economy and administration. However, this important document had been

forgotten for centuries. Thanks to Syamasastri, who first interpreted Kautilya's economic and political thoughts in a book published in English in 1909, we had insights into the writings of that brilliant mind.

Though the general impression is that Kautilya had not written much about economics, the fact is that Kautilya by taking a holistic and integrated approach to governance, had provided a new dimension to the field of economics, which unfortunately has remained neglected all this time. Economics works well with resource management, efficient administration, a fair judicial system, knowledgeable people with integrity, capable of taking up high positions.

Kautilya's philosophy is based on the principles of "Sam, Dam, Dand, Bhed" (Persuasion, Temptation, Punishment, and Division) as various, different, and sequential means to achieve an end.

Governance - Role of Ethics

Kautilya used the word 'Dharma' (which in general, means 'duty') and righteousness in personal and social conduct. He described the basic ethical (dharmic) values as, "Duties common to all - ahimsa (abstaining from injury to all living creatures); satyam (truthfulness); cleanliness; freedom from malice; compassion and tolerance."

Interest

Five different kinds of interest were distinguished by Kautilya: compound interest, periodical interest, stipulated interest, daily interest, and the use of a pledged article.

Indeed the idea of expressing interest as a percentage originated in India.

Wages

He recommended that the aggregate wage bill of the State should not exceed one-fourth of its revenue.

Prevention of Unfair Trade Practices

Kautilya's policies, when seen in totality, represent a very pro-merchant and artisan stance, with the State playing the role of facilitator and protector of commercial interests.

Conceptualising Good Governance

The Arthashastra equates political governance with economic governance. The end is economic governance while political governance is the means. But as economic objectives are not realised in the absence of political ones, then political governance becomes an end and economic governance the means. 'The end justifies the means', this is supposed to be the basis of Kautilyan and Machiavellian philosophy. Political power and material wealth according to Kautilya are the

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means and ends of governance. And good governance - political or economic - depends upon justifying the ends and means as the socio, economic and political conditions.

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The three constituents of power are: intellectual power, military might, and enthusiasm and morale.

Principles of Economic Administration

The cardinal principle of economic administration was laid down in Kautilya's Arthashastra in the following words - "The root of wealth is economic activity and lack of it brings material distress. In the absence of fruitful economic activity, both current prosperity and future growth are in danger of destruction. The King shall populate the countryside by creating new villages on virgin lands or reviving abandoned village sites."

Profit Margins

Arthashastra indicated the profit margin allowed to merchants as:

- 1-5% for locally produced goods, and
- 2-10% for imported goods

Principles of Taxation

Kautilya's discussion of taxation has several underlying principles - the taxing power of the state should be limited, tax should not be felt to be heavy or excessive, tax hikes should be introduced gradually, tax should be levied in the proper place, time and form, and tax level should be equitable and reasonable.

Ideally, the government should collect taxes like a honeybee that sucks just the right amount of honey from the flower so that both can survive.

Kautilya's scheme of taxation involved the elements of sacrifice by the taxpayer, direct benefit to the taxpayers, redistribution of income (the state took care of the poor), and tax incentives for desired investments.

Winning over Seducible and Non-Seducible Parties in Enemy Territory

There were four types of behaviour that he felt made a man seducible - anger, fear, greed, and pride.

Many of Kautilya's teachings and policies were influenced by the Vedas, which tell us that a human being is made up of mind, body, and intellect (brain). Of these, the body acts either at the command of the mind or at the insistence of the intellect. Intellect is defined as the capacity to control the mind and this comes from study and reflection. The mind is a collection of our feelings, emotions, thoughts etc. While intellect rationalises, the mind dictates the emotion. Further, the mind is insatiable, it wanders (perhaps even faster than the speed of light), and it gets attached. All these things make one dependent on the world.

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A person feels stress when his mind rules over his intellect. This is the state of unfulfilled desires. Whereas when intellect rules over the mind, the desires become aims and ambitions. Unfulfilled desires could lead one to anger (the mind experiences this as an obstruction to what one desires); greed (when the craving or the desire becomes very strong); this leads to arrogance, which with the passage of time becomes envy. Envy leads to fear (losing what one has). The fourth state that the Vedas talk about is Moha (delusion); but Kautilya lays stress on pride in a man that relates to arrogance as the fourth seducible element.

Education

Kautilya's Arthashastra identified the significance of training and learning. It clearly stated that training imparted discipline. Thus, the lessons of discipline could be imparted to those whose intellect had the desire to learn, capacity to listen attentively, power to grasp what was taught, to retain it in memory, discriminate between the important and the unimportant, draw inferences, deliberate and imbibe the truth and not to others.

From hearing (sruti) ensues knowledge; from knowledge, application (yoga) is possible; and from application, self-possession (atmavatta) is possible. This is what is meant by efficiency of learning (vidhyasamarthyam).

Kautilya stated that investment in human capital especially in higher education would have a greater impact on the growth and development of the economy.

Towards Higher Sustainable Economic Growth With People Welfare

Good governance in Kautilya's literature is aimed at fulfilling the welfare of the people. "In the happiness of the King's subjects lies his happiness, in their welfare, his welfare. Whatever pleases him personally, he shall not consider as good, but whatever makes his subjects happy, he shall consider good."

The jargon related to Human Resource Management was not prevalent then, but its essence was widely practised in Kautilya's times. "The King should look to the bodily comforts of his servants by providing such emoluments as can infuse in them the spirit of enthusiasm to work. He should not violate the course of righteousness and wealth. Thus, he shall not only maintain his servants, but also increase their subsistence and wages in consideration of their learning and work."

Kautilya said that good governance and stability go hand in hand. According to him, there is stability if rulers are responsive, responsible, accountable, removable, and recallable, otherwise there would be instability.

Rulers : Duties and Qualities

A ruler who administers justice on the basis of four principles: righteousness, evidence, history of the case, and the prevalent law, shall conquer the earth.

Law, Justice and Punishment

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When there is a conflict between established tradition and ethical principles, or between evidence and what is right (according to ethical principles) the case shall be decided on the basis of ethical principles.

Where scriptural laws conflict with what is righteous and just, there justice shall be the valid criterion, the written text loses its relevance.

Kautilya believed that for the prosperity of a state, the state must be devoid of internal conflict and the King should be in control of the state. To maintain this internal peace he believed in a just and realistic rule of law. His definition of a state was one which had power and wealth and hence he put property rights and protection of wealth as one of the important themes in his jurisprudence. In fact he advocated that one could get rid of corporeal punishment by paying off fines.

Kautilya also attaches great importance to human rights on how the invaded ruler and his ministers should be treated. He shows a deep understanding of criminal justice and war justice. Surprisingly, for a harsh and realist man like Kautilya he shows mercy towards the people defeated in a war and recommends humanity and justice towards them. He thinks that this important to preserve the mandala structure of war and peace. He advocates that defeated king shall be treated with respect and he should be made an ally.

He thinks that they key people advising the defeated king should be eliminated through a silent war.

Kautilya believes that law should be in the hands of the King and punishments need to be awarded to those who are guilty so that King can protect himself from the social unrest and unhappiness. He believes that punishment is a means to an end and it needs to prevent the commission of the crime. Kautilya also was a reformer where he though punishments could reform a person and hence a society. His devotion to social structure was so strong that he thinks that Brahmins need to be punished less by only exiling him and not torture him. This unequal social justice was in itself injustice but so was his belief.

He attaches great importance to dandaniti which includes, protecting property, acquiring property, augmenting them and distributing them. He thinks that justice is an important constituent of sovereignty and it needs to be preserved by the State and the ultimate responsibility lies with the King.

Kautilya's view on crime and justice is very elaborate and goes on to differentiate between various crimes. He advocates different punishments depending if they were crimes committed while in public office, civil crimes, sexual crimes, religious crimes etc.

This shows that he had great grasp to customize the rule of law depending both on the offence and the structure of the society. He believed that the structure

and peace is preserved in a society by effective jurisprudence. In today's context some of his ideas might be irrelevant but it shows that the ancient Hindu jurisprudence was codified and actually more resembled the common law.

Kautilya's understanding of justice, war, diplomacy and human rights makes him unique in his times. In ancient India there is no one comparable who could have stood the test for justice being a tool for statescraft. Kautilya believed that while it is as much important for the state to wage a war and conquer, it is also important to maintain law and order within the state in order to make it more powerful.

Agriculture

Agriculture is the most important constituent of the economy.

Three principal vocations are recognised as providing men with the means of livelihood namely, krsi (agriculture), pasupalya (cattle rearing) and vanijya (trade). The three together constitute varita (derived vritti, -livelihood).

Where rain, free from wind and unmingled with sunshine, falls so as to render turns of ploughing possible, there the reaping of good harvest is certain.

With respect to taxes on agriculture, avoid extremes of either complete absence of taxes or exorbitant taxation.

War Policy

Kautilya was a proponent of a welfare state but definitely encouraged war for preserving the power of the state. He thought that the possession of power and happiness in a state makes a king superior hence a king should always strive to augment his power. This actually coincides with the Weber's view that there is no moral in international politics which means that states must be at war all the times. Kautilya though did not state this explicitly but we can infer that he did presume to be at war is natural for a state. On the other hand he like Thomas Hobbes believed the goal of science was power. He said that, "Power is strength and strength changes the minds", hence he used power as a tool to control his society as well as his enemies. He also believed that it is the King's duty to seek material gain, spiritual good and pleasures. In this he clearly comes out as a realist and does believe in ethics of responsibility. Kautilya thinks that for a King to attain these three goals must create wealth, have armies and should conquer the kingdoms and enlarge the size of his state. This is quite interesting because he in a way does believe that a state's superiority is in its military and economic might which is what later philosophers and rulers have followed.

In the case of war, Kautilya and Machiavelli have the same reasoning where they advocate the King to be closely involved in the science of war. Kautilya advocated three types of war : Open war, Concealed war and the Silent War. Open war he describes as the war fought between states, concealed war as one which is similar to guerilla war and Silent war which is fought on a continued

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basis inside the kingdom so that the power of the King does not get diluted. In his opinion open warfare in any form was righteous. In open warfare he believed that State is one up on over morals and no morals can stop the State from fighting an open war. He believed that there were three types of kings who go into warfare and it is important to understand the distinction between the types of kings and the appropriate warfare strategy to be selected.

Firstly, he thought there was a righteous conqueror who can believe in power of the state. This is where the open warfare needs to be fought and the righteous king treats the lost king with dignity.

Secondly, there is a greedy king who fights war for material wealth in which case along with power state's resources are lost and hence to prevent such a war, one should use a tactical and concealed war. Thirdly, he thought there were always demoniacal kings who wanted to plunder and here one must use silent wars.

Kautilya was also very harsh in narrating the exact methods of fighting a silent war and use of spies and women as tools to reduce the strength of a state. Machiavelli, in his work does not labor into the details and one reason could be that the time when Machiavelli wrote, *The Prince*, the world had changed and already quite immoral in many ways. The aspect which I dislike in Kautilya's work is where he advocates the use of women as weapons of war. He saw women as a source of pleasure and charm which should be used to instill clashes between kings. One reason why he wrote in detail explaining the strategy was because he was a strong proponent of social structure. He strongly believed in the caste system and the relative position of a man and a woman in a caste. This could be another reason why during his time there were many Kshatriyas. Using secret agents, assassins, lies were tactics which he advocated to win a war. He vehemently defends the state and believes that religion and morals are supposed to serve the state. In Kautilya's concept of war, chivalry does not have any place and he is a realist. When compared to two early Indian writers Bharadwaja and Vishalaksha, the former is a realist and the latter is an idealist. Kautilya, takes the side of Bharadwaja in his *Arthashastra* and believes that war is a means to an end for wealth and stability. It is very difficult to say what inspired his thinking on the concept of war as we know that he was born as a poor Brahmin and strongly believed in social structures.

Kautilya also took the societal structure and King's power as given and never challenged it. His focus was not on war per se but on the strategy and tactics of war which elaborates in his work. In describing his opinion on war, I think he has been very right in saying that a state which seeks power is in war all the time if we use his classification of war.

Foreign Policy (Diplomacy)

Indian strategic culture has manifold influences and one such is the thinker Kautilya. Kautilya was a shrewd politician and an excellent strategist. His policy

of using spies to destroy enemies proved useful in successful running of the kingdom. Kautilya recommended seven strategies in dealing with neighboring powers to Chandragupta Maurya.

The strategies are:

1. Sanman - Appeasement, non-aggression pact
2. Danda - Strength, punishment
3. Dana - Gift, bribery
4. Bheda - Divide, split, separating opposition
5. Maya - Illusion, deceit
6. Upeksha - Ignoring the enemy
7. Indrajala - Faking military strength

Kautilya believed that nations acted in their political, economic, and military self-interest. He thought that foreign policy or diplomacy will be practiced as long as the self-interest of the state is served because every state acts in a way to maximize the power and self interest. He thought that the world was in such a state that a kingdom was either at war or was preparing for a war and diplomacy was yet another weapon used in this constant warfare. He believed that diplomacy is a series of actions taken by a kingdom such that it gains strength and eventually conquers the nation with which diplomatic ties were created.

He also believed that treaties should be made in such a way that King benefits and serves the self-interest of the Kingdom. He did talk about violating treaties and creating dissension between states so that his kingdom might benefit which directly is similar to Bismarck's strategies of treaties. In fact Kautilya can be compared to Bismarck that both of them thought of extremely complex network of treaties and relationships without any successor in either case.

Kautilya described three types of political system namely rule making, rule application and rule adjudication and has been recognized for his contributions to bringing diplomacy at the helm of state's affairs. In his words he defines diplomacy as, "A King who understands the true implication of diplomacy conquers the whole world". To understand his concept of diplomacy it is important to understand the Mandala concept, six types of foreign policy and four solutions. I shall explain the Mandala concept which is quite apt in today's context.

The Mandala Concept

The Mandala concept is one in which there are circles of friends and foes with the central point being the King and his State. This embraces twelve kings in the vicinity and he considers the kingdoms as neighbors, the states which are the enemies neighbors are his enemies' friends and the next circle of states are his friends. He also believes that the states which are his neighbors and are also neighbors of his enemies are neutral and should always be treated with respect.

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He believes that this circle is dynamic and the King should strive to be expanding his central position and reduce the power of the other kings in the vicinity. He also proposes to build alliances with states which are two degrees away from the center to create a balance of power. Though Bismarck did not exactly operate with the Mandala concept in Mind, I do see that he strived to create alliances and ties to enhance his strength and expanding the power of German-Prussia.

The Mandala concept is more multipolar than the current structure we see. Though our world has emerged into multipolar on the economic front, it is still unipolar on the military front. Also the intermediate powers in today's world play a major, thanks to De Gaulle but in the Kautilyan world he did recognize the importance of middle powers. In addition he mentions that war is an outcome of a power struggle and state sovereignty hence he treats diplomacy as a temporary phenomenon. That being said he elaborates on the six forms of diplomacy which I find very interesting and shall quote examples where they can be used.

Six Forms of Diplomacy

Kautilya elaborates on strategies for not only the strong king and the aggressor but also explains the strategies a weak king should follow to defend himself and protect the state.

His forms of diplomacy also depends on the type of the king whether the policy is directed toward the superior, inferior or equal. The six types of foreign policy that he advocates are

1. Sandhi : This means accommodation, which means that kings seek to accommodate the each other and does not resolve to hostile means. These Sandhis could be temporary or permanent and it depends on the environment and relative powers of the kings. The various sub-forms in this sandhi have been practiced by statesmen later. Bismarck had used Karmasandhi with Austria and now Britain's foreign policy has been to maintain Anavasitasandhi with the United States.
2. Vighraha : This means hostility shown to neighbor or a state. Kautilya strongly believed that the states are always at war and seek power hence it is necessary to have hostile foreign policy towards few states which are either equal in power or subordinate in power.
3. Asana : This means indifference and he chooses this policy for states which are neutral in his mandala concept of nations. He also believes that an indifferent foreign policy works well in the case of equal power. I may not agree on this point as we have seen in case of equal powers in history, there has been always tension which either led to a war or an alliance. Germany viewed Britain as an equal power and could not be indifferent neither could US be indifferent to Russia during the cold war.

4. **Dvaidhibhava** : This means double policy which was very well practiced by Bismarck. Kautilya advocates this foreign policy for states which are superior militarily. Kissinger followed this strategy where he made alliance with China such that at no time Russia and China could become closer in ties than US and China. Kautilya advocated the same concept within his Mandala framework.
5. **Samsarya** : This policy of protection is followed where a stronger state intervenes and shelters a weak state. Kautilya advocates this policy when a stronger state needs a shield to protect itself from an equal power it is good to use this policy of protection for a third state and use this alliance to defend against the potential enemy. In one sense the colonization was followed where European powers started controlling weak nations in Africa and Asia and thus strengthening their position against one another.
6. **Yana** : This policy is to attack. Kautilya does mention that peace and stability in a state makes the state even powerful but never shies away from attacking the weak and unjust king. He thinks that an unjust king keeps the society unhappy which makes that state a potential target as it is weak due to social unrest. Who knows may George W. Bush read Kautilya before pursuing the Yana policy on Iraq.

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Thus Kautilya's foreign policy was formed by his strong belief in King and the state's continuous thirst for power and wealth. His diplomacy tactics were also influenced by Hindu religion and the social structure which shaped his thinking in terms of types of foreign policies and their application.

GUPTA'S ADMINISTRATION

The Gupta Empire was an Ancient Indian empire which existed approximately from 320 to 550 CE and covered much of the Indian Subcontinent. Founded by Maharaja Sri-Gupta, the dynasty was the model of a classical civilization. The peace and prosperity created under leadership of Guptas enabled the pursuit of scientific and artistic endeavors. This period is called the Golden Age of India and was marked by extensive achievements in science, technology, engineering, art, dialectic, literature, logic, mathematics, astronomy, religion and philosophy that crystallized the elements of what is generally known as Hindu culture. Chandragupta I, Samudragupta, and Chandragupta II were the most notable rulers of the Gupta dynasty.

The high points of this cultural creativity are magnificent architectures, sculptures and paintings. The Gupta period produced scholars such as Kalidasa, Aryabhatta, Varahamihira, Vishnu Sharma, Vatsyayana and Prashastapada who made great advancements in many academic fields. Science and political administration reached new heights during the Gupta era. Strong trade ties also made the region an important cultural center and set the region up as a base that

would influence nearby kingdoms and regions in Burma, Sri Lanka, Malay Archipelago and Indochina.

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The earliest available Puranas are also thought to have been written around this period. The empire came to an end with the attack of the Huna from Central Asia. After the collapse of the Gupta Empire in the 6th century, India was again ruled by numerous regional kingdoms. A minor line of the Gupta clan continued to rule Magadha after the disintegration of the empire. These Guptas were ultimately ousted by the Vardhana king Harsha, who established an empire in the first half of the seventh century.

The Gupta kings had limitless powers. There was political unity in India under the Guptas. There was an efficient administration, The vast empire was divided into provinces which were under the control of the governors. The members of the royal family were appointed as governors. The ministers, generals and other officials followed Rajya Dharma. The provinces were divided into Vishayas or districts. The village was the lowest unit of administration. A local chief administered it.

The Guptan monarchs maintained a standing army. The use of cavalry and horse archery became important in the army. Special attention was paid to the safety of the border areas. Land tax and Excise duties were collected. The judicial system was developed and several law books were written. For the first time civil and criminal Laws were differentiated.

Fa-hien's Account During the reign of Chandragupta II, Fa-hien, and the Chinese traveler visited his court. He came to India to see the important Buddhist Centers. He stayed a few years in Chandragupta's Court. His accounts contain information about the victories and other achievements of Chandragupta. According to him, kings were tolerant, people were prosperous and of charitable disposition. People dared not to kill living things. Punishments were mild. India had traded with China, Ceylon, East Indian Islands and many countries of Europe.

Military Organization

The Imperial Guptas could have achieved their successes through force of arms with an efficient martial system. Historically, the best accounts of this comes not from the Hindus themselves but from Chinese and Western observers. However, a contemporary Indian document, regarded as a military classic of the time, the Siva-Dhanur-veda, offers some insight into the military system of the Guptas. The Guptas seem to have relied heavily on infantry archers, and the bow was one of the dominant weapons of their army. The Hindu version of the longbow was composed of metal, or more typically bamboo, and fired a long bamboo cane arrow with a metal head.

Unlike the composite bows of Western and Central Asian foes, bows of this design would be less prone to warping in the damp and moist conditions often

prevalent to the region. The Indian longbow was reputedly a powerful weapon capable of great range and penetration and provided an effective counter to invading horse archers. Iron shafts were used against armored elephants and hippos, and fire arrows were also part of the bowmen's arsenal. India historically has had a prominent reputation for its steel weapons. One of these was the steel bow. Due to its high tensility, the steel bow was capable of long range and penetration of exceptionally thick armor. These were less common weapons than the bamboo design and found in the hands of noblemen rather than in the ranks. Archers were frequently protected by infantry equipped with shields, javelins, and longswords.

The Guptas also had knowledge of siegecraft, catapults, and other sophisticated war machines.

The Guptas apparently showed little predilection for using horse archers, despite the fact these warriors were a main component in the ranks of their Scythian, Parthian, and Hephthalite (Huna) enemies. However, the Gupta armies were probably better disciplined. Able commanders like Samudragupta and Chandragupta II would have likely understood the need for combined armed tactics and proper logistical organization. Gupta military success likely stemmed from the concerted use of elephants, armored cavalry, and foot archers in tandem against both Hindu kingdoms and foreign armies invading from the Northwest. The Guptas also maintained a navy, allowing them to control regional waters.

The collapse of the Gupta Empire in the face of the Huna onslaught was due not directly to the inherent defects of the Gupta army, which after all had initially defeated these people under Skandagupta. More likely, internal dissolution sapped the ability of the Guptas to resist foreign invasion, as was simultaneously occurring in Western Europe and China.

ADMINISTRATION OF THE SULTANATE

The government established by the Turks was a compromise between Islamic political ideas and institutions on the one hand and the existing Rajput system of government on the other. Consequently many elements of the Rajput political system with or without changes became part and parcel of the Turkish administration in India. Most of the Sultans kept up the pretence of regarding the caliph as the legal sovereign while they themselves were the caliph's representatives. Most of them included the name of the caliph in the Khutba and the Sikka and adopted titles indicative of their subordination to the caliph. Three rulers emphasised their own importance. Balban used to say that after the Prophet the most important office was that of the sovereign and called himself the Shadow of God. Muhammad bin Tughlaq assumed this style during the early years of his reign and although Balban had retained the name of the caliph in the Khutba and Sikka, he made no mention of caliph anywhere. Despite all this neither of them

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had the power to call himself the caliph. The only person who had done this was Qutubuddin Mubarak Khalji. Only three Sultans sought and secured a mansur or letter of investiture from the caliph. The first among them was Iltutmish. Next Muhammad bin Tughlaq tried to pacify the ulema by securing an investiture from the Abbasid Caliph in Egypt.

After him Firoz also sought and secured it twice. According to Islamic ideals essential attributes of a sovereign required that he should be a male adult suffering from no physical disability, a freeborn Muslim having faith in Islam and acquainted with its doctrines and he should be elected by the people. There were several violations of the prescribed criteria as Raziya was raised to throne despite her being a woman. Minority proved no bar in the case of Mohammad bin Tughluq. Alauddin Khalji admitted his ignorance of the Sharia but nobody questioned him. In the framing of new rules and regulations the authority of the Sultan was circumscribed and every ruler could not govern the kingdom in complete disregard of the advice of the ulema or theologians as Alauddin Khalji and Muhammad Tughluq had been able to do. The power of the nobility also blunted their authority to some extent. When there was a weak ruler on the throne the nobles and the ulema particularly dominated him but during the reign of Balban, Alauddin Khalji and Muhammad Tughluq these checks proved ineffective. The sultans were not powerful enough to rule the land in complete disregard of the sentiments of the Hindus.

The Sultan dominated the central government as he was the legal head of the state and acted as the chief executive and the highest court of appeal. The Sultan was assisted by number of ministers. The slave dynasty sultans constituted four ministers at the top level these were held by Wazir, Ariz I mamalik, the Diwan -i-insha and the Diwan-i-risalat. After sometime an extraordinary officer of the state styled as Naib-ul-mulk or malik naib the regent came into existence. When the sultanate was well established two more departmental heads were raised to the status of central ministers sadr-us-sadur and the Diwan-i-qaza. The commander of the royal army next after the sultan, the crown prince and above mentioned ministers constituted the nucleus of the council of advisers called Majilis-i-am or Majilis-i-khawat which comprised the most trusted and the highest officers of the state. The wazir also styled as wakil was the prime minister and his department was called the Diwan-i-wizarat. He was head of the finance dept and usually held overall charge of the entire administrative set up. The head of the army establishment or the ministry of defence was the Diwan-i-arz. He was responsible for the organization and maintenance of the royal army and exercised disciplinary control over it. The department of correspondence and records of the royal court was called Diwan-i-insha; it was held under the charge of central minister known as Dabir-i-mamlik, Dabir-i-khas or Amir munshi. The Diwan-i-

risalat constituted the fourth pillar of the imperial administration of the sultanate. Under slave dynasty the head of the dept was Sadr-us-sadur who was primarily a minister for ecclesiastical affairs. During the time of Alauddin Khalji Diwan-i-risalat dept was taken out of the hand of the sadr and renamed diwan-i-riyasat. Its primary function was to implement the economic regulations issued by the sultan and control the markets and prices. Barid-i-mamalik; Wakil -i-dar, Amir-i-barbak, Amir-i-hajib, Amir-i-majlis, Amir-i-shikar, Kotwal etc were other important officials of the time.

ALAUDDIN KHILJI AS AN ADMINISTRATOR

Alauddin khilji was the second king of the khilji dynasty and one of the ablest ruler of the delhi sultanate. Many of his reforms and innovations became the basis for his successors to work on. He reigned from 1296-1326 during a time when Mongolian raids were wrecking havoc in central asia and internally there was instability and disunity among the independent kingdoms of indo-pakistan. He introduced new administrative, social, economic and military reform which not only benefited him as a king but the masses in general. His was an era of awe and prosperity.

Administrative Policy and Reforms

Alauddin khilji was a brilliant administrator. He was a trend setter. Prof. K.S.Lal says " it is as an administrator than anything else that alauddin khilji was head and shoulders above his predecessors. His accomplishments as a warrior were dwarfed by his achievements as an organiser." No Muslim ruler before the mughals could reach such a level in the administrative measures taken by them.

The main policy and reforms of alaudin khilji can be summarized as:

1. His Conception of Kingship and Sovereignty:

His concept of kingship and sovereignty differed from his predecessors in that he separated the govt. from religion. In his opinion a king should be the absolute and undisputed authority. Before him the ruler was greatly influenced by the ulemas and nobles. He openly disregarded this concept and carried out his own form of monarchy.

2. Study of Causes of Rebellion:

He studied and consulted a lot on the causes of the regular rebellions and revolts as he had to face himself by his own relatives like omar khan and nobles like akat khan. Four causes were given to him: (a) the disregard of state by the sultan (b) use of wine (c) intimacy, alliances and meetings of the nobles where they hatched plots against the govt. (d) excessive wealth which created hunger for power and caused revolts.

3. Measures to Stamp Out Rebellions:

He took a number of measures to stamp out these causes.

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The confiscation of land, property and villages by the elite class and nobles; end of private ownership and pension. Land either personal, as a gift or religious endowment was taken back and the half of the land produce was to be paid to the govt. the people were reduced to abject poverty and had no time to think of revolts.

The development of efficient spy system which informed the sultan of various activities of general public and nobles.

The prohibition of wine and intoxicating drugs, starting from the sultan himself.

All social gatherings and alliance were forbidden except by the permission of the sultan.

As a result, the life of the nobles became dull and dreary. These measures were so strict and carried out so efficiently that the rebellions were completely crushed. These restrictions were however, only for the Muslims.

Hindus Under Alauddin Khilji

The main measure taken against the hindus to eliminate any cause for their rise to power were to reduce them to poverty. The Chaudries, Khuts and Muqaddams were the main landlords who had wealth and power. Their lands were taken from them and they had to pay half of their lands produce. According to Barani " the Chaudhries, Khuts and Muqadams could not buy a good horse, wear fine clothes and indulge in the battles". Although Barani latter is also of the view that the law abiding Hindus rubbed shoulders with the Muslim aristocracy.

Revenue Reforms

Alauddin khilji wanted to establish a system by eliminating corruption and introducing economic welfare. He took major revenue reforms.

New taxes were introduced to increase the treasury to support military conquests. Grazing tax, housing tax etc were introduced. The hindu faced the economic weight as they were the main landlords.

For the first time land survey and settlement system was introduced by Alauddin. It was later developed by Sher Shah and Akbar.

Military Reforms

Many military reforms were the need of the time to crush the mongol invasions and to conquer the far territories of the south.

He introduced the system of branding horses, so that unfit horses may not be brought to the field.

He also introduced the Hullah syatem or the practice of allocating descriptive rolls to the soldiers so that substitutes could not be sent for parades.

These practices kept the nobles from cheating the Sultan.

Economic Reforms

Alauddin Khilji will always be remembered in the history of indo-pak as the greatest economic reformer who was way ahead of his time. According to Lanepool he was a brilliant Political economist.

His famous "Price Control System" eased the sufferings of the poorer classes. He implemented it with severity and gave strict punishments to those who didn't follow it.

Reasons for Price Control

The main reasons for price control were the maintenance of a large army and to allow the soldiers to live a life with meager means. Also the revolts of the rajputana, the low value of currency due to wealth influx from the south and prevention from Mongol invasion were other reasons.

Price Control

The prices of various articles of daily use were fixed. Wheat 7 jitals per maund, gram, dhan and mash at 5 jitals per maund, barely at 4 jitals per maund. Sugar 1.5 jitals per seer, gur ¼ jital per seer, butter 1 jital per 2 ½ seer and salt 2 ½ maund for 5 jitals. Similarly the prices of vegetables, fruits, clothes, arms and animals were also fixed. A brand horse at 140 tankas, a milch cow and buffalo at 4 and 6 tanka respectively.

Supply Control

The supply was also controlled by forbidding hoarding by dealers and farmers; registration of suppliers; royal granaries known as the 'sarai-adal' near Baduangaate for selling wheat; efficient control by magistrates and officers. Anyone having more than 10 maunds were to sell grain on fixed rates.

Transport Control

The means for transportation were vastly improved and every facility was provided to them. The transporters were registered in the daftars.

Rationing System

During draught and famine people were not freely provided with grains. No one was allowed to buy more than half a maund. Due to this rationing system the general masses did not feel the pinch of the high prices.

Efficient Organization and Appointment of Market Officers

This price control system was made efficient and applicable by the Sultan and concerned officers themselves. Two officers 'shahana-i-mandi' was Malik Qabul who was the superior of the granaries and had many subordinates under him to check efficient sale and prevention of black marketing. The 'Diwan-e-riyasat' was Yaqub who registered all the suppliers and was in charge of the cloth and general market. He also noted the amount of wheat brought in by the sellers.

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Results and Success of the Price Control System**NOTES**

The price control system tackled the food problem efficiently. It relieved the poor masses who became to regard the Sultan with deep devotion and loyalty. It was a 'wonder of that time' and people looked at it with awe. The success of this system was made possible due to the keen interest of the Sultan himself, the efficient spy system, efficient planning and execution by officers and their zeal and honesty. Those who disregarded the rules and regulations were severely punished and dealt with. Therefore, even being ahead of its time this system was the reason of evolution of a sound economy in Indo-pakistan.

Conclusion

Alauddin khilji was not only a brave general and an able statesman, he was also a remarkable and innovative administrator. His deep study of the prevalent vices and measure to reduce them, his efficient land reform and price control system and above all his desire for the welfare of people were his prominent achievements as an administrator.

ADMINISTRATION UNDER SHER SHAH SURI

In the process of evolution of Mughal administrative machinery, the Afghan interlude (1540-1555) was significant. Under Sher Shah Suri the experiment in the formation of a bureaucracy under a centralised despotism had taken place. Akbar gave it a definite shape. Thus, we can say that Sher Shah anticipated Akbar. Let us first study the administrative measures of Sher Shah.

We get very little information about the working of central administration under Sher Shah. But he was an autocrat and kept everything under his direct control and supervision. Therefore, things went well so long as he was alive: his successors were no match to him.

The village was the smallest unit of administration. A group of villages constituted a pargana and a few parganas a shiqq which was equivalent to Mughal sarkar. However, in few areas, such as Punjab, Bengal, Malwa, etc. several shiqqs were placed under an officer whom we can equate with the Mughal subadar. The village-head was known as muqaddam who worked as the sole link between the government and the village. Though he was not the government servant, nonetheless he was responsible for maintaining law and order in his village. Next comes the patwari, a village recordkeeper. He was also not an employee of the state but of the village community. The shiqqdar was incharge of the pargana. His chief function was to collect the revenue at pargana level. He was frequently transferred under Sher Shah. He was assisted by two Karkuns (clerks) who kept the records both in Hindi and Persian. The munsif was responsible for measuring the land etc. Both (shiqqdar and muusif) were directly appointed by the government. The qanungo maintained the records at pargana level. He was a

hereditary semi-official. The fotadar waq entrusted with the treasury of the pargana.

A number of Parganas formed a Sarkar (Shiqq), headed by Shiqqdar-i Shiqqdaran. He was the supervisor and executive officer over the shiqqdars of all the parganas in a Sarkar (Shiqq). The munsif-i munsifan performed the duties of Amin (created later by the Mughals) at Sarkar (Shiqq) level. There were 66 Sarkars (Shiqqs) in Sher Shah's Empire.

Sher Shah attached great importance to the administration of justice. Civil cases of the Muslims were taken care of by the Quazi, while the criminal cases were tried by the Shiqqdar. The largest responsibility for detecting crimes rested upon muqaddams. If the muqaddam of the village, where the crime was committed, failed to capture the culprit, he was liable to severe punishment.

MUGHAL POLICY AND ADMINISTRATION

Babar and Humayun had not tried to change the prevailing administration and government style of ruling. It was only Akbar who established an efficient and strong administration. His administration was better than his predecessors. He not only adopted some rules of Sher Shah Suri's administration but also reformed the prevalent system and also introduced some new rules and practices. His successors adopted his basic administration and policies and ruled successfully. In the early time of their rule Mughal rulers ruled according to the Islamic Law like the Delhi Sultans. They ruled according to the wishes of the Muslims and guidelines of the Ulemas. But Akbar abolished this practice. In case of differences between the Ulemas and the Emperor, Akbar's decision was considered to be effective. Thus, Muslim religious lobby was barred from interfering in the administration and Mughal Emperor became the supreme power in India. Mughals believed in the divine theory of Kingship. Royalty was considered to be a light emanating from God and a ray from the Sun.

Administration

Mughals Emperor gave equal right to Muslims and non-Muslims and thus went against the Islamic Laws. Jeziya tax was abolished and many Hindus were appointed at the high ranks in the Mughal administration. After Akbar, Jahangir and Shah Jahan did not change the prevalent administration system but Aurangzeb was a fundamentalist who ruled according to the Islamic Law. He put Jeziya into effect and implemented some rules on Hindus. Mughal Emperors can be called kind dictators. They believed in the welfare of the subjects their first duty. Tyranny was unlawful in everyone, especially in a sovereign who was the guardian of the people. One of the main importances of the Mughal administration is that feudal system was prevalent at large scale. Many rulers of small states had acknowledged Akbar's lordship and in return Akbar had appointed them feudal lords of their states.

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They used to pay annual taxes and military assistance to the Emperor. On Emperor's orders they used to march against the enemies of the Empire. Mughal Emperor never interfered into the internal matters of their states and they had the full right to rule their state according to their own will. The Mughal administration was the combination of foreign and native elements. 'It was a Perso-Arabic system in Indian setting. The Royal court, administration and judiciary were established according to the foreign methods while village administration, land and revenue were established according to prevalent methods. They introduced some native subjects into the military administration along with the foreign subjects.

Central Government

Emperor was the sovereign head of the Mughal administration who had unlimited powers. But welfare of the people was the chief motive of all the Mughal Emperors. A council of ministers used to help the Emperor. The Mughal ministers did not have the rights of today's ministers. According to historian 'The ministers were usually Emperor's pupils, rather than his teachers'. After the Emperor, the Vakil or Wazir was the most powerful in the administration. He used to advise the Emperor and handled all the administration departments. Bairam Khan was the famous Vakil during Akbar's reign after that Vakil or Wazir's powers decreased and Diwan-i-Ala's powers increased. Diwan-i-Ala was an important position in the Mughal administration.

He was the finance minister who kept the record of the revenue and expenditures. He made the land and other taxes related rules. His signatures were necessary for any kind of payment. Toddar Mall and Giyas Begh were the famous Diwan-i-Alas of their ages. Mir Bakhshi was another position in the administration that used to give salaries to the military and civil officials and was also in charge of some other military and civil related works. Chief Sadar was in charge of religious matters. He used to keep the record of saints and seers, give grants to educational and religious institutes and advice the Emperor into the religion related matters. Khan-i-Saman was the minister of royal family and house hold related matters. Chief Qazi was the chief Judge in the Mughal administration. He used to appoint Qazis, keep a watch on their courts and to advise the Emperor into the related matters. Mir Atish was in charge of artillery while Droga-i-Dakchori was the chief of postal services. Mir-i-Bar was the chief of forest department and Mir-i-Bahir was chief of Navy.

Provincial Administration

Subedar was the chief of province who was called Sipah Salar or Nazim. There were 15 provinces during Akbar's era and during Aurangzeb's rule they had increased to 21. The administration of province was same like the central administration. Nazim was appointed by the Emperor himself. His chief aim was

to establish peace and rule of law and order. He was in charge of almost every department.

Diwan was the second in rank after Nazim and was in charge of the financial matters of the province. He was appointed by the Emperor with the advice of Chief Diwan. He was directly under the Central government. Except it Bakkshi, Sadar and Qazi were also appointed by the central government and were answerable only to the heads of their respected departments in center. Waqiya-Nawis used to keep the record of all the happenings informed the Emperor secretly. Many secret agents and writers used to work under him. Kotwal used to be the chief of every important city who used to keep an eye on the personalities.

Lower Level Administration

Every province was divided into Sarkar and subdivided into Parganas. Faujdar, Amil Guzar, Bitikchi, Khazanedar were important posts in Sarkars. Shiqdar, Amil, Qanungo, Potdar and Karkuns were the import officials of Pargana. Faujdar and Shiqdar's work was to establish law and order in their respected fields.

They also used to keep a small army under them. Amil Guzar and Amil were in charge of finance departments of Sarkar and Pargana. They used to collect revenue from the land and keep record of it. Except it they also could hear the cases related to financial matters. Bitikchi used to keep the record of land records and revenue collected from them. Khazanedar used to deposit the collected taxes into the royal treasury. Same duties were performed by the Qanungo, Potdar and Karkuns at the Pargana level. Every village had its own Panchayat that was judiciary, administration and government in itself at village level.

BRITISH PERIOD

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

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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.

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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.

A Brief Outline

The British Period is the name given to the period of British colonial rule in South Asia between 1858 and 1947; it can also refer to the dominion itself, and even the region under the rule. The region, commonly called India in contemporary usage, included areas directly administered by Britain, as well as the princely states ruled by individual rulers under the paramountcy of the British Crown.

The system of governance was instituted in 1858, when the rule of the British East India Company was transferred to the Crown in the person of Queen Victoria (and who, in 1876, was proclaimed Empress of India), and lasted until 1947, when the British Indian Empire was partitioned into two sovereign dominion states, the Union of India (later the Republic of India) and the Dominion of Pakistan (later the Islamic Republic of Pakistan, the eastern half of which, still later, became the People's Republic of Bangladesh). The province of Burma in the eastern region of the Indian Empire was made a separate colony in 1937, and became independent in 1948.

The East India Company was an early English joint-stock company that was formed initially for pursuing trade with the East Indies, but that ended up trading mainly with the Indian subcontinent and China.

The East India Company traded mainly in cotton, silk, indigo dye, saltpetre, tea, and opium. However, it also came to rule large swathes of India, exercising military power and assuming administrative functions, to the exclusion, gradually, of its commercial pursuits. Company rule in India, which effectively began in 1757 after the Battle of Plassey, lasted until 1858, when, following the events of the Indian Rebellion of 1857, and under the Government of India Act 1858, the British Crown assumed direct administration of India in the new British Raj. The Company itself was finally dissolved on 1 January 1874, as a result of the East India Stock Dividend Redemption Act.

THE NATURE OF BRITISH ADMINISTRATION

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 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.

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The Regulating Act of 1773

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This Act deserves special mention because it was the first act 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.

Effects of the Regulating Act

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

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- (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.

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.

CONSTITUTIONAL CHANGES FROM 1784-1834

Pitt's India Act 1784

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

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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.

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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.

The Amending Act of 1786

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

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

THE CENTRAL SECRETARIAT

In 1784, the Central Secretariat had three main branches: General, Revenue and Commercial. Judicial branch was later 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.

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.

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Revenue Department**NOTES**

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 Ordinance, formed in 1775 to manage military stores.
- (3) The Board of Trade formed in 1774 for commercial transactions.

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

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

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.

Financial and Colonial Departments

With Wellesley 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.

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.

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DEPARTMENTS UNDER THE GOVERNOR-GENERAL AND OTHER CIVIL DEPARTMENTS

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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.

THE ADMINISTRATION OF REVENUE DURING BRITISH

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.

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.

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 13 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.

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.

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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 19th 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

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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 offices 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.

BOARD OF REVENUE DURING BRITISH

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 effected in the Board of Revenue on the recommendations of John Shore in 1788. They sought to effect total control of revenue administration by the 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.

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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.

ROLE OF DIVISIONAL COMMISSIONERS

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

Despite this arrangement, each Board found that it was unable to manage the territory under its jurisdiction. Conduct of business was slow and corruption was on the increase. The major problem was that of 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.

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THE ADMINISTRATION OF CRIMINAL JUSTICE AND POLICE DURING BRITISH

We have examined in the previous topic of this Unit, the Mughul 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 Mughul 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

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designated Judges of the Court of Circuit. They were assisted by a Quazi and a Mufti as law officers.

The police duties of the Magistrate continued. He was to apprehend criminals and peace brakers 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 village 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. If-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.

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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.

THE CIVIL SERVICE DURING THE BRITISH PERIOD

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

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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 Hailey bury 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 Hailey bury and for the next 50 years the ICS was the product of the Hailey bury College.

The syllabus drawp up by Wellesley for his College was followed at the Hailey bury 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 Hailey bury 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 part of India still upheld old Hailey bury 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 Hailey bury 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 competition test meant the end of the Hailey Bury 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.

CHARTER ACT 1813

The aggressive policies of Lord Wellesley and the Marquis of Hastings led to the Company gaining control of all India, except for the Punjab, Sindh and Nepal. The Indian Princes had become vassals of the Company. But the expense of wars leading to the total control of India strained the Company's finances to the breaking point. The Company was forced to petition Parliament for assistance. This was the background to the Charter Act of 1813 which, among other things:

- asserted the sovereignty of the British Crown over the Indian territories held by the Company;
- renewed the charter of the company for a further twenty years but,
- deprived the company of its Indian trade monopoly except for trade in tea and the trade with China;
- required the company to maintain separate and distinct its commercial and territorial accounts; and,
- opened India to missionaries.

CHARTER ACT 1833

The Industrial Revolution in Britain, and the consequent search for markets, and the rise of laissez-faire economic ideology form the background to this act. The Act:

- removed the Company's remaining trade monopolies and divested it of all its commercial functions;
- renewed for another twenty years the Company's political and administrative authority;

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- invested the Board of Control with full power and authority over the Company. As stated by Kapur Professor Sri Ram Sharma, thus, summed up the point: "The President of the Board of Control now became Minister for Indian Affairs";
- carried further the ongoing process of administrative centralization through investing the Governor-General in Council with, full power and authority to superintend and, control the Presidency Governments in all civil and military matters;
- initiated a machinery for the codification of laws;
- provided that no Indian subject of the Company would be debarred from holding any office under the Company by reason of his religion, place of birth, descent or colour. However, this remained a dead letter well into the 20th century;
- vested the Island of St Helena in the Crown.

Meanwhile, British influence continued to expand; in 1845, the Danish colony of Tranquebar was sold to Great Britain. The Company had at various stages extended its influence to China, the Philippines, and Java. It had solved its critical lack of the cash needed to buy tea by exporting Indian-grown opium to China. China's efforts to end the trade led to the First Opium War with Britain.

INDIAN REBELLION OF 1857-58 AND THEREAFTER

The Indian Rebellion of 1857, known to the British as the "Great Mutiny", but to Indians as the "First War of Independence", resulted in widespread devastation in India and condemnation of the Company for permitting the events to occur. One of the consequences was that the British government nationalized the Company. The Company lost all its administrative powers; its Indian possessions, including its armed forces, were taken over by the Crown pursuant to the provisions of the Government of India Act 1858.

The Company continued to manage the tea trade on behalf of the British government (and the supply of Saint Helena) until the East India Stock Dividend Redemption Act came into effect, on 1 January 1874, under the terms of which the Company was dissolved.

Following the Indian Rebellion of 1857, the Act for the Government of India (1858) made changes in the governance of India at three levels: in the imperial government in London, in the central government in Calcutta, and in the provincial governments in the presidencies (and later in the provinces).

In London, it provided for a cabinet-level Secretary of State for India and a fifteen-member Council of India, whose members were required, as one prerequisite of membership, to have spent at least ten years in India and to have done so no more than ten years before. Although the Secretary of State formulated

the policy instructions to be communicated to India, he was required in most instances to consult the Council, but especially so in matters relating to spending of Indian revenues. The Act envisaged a system of "double government" in which the Council ideally served both as a check on excesses in imperial policy-making and as a body of up-to-date expertise on India. However, the Secretary of State also had special emergency powers that allowed him to make unilateral decisions, and, in reality, the Council's expertise was sometimes outdated. From 1858 until 1947, twenty seven individuals served as Secretary of State for India and direct the India Office; these included: Sir Charles Wood (1859–1866), Marquess of Salisbury (1874–1878) (later Prime Minister of Britain), John Morley (1905–1910) (initiator of the Minto-Morley Reforms), E. S. Montagu (1917–1922) (an architect of the Montagu-Chelmsford reforms), and Frederick Pethick-Lawrence (1945–1947) (head of the 1946 Cabinet Mission to India). The size of the advisory Council was reduced over the next half-century, but its powers remained unchanged; in 1907, for the first time, two Indians were appointed to the Council.

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In Calcutta, the Governor-General remained head of the Government of India and now was more commonly called the Viceroy on account of his secondary role as the Crown's representative to the nominally sovereign princely states; he was, however, now responsible to the Secretary of State in London and through him to Parliament of the United Kingdom. A system of "double government" had already been in place in the East India Company rule in India from the time of Pitt's India Act of 1784. The Governor-General in the capital, Calcutta, and the Governor in a subordinate presidency (Madras or Bombay) was each required to consult his advisory council; executive orders in Calcutta, for example, were issued in the name of "Governor-General-in-Council" (*i.e.*, the Governor-General with the advice of the Council). The Company's system of "double government" had its critics, since, from the time of the system's inception, there had been intermittent feuding between the Governor-General and his Council; still, the Act of 1858 made no major changes in governance. However, in the years immediately thereafter, which were also the years of post-rebellion reconstruction, the Viceroy Lord Canning found the collective decision-making of the Council to be too time-consuming for the pressing tasks ahead. He therefore requested the "portfolio system" of an Executive Council in which the business of each government department (the "portfolio") was assigned to and became the responsibility of a single Council member. Routine departmental decisions were made exclusively by the member, however, important decisions required the consent of the Governor-General and, in the absence of such consent, required discussion by the entire Executive Council. This innovation in Indian governance was promulgated in the Indian Councils Act of 1861.

If the Government of India needed to enact new laws, the Councils Act allowed for a Legislative Council—an expansion of the Executive Council by up

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to twelve additional members, each appointed to a two-year term—with half the members consisting of British officials of the government (termed official) and allowed to vote, and the other half, comprising Indians and domiciled Britons in India (termed non-official) and serving only in an advisory capacity. All laws enacted by Legislative Councils in India, whether by the Imperial Legislative Council in Calcutta or by the provincial ones in Madras and Bombay, required the final assent of the Secretary of State in London; this prompted Sir Charles Wood, the second Secretary of State, to describe the Government of India as “a despotism controlled from home.” Moreover, although the appointment of Indians to the Legislative Council was a response to calls after the 1857 rebellion, most notably by Sir Sayyid Ahmad Khan, for more consultation with Indians, the Indians so appointed were from the landed aristocracy, often chosen for their loyalty, and far from representative. Even so, the “tiny advances in the practise of representative government were intended to provide safety valves for the expression of public opinion which had been so badly misjudged before the rebellion.” Indian affairs now also came to be more closely examined in the British parliament and more widely discussed in the British press.

Although the Great Uprising of 1857 had shaken the British enterprise in India, it had not derailed it. After the rebellion, the British became more circumspect. Much thought was devoted to the causes of the rebellion, and from it three main lessons were drawn. At a more practical level, it was felt that there needed to be more communication and camaraderie between the British and Indians; not just between British army officers and their Indian staff, but in civilian life as well. The Indian army was completely reorganised: units composed of the Muslims and Brahmins of the United Provinces of Agra and Oudh, who had formed the core of the rebellion, were disbanded. New regiments, like the Sikhs and Baluchis, composed of Indians who, in British estimation, had demonstrated steadfastness, were formed. From then on, the Indian army was to remain unchanged in its organization until 1947.

ECONOMIC AND POLITICAL CHANGES

In the second half of the 19th century, both the direct administration of India by the British crown and the technological change ushered in by the industrial revolution, had the effect of closely intertwining the economies of India and Britain. In fact many of the major changes in transport and communications (that are typically associated with Crown Rule of India) had already begun before the Mutiny. Since Dalhousie had embraced the technological change then rampant in Britain, India too saw rapid development of all those technologies. Railways, roads, canals, and bridges were rapidly built in India and telegraph links equally rapidly established in order that raw materials, such as cotton, from India's hinterland could be transported more efficiently to ports, such as Bombay, for

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subsequent export to England. Likewise, finished goods from England were transported back just as efficiently, for sale in the burgeoning Indian markets. However, unlike Britain itself, where the market risks for the infrastructure development were borne by private investors, in India, it was the taxpayers—primarily farmers and farm-labourers—who endured the risks, which, in the end, amounted to £50 million. In spite of these costs, very little skilled employment was created for Indians.

The rush of technology was also changing the agricultural economy in India: by the last decade of the 19th century, a large fraction of some raw materials—not only cotton, but also some food-grains—were being exported to faraway markets. Consequently, many small farmers, dependent on the whims of those markets, lost land, animals, and equipment to money-lenders. More tellingly, the latter half of the 19th century also saw an increase in the number of large-scale famines in India. Although famines were not new to the subcontinent, these were particularly severe, with tens of millions dying, and with many critics, both British and Indian, laying the blame at the doorsteps of the lumbering colonial administrations.

Taxes in India decreased during the colonial period for most of India's population; with the land tax revenue claiming 15% of India's national income during Mogul times compared with 1% at the end of the colonial period. The percentage of national income for the village economy increased from 44% during Mogul times to 54% by the end of colonial period. India's per capita GDP decreased from \$550 in 1700 to \$520 by 1857, although it had increased to \$618 by 1947.

Railways

In 1844, the Governor-General of India Lord Hardinge allowed private entrepreneurs to set up a rail system in India. The East India Company (and later the British Government) encouraged new railway companies backed by private investors under a scheme that would provide land and guarantee an annual return of up to five percent during the initial years of operation. The companies were to build and operate the lines under a 99 year lease, with the government having the option to buy them earlier.

Two new railway companies, Great Indian Peninsular Railway (GIPR) and East Indian Railway (EIR), were created in 1853-54 to construct and operate two 'experimental' lines near Bombay and Calcutta respectively. The first train in India had become operational on 22 December 1851 for localised hauling of canal construction material in Roorkee. A year and a half later, on 16 April 1853, the first passenger train service was inaugurated between Bori Bunder in Bombay and Thane covering a distance of 34 kilometres (21 mi).

In 1854 Lord Dalhousie, the then Governor-General of India, formulated a plan to construct a network of trunk lines connecting the principal regions of India. Encouraged by the government guarantees, investment flowed in and a

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series of new rail companies were established, leading to rapid expansion of the rail system in India. Soon various native states built their own rail systems and the network spread to the regions that became the modern-day states of Assam, Rajasthan and Andhra Pradesh.

Beginnings of Self-Government

The first steps were taken toward self-government in British India in the late 19th century with the appointment of Indian counsellors to advise the British viceroy and the establishment of provincial councils with Indian members; the British subsequently widened participation in legislative councils with the Indian Councils Act of 1892. Municipal Corporations and District Boards were created for local administration; they included elected Indian members.

The Government of India Act of 1909 — also known as the Morley-Minto Reforms (John Morley was the secretary of state for India, and Gilbert Elliot, fourth earl of Minto, was viceroy) — gave Indians limited roles in the central and provincial legislatures, known as legislative councils. Indians had previously been appointed to legislative councils, but after the reforms some were elected to them. At the centre, the majority of council members continued to be government-appointed officials, and the viceroy was in no way responsible to the legislature.

At the provincial level, the elected members, together with unofficial appointees, outnumbered the appointed officials, but responsibility of the governor to the legislature was not contemplated. Morley made it clear in introducing the legislation to the British Parliament that parliamentary self-government was not the goal of the British government.

The Morley-Minto Reforms were a milestone. Step by step, the elective principle was introduced for membership in Indian legislative councils. The “electorate” was limited, however, to a small group of upper-class Indians. These elected members increasingly became an “opposition” to the “official government”. The Communal electorates were later extended to other communities and made a political factor of the Indian tendency toward group identification through religion.

GOVERNMENT OF INDIA ACT 1909

Indian Councils Act of 1909, commonly known as the Morley-Minto Reforms, began when John Morley, the Liberal Secretary of State for India, and the Conservative Governor-General of India, The Earl of Minto, believed that cracking down on terrorism in Bengal was necessary but not sufficient for restoring stability to the British Raj after Lord Curzon’s partitioning of Bengal. They believed that a dramatic step was required to put heart into loyal elements of the Indian upper classes and the growing Westernised section of the population.

They produced the Indian Councils Act of 1909 (Morley-Minto reforms), these reforms did not go any significant distance toward meeting the Indian

National Congress demand for 'the system of government obtaining in Self-Governing British Colonies'.

The Act of 1909 was important for the following reasons :

- It effectively allowed the election of Indians to the various legislative councils in India for the first time. Previously some Indians had been appointed to legislative councils. The majorities of the councils remained British government appointments. Moreover the electorate was limited to specific classes of Indian nationals;
- The introduction of the electoral principle laid the groundwork for a parliamentary system.
- Muslims had expressed serious concern that a 'first past the post' British type of electoral system would leave them permanently subject to Hindu majority rule. The Act of 1909 stipulated, as demanded by the Muslim leadership:
 - that Indian Muslims be allotted reserved seats in the Municipal and District Boards, in the Provincial Councils and in the Imperial Legislature;
 - that the number of reserved seats be in excess of their relative population (25 percent of the Indian population); and,
 - that only Muslims should vote for candidates for the Muslim seats ('separate electorates').

These concessions were a constant source of strife 1909-47. British statesmen generally considered reserved seats as regrettable in that they encouraged communal extremism as Muslim candidates did not have to appeal for Hindu votes and vice versa. As further power was shifted from the British to Indian politicians in 1919, 1935 and after, Muslims were ever more determined to hold on to, and if possible expand, reserved seats and their weightage. However, Hindu politicians repeatedly tried to eliminate reserved seats as they considered them to be undemocratic and to hinder the development of a shared Hindu-Muslim Indian national feeling.

GOVERNMENT OF INDIA ACT 1919

The Government of India Act 1919 was an Act of the Parliament of the United Kingdom. It was passed to expand participation of the natives in the government of India. The Act embodied the reforms recommended in the report of the Secretary of State for India, Sir Edwin Montagu, and the Viceroy, Lord Chelmsford. The Act covered ten years, from 1919 to 1929. This retraction of British imperialism was a result of India's— enthusiastic participation in World War-I.

The Act provided a dual form of government (a "dyarchy") for the major provinces. In each such province, control of some areas of government, the

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"transferred list", were given to a Government of ministers answerable to the Provincial Council. The 'transferred list' included Agriculture, Health and Education. The Provincial Councils were enlarged.

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At the same time, all other areas of government (the 'reserved list') remained under the control of the Viceroy. The 'reserved list' included Defence (the military), Foreign Affairs, and Communications.

The Imperial Legislative Council was enlarged and reformed. It became a bicameral legislature for all India. The lower house was the Legislative Assembly of 144 members, of which 104 were elected and 40 were nominated and tenure of Three years. The upper house was the Council of States consisting of 34 elected and 26 nominated members and tenure of five years.¹¹ This structure allowed Britain to use the Princely States (who were directly represented in the Council of States) to offset the growing power of the native political parties.

The Act also provided for a High Commissioner who resided in London, representing India in Great Britain.

The Indian National Congress was unhappy at these reforms and termed them as 'disappointing.' A special session was held in Mumbai under Hasan Imam and the reforms were condemned. However, leaders such as Surendranath Banerjea were inclined to accept the reforms, so they left the Congress and formed the Indian Liberal Federation, which played a minor role in subsequent affairs.

INDIAN CIVIL SERVICE

The Indian Civil Service (ICS), popularly known by its acronym ICS, originated as the elite civil service of the Indian Government under British colonial rule in India, also known as Imperial Civil Service at a point, and continues in the contemporary Civil Services of India, though these are now organised differently post-independence.

Under the East India Company administrators of their controlled territories were engaged. These became the Honourable East India Company Civil Servants (HEICS)

There were two exclusive groups of civil servants during this formative stage of British rule in India. The higher employees who entered into covenants with the Company came to be known as "covenanted" servants, whereas those not signing such agreements came to be known as "uncovenanted". The latter group generally filled the lower positions. This distinction between the covenanted and the uncovenanted virtually came to an end with the constitution of the Imperial Civil Service of India based on the recommendations of the Public Service Commission, 1886-87, though the phrase covenanted continued to be used of anyone in a salaried position with a long term contract -- including boxwallah peddlers. The name Imperial Civil Service was changed to Civil Service of India.

However, the term Indian Civil Service (ICS) persisted. The acronym ICS continued to be used to denote the covenanted civil servants.

A third group, the Statutory Civil Service which functioned in the second half of the nineteenth century, was disbanded by the beginning of the 1890s. To this group were recruited young men from respectable and affluent Indian families. This service was replaced by the provincial civil services, which was constituted on the basis of the recommendations of the Aitchison Commission. It consisted of two cadres, Provincial Civil Service and Subordinate Civil Service. Further developments took place as a result of the application of the scheme of cadre organization to the administrative departments. Thus, for example, the departments of Forest and Public Works had both the imperial, and provincial branches. The basic pattern of the cadre system in the civil service was thus established following the recommendations of the Aitchison Commission.

In 1912, the Islington Commission was appointed but its report could be published only in 1917, when the recommendations contained in it became outdated due to the First World War and the August Declaration of 1917. Therefore, no consideration was given to them.

By 1934, the system of administration in India came gradually to consist of seven All India Services and five Central Departments, all under the control of the Secretary of State, and three Central Departments under joint Provincial and Imperial control. The ICS and the Indian Police (Service) were in the 'transferred field', that is, the authority for the control of these services and for making appointments were transferred from the Secretary of State to the provincial governments. It seems relevant to mention that the All India and class I central services were designated as Central Superior Services as early as 1924 in the Lee Commission's report.

After the partition of India, the parts of the civil service were renamed Civil Service of Pakistan (CSP) in Pakistan while India retained the name Indian Civil Service.

Indianisation of the superior Civil Services became one of the major demands of the political movement compelling the British Indian Government to consider setting up of a Public Service Commission for recruitment to its services in the territory.

The first Public Service Commission was set up on October 1st, 1926. However, its limited advisory functions failed to satisfy the people's aspirations and the continued stress on this aspect by the leaders of our freedom movement resulted in the setting up of the Federal Public Service Commission under the Government of India Act 1935. Under this Act, for the first time, provision was also made for the formation of Public Service Commissions at the provincial level.

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The Constituent Assembly, after independence, saw the need for giving a secure and autonomous status to Public Service Commissions both at Federal and Provincial levels for ensuring unbiased recruitment to Civil Services as also for protection of service interests. With the promulgation of the new Constitution for independent India on 26th January, 1950, the Federal and Provincial Public Service Commissions were accorded a constitutional status as an autonomous entities.

UNIT – 2 (ENVIRONMENTAL SETTINGS)

Indians had increasingly been demanding a greater role in the government of their country since the late nineteenth century. The Indian contribution to the British war effort during the First World War meant that even the more conservative elements in the British political establishment felt the necessity of constitutional change, resulting in the Government of India Act 1919. That Act introduced a novel system of government known as provincial "dyarchy", i.e., certain areas of government (such as education) were placed in the hands of ministers responsible to the provincial legislature, while others (such as public order and finance) were retained in the hands of officials responsible to the British-appointed provincial Governor. While the Act was a reflection of the demand for a greater role in government by Indians, it was also very much a reflection of British fears about what that role might mean in practice for India (and of course for British interests there).

The experiment with dyarchy proved unsatisfactory. A particular frustration for Indian politicians was that even for those areas over which they had gained nominal control, the "purse strings" were still in the hands of British officialdom.

The intention had been that a review of India's constitutional arrangements and those princely states that were willing to accede to it. However, division between Congress and Muslim representatives proved to be a major factor in preventing agreement as to much of the important detail of how federation would work in practice.

Against this practice, the new Conservative-dominated National Government in London decided to go ahead with drafting its own proposals (the white paper). A joint parliamentary select committee, chaired by Lord Linlithgow, reviewed the white paper proposals at great length. On the basis of this white paper, the Government of India Bill was framed. At the committee stage and later, to appease the diehards, the "safeguards" were strengthened, and indirect elections were reinstated for the Central Legislative Assembly (the central legislature's lower house). The bill duly passed into law in August, 1935.

As a result of this process, although the Government of India Act 1935 was intended to go some way towards meeting Indian demands, both the detail of the bill and the lack of Indian involvement in drafting its contents meant that the Act met with a lukewarm response at best in India, while still proving too radical for a significant element in Britain.

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1.4 GOVERNMENT OF INDIA ACT, 1935

The Government of India Act 1935 was passed during the "Interwar Period" and was the last pre-independent constitution of India.

The Act was originally passed in August 1935 and is said to have been the longest (British) Act of Parliament ever enacted by that time. Because of its length, the Act was retroactively split by the Government of India (Reprinting) Act 1935 into two separate Acts:

1. The Government of India Act 1935
2. The Government of Burma Act 1935

The most significant aspects of the Act were:

- the grant of a large measure of autonomy to the provinces of British India (ending the system of dyarchy introduced by the Government of India Act 1919).
- provision for the establishment of a "Federation of India", to be made up of both British India and some or all of the "princely states"
- the introduction of direct elections, thus increasing the franchise from seven million to thirty-five million people
- a partial reorganization of the provinces:
 - Sind was separated from Bombay
 - Bihar and Orissa was split into the separate provinces of Bihar and Orissa
 - Burma was completely separated from India
 - Aden was also detached from India, and established as a separate colony
- membership of the provincial assemblies was altered so as to include more elected Indian representatives, who were now able to form majorities and be appointed to form governments
- the establishment of a Federal Court

However, the degree of autonomy introduced at the provincial level was subject to important limitations: the provincial Governors retained important reserve powers, and the British authorities also retained a right to suspend responsible government.

The parts of the Act intended to establish the Federation of India never came into operation, due to opposition from rulers of the princely states. The

remaining parts of the Act came into force in 1937, when the first elections under the Act were also held.

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SOME FEATURES OF THE ACT

While it had become uncommon for British Acts of Parliament to contain a preamble, the absence of one from the Government of India Act 1935 contrasts sharply with the 1919 Act, which set out the broad philosophy of that Act's aims in relation to Indian political development.

The 1919 Act's preamble quoted, and centered on, the statement of the Secretary of State for India, Edwin Montagu (July 17, 1917 – March 19, 1922) to the House of Commons on August 20, 1917, which pledged:

“the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral Part of the British Empire.”

Indian demands were by now centering on British India achieving constitutional parity with the existing Dominions such as Canada and Australia, which would have meant complete autonomy within the British Commonwealth. A significant element in British political circles doubted that Indians were capable of running their country on this basis, and saw Dominion status as something that might, perhaps, be aimed for after a long period of gradual constitutional development, with sufficient “safeguards”.

This tension between and within Indian and British views resulted in the clumsy compromise of the 1935 Act having no preamble of its own, but keeping in place the 1919 Act's preamble even while repealing the remainder of that Act. Unsurprisingly, this was seen in India as yet more mixed messages from the British, suggesting at best a lukewarm attitude and at worst suggesting a “minimum necessary” approach towards satisfying Indian desires.

No Bill of Rights

In contrast with most modern constitutions, but in common with Commonwealth constitutional legislation of the time, the Act does not include a “bill of rights” within the new system that it aimed to establish. However, in the case of the proposed Federation of India there was a further complication in incorporating such a set of rights, as the new entity would have included nominally sovereign (and generally autocratic) princely states.

A different approach was considered by some, though, as the draft outline constitution in the Nehru Report included such a bill of rights.

Relationship to a Dominion Constitution

In 1947, a relatively few amendments in the Act made it the functioning interim constitutions of India and Pakistan.

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Safeguards

The Act was not only extremely detailed, but it was riddled with 'safeguards' designed to enable the British Government to intervene whenever it saw the need in order to maintain British responsibilities and interests. To achieve this, in the face of a gradually increasing Indianization of the institutions of the Government of India, the Act concentrated the decision for the use and the actual administration of the safeguards in the hands of the British-appointed Viceroy and provincial governors who were subject to the control of the Secretary of State for India.

'In view of the enormous powers and responsibilities which the Governor-General must exercise in his discretion or according to his individual judgement, it is obvious that he (the Viceroy) is expected to be a kind of superman. He must have tact, courage, and ability and be endowed with an infinite capacity for hard work. "We have put into this Bill many safeguards," said Sir Robert Horne... "but all of those safeguards revolve about a single individual, and that is the Viceroy. He is the linch-pin of the whole system.... If the Viceroy fails, nothing can save the system you have set up." This speech reflected the point of view of the die-hard Tories who were horrified by the prospect that some day there might be a Viceroy appointed by a Labour government.'

Reality of Responsible Government Under the Act – Is the Cup Half-Full or Half-Empty?

A close reading of the Act reveals that the British Government equipped itself with the legal instruments to take back total control at any time they considered this to be desirable. However, doing so without good reason would totally sink their credibility with groups in India whose support the act was aimed at securing. Some contrasting views:

"In the federal government... the semblance of responsible government is presented. But the reality is lacking, for the powers in defence and external affairs necessarily, as matters stand, given to the governor-general limit vitally the scope of ministerial activity, and the measure of representation given to the rulers of the Indian States negatives any possibility of even the beginnings of democratic control. It will be a matter of the utmost interest to watch the development of a form of government, so unique; certainly, if it operates successfully, the highest credit will be due to the political capacity of Indian leaders, who have infinitely more serious difficulties to face than had the colonial statesmen who evolved the system of self-government which has now culminated in Dominion status."

False Equivalences

"The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

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Under the Act, British citizens resident in the UK and British companies registered in the UK must be treated on the same basis as Indian citizens and Indian registered companies unless UK law denies reciprocal treatment. The unfairness of this arrangement is clear when one considers the dominant position of British capital in much of the Indian modern sector and the complete dominance, maintained through unfair commercial practices, of UK shipping interests in both India's international and coastal shipping traffic and the utter insignificance of Indian capital in Britain and the non-existence of Indian involvement in shipping to or within the UK. There are very detailed provisions requiring the Viceroy to intervene if, in his unappealable view, any India law or regulation is intended to, or will in fact, discriminate against UK resident British subjects, British registered companies and, particularly, British shipping interests.

“The Joint Committee considered a suggestion that trade with foreign countries should be made by the Minister of Commerce, but it decided that all negotiations with foreign countries should be conducted by the Foreign Office or Department of External Affairs as they are in the United Kingdom. In concluding agreements of this character, the Foreign Secretary always consults the Board of Trade and it was assumed that the Governor-General would in like manner consult the Minister of Commerce in India. This may be true, but the analogy itself is false. In the United Kingdom, both departments are subject to the same legislative control, whereas in India one is responsible to the federal legislature and the other to the Imperial Parliament.”

BRITISH POLITICAL NEEDS VS. INDIAN CONSTITUTIONAL NEEDS – THE ONGOING DYSFUNCTION

From the moment of the Montagu statement of 1917, it was vital that the reform process stay ahead of the curve if the British were to hold the strategic initiative. However, imperialist sentiment, and a lack of realism, in British political circles made this impossible. Thus the grudging conditional concessions of power in the Acts of 1919 and 1935 caused more resentment and signally failed to win the Raj the backing of influential groups in India which it desperately needed. In 1919 the Act of 1935, or even the Simon Commission plan would have been well received. There is evidence that Montagu would have backed something of this sort but his cabinet colleagues would not have considered it. By 1935, a constitution establishing a Dominion of India, comprising the British Indian provinces might have been acceptable in India though it would not have passed the British Parliament.

‘Considering the balance of power in the Conservative party at the time, the passing of a Bill more liberal than that which was enacted in 1935 is inconceivable.’

Provincial Part of the Act

The provincial part of the Act, which went into effect automatically, basically followed the recommendations of the Simon Commission. Provincial dyarchy was abolished; that is, all provincial portfolios were to be placed in charge of ministers enjoying the support of the provincial legislatures. The British-appointed provincial governors, who were responsible to the British Government via the Viceroy and Secretary of State for India, were to accept the recommendations of the ministers unless, in their view, they negatively affected his areas of statutory "special responsibilities" such as the prevention of any grave menace to the peace or tranquility of a province and the safeguarding of the legitimate interests of minorities. In the event of political breakdown, the governor, under the supervision of the Viceroy, could take over total control of the provincial government. This, in fact, allowed the governors a more untrammelled control than any British official had enjoyed in the history of the Raj. After the resignation of the congress provincial ministries in 1939, the governors did directly rule the ex-Congress provinces throughout the war.

It was generally recognized, that the provincial part of the Act, conferred a great deal of power and patronage on provincial politicians as long as both British officials and Indian politicians played by the rules. However, the paternalistic threat of the intervention by the British governor rankled.

Federal Part of the Act

Unlike the provincial portion of the Act, the Federal portion was to go into effect only when half the States by weight agreed to federate. This never happened and the establishment of the Federation was indefinitely postponed after the outbreak of the Second World War.

Terms of the Act

The Act provided for Dyarchy at the Centre. The British Government, in the person of the Secretary of State for India, through the Governor-General of India - Viceroy of India, would continue to control India's financial obligations, defence, foreign affairs and the British Indian Army and would make the key appointments to the Reserve Bank of India (exchange rates) and Railway Board and the Act stipulated that no finance bill could be placed in the Central Legislature without the consent of the Governor General. The funding for the British responsibilities and foreign obligations (e.g. loan repayments, pensions), at least 80 percent of the federal expenditures, would be non-votable and be taken off the top before any claims could be considered for (for example) social or economic development programs. The Viceroy, under the supervision of the Secretary of State for India, was provided with overriding and certifying powers that could, theoretically, have allowed him to rule autocratically.

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OBJECTIVES OF THE BRITISH GOVERNMENT**NOTES**

The federal part of the Act was designed to meet the aims of the Conservative Party. Over the very long term, the Conservative leadership expected the Act to lead to a nominally dominion status India, conservative in outlook, dominated by an alliance of Hindu princes and right-wing Hindus which would be well disposed to place itself under the guidance and protection of the United Kingdom. In the medium term, the Act was expected to (in rough order of importance):

- win the support of moderate nationalists since its formal aim was to lead eventually to a Dominion of India which, as defined under the Statute of Westminster 1931 virtually equalled independence;
- retain British control of the Indian Army, Indian finances and India's foreign relations for another generation;
- win Muslim support by conceding most of Jinnah's Fourteen Points;
- convince the Princes to join the Federation by giving the Princes conditions for entry never likely to be equaled. It was expected that enough would join to allow the establishment of the Federation. The terms offered to the Princes included:
 - The Princes would select their state's representatives in the Federal Legislature. There would be no pressure for them to democratize their administrations or allow elections for state's representatives in the Federal Legislature;
 - The Princes would enjoy heavy weightage. The Princely States represented about a quarter of the population of India and produced well under a quarter of its wealth. Under the Act:
 - o The Upper House of the Federal Legislature, the Council of State, would consist of 260 members (156 (60%) elected from the British India and 104 (40%) nominated by the rulers of the princely states) and,
 - o The Lower House, the Federal Assembly, would consist of 375 members (250 (67%) elected by the Legislative Assemblies of the British Indian provinces; 125 (33%) nominated by the rulers of the princely states.)
- ensuring that the Congress could never rule alone or gain enough seats to bring down the government.

This was done by over-representing the Princes, giving every possible minority, the right to separately vote for candidates belonging to their respective communities and by making the executive theoretically, but not practically, removable by the legislature.

1.5 NEHRU REPORT

The "Nehru Report" (1928) was a memorandum outlining a proposed new Dominion constitution for India. It was prepared by a committee of the All Parties

Conference chaired by Motilal Nehru with his son Jawaharlal acting as secretary. There were nine other members in this committee including two Muslims.

RIGHT OF INDIANS TO DRAFT THEIR OWN CONSTITUTION

British policy, until almost the end of the Raj, was that the timing and nature of Indian constitutional development was to be decided exclusively by the British parliament though, it was assumed that Indians would be consulted as appropriate. This was formally stated in the Government of India Act 1919. The British only conceded the right of Indians' to frame their own constitution in the 1942 Cripps Declaration.

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Indian unhappiness with this paternal approach was described by Mehrotra—
“All political parties in India in the 'twenties recognized the legislative supremacy of the Imperial Parliament. Even the Congress, which took its stand on the principle of self-determination, bowed to the thought of sovereignty.”

THE REPORT

The constitution outlined by the Nehru report was for Indian enjoying dominion status within the British Commonwealth. Some of the important elements of the report –

- Unlike the eventual Government of India Act 1935 it contained a Bill of Rights;
- All power of government and all authority - legislative, executive and judicial- are derived from the people and the same shall be exercised through organizations established by, or under, and in accord with, this Constitution;
- There shall be no state religion; men and women shall have equal rights as citizens;
- There should be federal form of government with residuary powers vested in the center. (Some scholars, such as Moore in "The Making of India's Paper Federation, 1927-35" in Moore 1988 considered the Nehru Report proposal as essentially unitary rather than federal.);
- It included a description of the machinery of government including a proposal for the creation of a Supreme Court and a suggestion that the provinces should be linguistically determined;
- It did not provide for separate electorates for any community or weightage for minorities. Both of these were liberally provided in the eventual Government of India Act 1935. However, it did allow for the reservation of minority seats in provinces having a minorities of at least ten percent, but this was to be in strict proportion to the size of the community;

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- The language of the Commonwealth shall be Indian, which may be written either in Devanagari in Hindi, Telugu, Kannada, Marathi, Gujarati, Bengali, Tamil or in Urdu character. The use of the English language shall be permitted.

The Nehru Report, along with that of the Simon Commission was available to participants in the three Indian Round Table Conferences 1931-1933. However, the Government of India Act 1935 owes much to the Simon Commission report and little, if anything to the Nehru Report.

MUSLIM LEAGUE'S REACTION TO THE NEHRU REPORT

With few exceptions League leaders rejected the Nehru proposals. In reaction Mohammad Ali Jinnah drafted his Fourteen Points in 1929 which became the core demands the Muslim community put forward as the price of their participating in an independent united India. Their main objections were:

- Separate Electorates and Weightage - the 1916 Congress-Muslim League agreement. The Lucknow Pact provided these to the Muslim community whereas they were rejected by the Nehru Report;
- Residuary Powers – the Muslims realized that while they would be a majority in the provinces of the North-East and North-West of India, and hence would control their provincial legislatures, they would always be a minority at the Centre. Thus, they demanded, contra the Nehru Report, that residuary powers go to the provinces.

The inability of Congress to concede these points must be considered a major factor in the eventual partition of India. This was the major historical significance of the Nehru Report.

1.6 INDIAN INDEPENDENCE ACT, 1947

The Indian Independence Act 1947 was the statute enacted by the Parliament of the United Kingdom promulgating the partition of India and the independence of the dominions of Pakistan and India. The Act received royal assent on 18 July 1947.

The legislation was formulated by the government of Prime Minister Clement Attlee, after representatives of the Indian National Congress, the Muslim League, and the Sikh community came to an agreement with the Viceroy of India, Lord Mountbatten of Burma, on what has come to be known as the 3 June Plan or Mountbatten Plan.

PRINCIPAL POINTS

Passed on 15 June 1947, the Act stipulated that :

- Two independent dominions, India and Pakistan shall be set up in India .
- The dominions would be set up on a fixed date: the fifteenth of August 1947.
- The responsibility as well as suzerainty of the government of the United Kingdom shall cease on fifteenth of August 1947.
- That all Indian princely states shall be released from their official commitments and treaty relationships with the British Empire, and will be free to join either dominion.
- Both Dominions will be completely self-governing in their internal affairs, foreign affairs and national security, but the British monarch will continue to be their head of state, represented by the Governor-General of India and a new Governor-General of Pakistan. Both Dominions shall convene their Constituent Assemblies and write their respective constitutions.
- Both Dominions will be members of the British Commonwealth, but free to leave whenever they please.
- The British monarch shall be permitted to remove the title of Emperor of India from the Royal Style and Titles. King George VI subsequently removed the title by Order in council on 22 June 1948.

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1.7 CONSTITUENT ASSEMBLY OF INDIA

The Constituent Assembly of India was elected to write the Constitution of India, and served as its first Parliament as an independent nation.

ELECTION

The Constituent Assembly of India was set up as a result of negotiations between the Indian leaders and members of the British Cabinet Mission. The constituent assembly was elected indirectly by the members of the Provincial legislative assembly. The Congress secured an overwhelming majority in the general seats while the Muslim League managed to sweep almost all the seats reserved for Muslims. The Congress had a majority of 69%. There were also members from smaller parties like the Scheduled Caste Federation, the Communist Party of India and the Unionist Party.

It first met on December 9, 1946 in Delhi, while India was still under British rule. It originally included the provinces that now compose Pakistan and Bangladesh, and the representation of the princely states of India. In June 1947, the delegations from the provinces of Sindh, East Bengal, Baluchistan, West Punjab and the North West Frontier Province formed the Constituent Assembly of Pakistan in Karachi.

The Constituent Assembly had two hundred and seven representatives, including fifteen women. Only 28 members of the Muslim League finally joined

the Indian Assembly. Later, 93 members were nominated from the princely states. The Congress thus secured a majority of 82%.

On August 15, 1947, India became an independent nation, and the Constituent Assembly became India's Parliament.

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COMMITTEES UNDER THE CONSTITUENT ASSEMBLY

- Committee on the Rules of procedure - Rajendra Prasad
- Steering Committee Rajendra Prasad
- Finance and Staff Committee Anugrah Narayan Sinha
- Credential Committee Alladi Krishnaswamy Iyer
- House Committee B. Pattabhi Sitaramayya
- Order of Business Committee K.M. Munshi
- Ad hoc Committee on the National Flag Rajendra Prasad
- Committee on the Functions of the Constituent Assembly G.V. Mavalankar
- States Committee Jawaharlal Nehru
- Advisory Committee on Fundamental Rights, Minorities
- Tribal and Excluded Areas Vallabhbhai Patel
- Minorities Sub-Committee H.C. Mookherjee
- Fundamental Rights Sub-Committee J.B. Kripalani
- North-East Frontier Tribal Areas and Assam. Excluded & Partially Excluded Areas Sub-Committee Gopinath Bardoloi
- Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee A.V. Thakkar
- Union Powers Committee Jawaharlal Nehru
- Union Constitution Committee Jawaharlal Nehru
- Drafting Committee B.R. Ambedkar

CONSTITUTION OF INDIA

Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishing the structure, procedures, powers and duties, of the government and spells out the fundamental rights, directive principles and duties of citizens. Passed by the Constituent Assembly on 26 November 1949, it came into effect on 26 January 1950. The date 26 January was chosen to commemorate the declaration of independence of 1930. It declares the Union of India to be a sovereign, socialist, secular, democratic republic, assuring its citizens of justice, equality, and liberty and to promote among them all fraternity; the words "socialist", "secular" and "integrity" and to promote among them all "Fraternity"; were added to the definition in 1976 by constitutional amendment. India celebrates the adoption of the constitution on 26 January each year as Republic

Day. It is the longest written constitution of any sovereign country in the world, containing 440 articles in 22 parts, 12 schedules and 94 amendments, for a total of 117,369 words in the English language version. Besides the English version, there is an official Hindi translation. After coming into effect, the Constitution replaced the Government of India Act 1935 as the governing document of India. Being the supreme law of the country, every law enacted by the government must conform to the constitution. B. R. Ambedkar, as chairman of the Constitution Drafting Committee, was the chief architect of the Indian Constitution.

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THE INFLUENCE OF CONSTITUTION OF INDIA ON ADMINISTRATION AND GOVERNANCE

The Constitution of India has clearly articulated the social and economic goals and has specified agents for achieving the promised social revelation. Matters concerning formation and working of the executive agencies (both political and civil) are spelt out. Citizens have been assured that the executive together with other organs of the State (Legislative & Judiciary) would uphold their rights and remove the inequities from which the anti-democratic forces derive their sustenance. Good Governance, it was hoped, would transform the social, political and economic life of the people, within the framework of democracy.

In the beginning the constitutional arrangements relating to governance worked more or less to general satisfaction and provided the law abiding citizens with a fairly safe, and secure life. However, as time passed their inadequacies have become evident and Government has lost its élan as it has failed to live up to the expectations of the Constitution to give real substance to the policies designed to promote social well being even the most modest expectations have remained unfulfilled.

The present situation is characterised by a pervasive disenchantment with the way things have worked out. It is futile to debate whether it is the institutions provided by the Constitution that have failed or whether the men who work these institutions have failed. Probably both, but while we cannot abolish the men we can only endeavour to improve the environment in which these men function hoping that a more conducive environment would improve behaviour and performance of the men and women who command the strategic heights of governance.

Failure to ensure the socio-economic goals is now no longer attributable to scarcity of resources but to the failure of Governance. It is the insufficient attention paid to such a transformation that has deepened the fissures between the people and the administration. The failure to regenerate society lay in the basic conceptual weakness that encouraged the untested assumption that people are best served when the ruling classes originate, execute and administer policies, plans and

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programmes for their welfare from above. This misconceived paternalism has reinforced the tyranny of the Status Quo and has gravely weakened forces of change. The Indian problem, Nehru had recognised, was not to foster stability in the system but to transform it. The 'Law and Order' pre-occupation of the bureaucratic mind led to the entrenchment of the system that the Constitution had promised to transform. This mind-set thwarted the initiatives for legislative to socio-economic well being of all sections of people. Repeated surgery, in the shape of constitutional amendments, had to be resorted to instill even minimal transformative features. Examples include land reforms and steps to deal with the entrenched injustices of the caste system and halting measures for evoking rights to property as transcendental.

Another fundamental flaw vitiating governance emanated from the lack of conviction that the consent of the people is the basis of democratic government. The over-arching theme, a legacy from the Colonial days, that people remain a passive category subjects rather than citizens remained firmly rooted on official mind. People aroused only at intervals of five years or there about to choose their rulers and to go back again to a life of political passivity. Political mobilisation of masses mostly remained neglected. This produced all manner of infirmities and has given rise to alienation of the people from the political system.

Rights of the people are inalienable. The words "we the people" signify not only the moral and historical insight of founding fathers but they serve to reaffirm they are the source of all constitutional authority and that the test of Good Governance was measure of people's well being. However, the functionaries of the State have failed to realize that they are servants of the people and not their masters. Test of a vibrant democracy is the degree of success in calling its Executive to be accountable to the people.

The words 'we the people.....' were not empty rhetoric; they were earnestly inscribed to recognise and respect India's political sovereign – the people. The highest rank of a person in a democratic country is to be its citizen. But the new administration class, working under the mesmeric spell of colonial attitudes, was reluctant to consider the people at large as citizens. They continued to treat them as subjects or 'ryots' both owing allegiance to a superior master. This denial robbed them of power and made it possible for the executive to snuff out the significance of the people. It is the possession of power that gives people control over their destiny and authority over those whom they have chosen to serve them. Ambedkar had cautioned: "By independence we have lost the excuse of blaming the British for any thing going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves".

Self Government is better than even good Governance. Unless self-government is ensured by clear devolution of power from the centre to the

periphery, people are prevented from participation in Governance. They can not eliminate arbitrariness in executive actions which generally tilts the balance in favour of the privileged. Moreover the 'top-down' state of affairs does not legitimise 'self-government' which is of primordial value. 'Top-down' administration stifles public initiative. To make people effective they must consciously enjoy and assert their constitutional entitlements and not be mere supplicants for or objects of administrative largesse. That is the rationale of the 73rd and 74th amendments to the Constitution. A strong sense of public duty comes from empowerment. People's attitude changes from one of obedience to authority to active participation in governance. It is only when the gap between the executive and the people is narrowed down through decentralisation that democratisation can occur. The whole configuration of governance changes if democratic order is conceived not as a 'once in five year ritual' of changing the guard but as a continuous renewal of democratic life from a knowledgeable and participative citizen body. A citizen as a political and social unit could alone take responsibility for transformation of the state of the society. Adequate constitutional amendments in this regard could alone make it possible for strengthening people's say in governance involving beneficiaries in implementation, introducing flexibility through greater autonomy to States and local bodies, enabling greater involvement of voluntary agencies, introducing better delivery systems through self-help groups and so on. The essence of the matter is that there should be effective participative democracy at all levels; once people become the fountainhead of power, their role in governance becomes meaningful and effective. It encourages an active sense of public duty, replacing emphasis from authority and obedience to active participation. The system can deliver the goods through devolution, decentralization and democratization, thereby narrowing the gap between the base of the polity and its super-structure.

Institutions and structures do impinge on the working of the fundamental law of the land. There is, however, a substantive problem of the philosophy that underlies such institutions and structures. And that has to do with the role of the State. Immediately after the Second World War, when the decolonised world began its quest for development, the intellectual context favoured a strong, in fact a leading, role for the State in the development process. It was partly a legacy of the Great Depression, but it was also a reflection of the major changes brought about by the October Revolution in 1917. An alternative route to the process of industrialisation, which held the key to the removal of poverty, in which the role of the market in the allocation of resources was believed to be marginal, was the lynchpin of the strategy for development enshrined in our Constitution.

Some of the shortcomings in the governance outlined above are inherent in the centralized nature of the Indian State which lays down the parameters of the administration. There is an indissoluble link between the two. This was evident

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when the norms of colonial administration, with their long ancestry, came early to stamp their features on the post-independence dispensation. Colonial administration had created a top-down system of command and obedience in which State and local units of government were treated as subordinate to the Central Government.

Reallocation of Subjects in the 7th Schedule: Reallocation of subjects from the three Lists given in the Seventh Schedule is a prerequisite in this context, to make governance come closer to the people. The Central List of subjects should contract drastically, confining the Centre to subjects of national importance such as defence, National Security, foreign policy, Interstate-rivers, communication, macro-economic, planning, environment, etc. The list of subjects meant for the States and for other layers of government will have to be augmented with the Centre refraining from involvement in matters best addressed at the lower levels.

Rationalisation of size of Governments & Devolution of their functions: There is no reason why the central government should have large and unwieldy ministries handling subjects like education, health, agriculture, rural development, social welfare, industry, power, etc. when these areas can more conveniently and appropriately be handled at the state, regional or district levels. The centre can at best be a clearing house of ideas and knowledge but for it to be actually involved in shaping policy and in allocation of resources is an over-lapping of jurisdiction. Down sizing of the Government should also follow Big Governments are not always conducive to efficiency and promptness. People should know where the buck stops.

Similarly, if the state governments do not delegate authority and resources to units below the state, similar acts of aggregation and aggression occur depriving local bodies of initiative, capacity for innovation and experimentation. The richness and diversity of experience across tens of thousands of communities in locations across the country is sought to be standardised and homogenised by such straitjacketing as is involved in the present arrangements. We need to break away in a decisive manner from this dogma of centralisation which had its counterpart in centralised planning. There must be power in the local governments to 'remould through experimentation, our economic practices and institutions to meet the changing social and economic needs. A single courageous unit of local government may serve as a laboratory and try a novel, social and economic experiments without risk to the rest of the country.

However, we need a few cautionary sign posts. A major achievement since the attainment of independence has been the creation of a common Indian market that approaches in size some of the biggest markets in the world. This is the foundation of political unity. Anything that weakens or threatens to weaken or destroys India's political unity has to be prevented. Therefore no unit of the Union

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can be empowered to weaken the foundations of the common market. It is because of this predominant consideration that currency belongs pre-eminently to the realm of the Union government. So does the defence of the realm, the hallmark of national sovereignty. Further it should always be kept in view that when the Centre does not hold societies become polarised. Similarly, the fact that some items belong to the union list does not mean that the Union can act in any manner it things fit as long as it is assured of legislative support. The concept of continuous renewal of consent means that, within limits central policies are publicly debated and agreed to. The citizens should have access to information, data, arguments that go into the making of executive or legislative decisions. Only then can citizens feel that they have contributed to the functioning of the polity.

This has to be considered with devolution of authority, responsibility and resources to appropriate levels. Decentralisation cannot work without the devolution of resources. If the major sources of revenue remain with the centre then the notion of the state autonomy would lack substance. Therefore, along with re-configuration of the three lists of the constitution there has also to be a re-configuration of the sources of revenue. The states should be able to raise resources for the tasks they have to undertake. This would bring into broad relief issues of regional imbalance. However, they cannot be swept under the carpet by making the comfortable assumption that the centre can act as a big brother to help the weaklings. The last four decades have amply demonstrated that regional imbalances have grown in spite of these subventions provided by the centre to help the weaker states.

The principle that responsibility must be accompanied by corresponding resources can be dispensed with only at the cost of perpetuating the beggars mentality. The gap between the rich and the poor states within the country has to be bridged by policies that stimulate growth in the poor states, rather than by handouts which end up in the hands of the undeserving. The existing policy regime has only stimulated competition between the states on the size of the plan. The bigger the size the more successful is the political leadership of the state supposed to be. Performances and outcomes do not matter. Thus, U.P. and Bihar can continue to wallow in illiteracy while state leaders go about trumpeting the size of the plan they have secured from the Planning Commission. The states must have the matching resource to do what they ought to but they must also take the responsibility, fiscal, political and administrative, for what has to be done.

The present policy regime is an elaborate subterfuge for seeking scapegoats. The Constitution has encouraged this charade. The sooner it ends the better it will be. This is the only way to harmonise the imperatives of all round development with those of reducing, and ultimately eliminating, caste-based iniquities. The list of subjects allocated in the 3 lists indicated under Schedule 7 will have to be

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drastically reallocated to make the States operate on a more federal bases than at present. This is inseparable from an equal insight in financial framework in which generation of fiscal resources acquires greater and balanced autonomy. Consistent with this principle, it would be desirable to provide in the constitution that the additional terms of reference under Article 280(3)(d) in the interests of sound finance should be finalised in consultation with the States, preferably through an endorsement of the National Development Council. Also the time would appear to have come to give to the recommendations of the Finance Commissions' the status of a legally binding award. This would enforce accountable and responsible behaviour throughout the spectrum of the institutions of governance.

Human Resource Management and Involvement of Community: When one talks about resources it does not only mean financial resources, it implies human resources as well. You cannot ask a district councillor to take charge of primary or secondary education at the district level without giving the elected district council control over administrators and teachers who run the school system. If a primary school teacher looks to a distant education director or the education minister or state level elected representative from the area for his promotion or any other improvement in his conditions of service, he is not going to be accountable and responsive to the needs of the local community. This simple example raises the question of the present structure of social and economic services and how it needs to be remodelled or refashioned to bring it in line with the requirements of the age of decentralisation. We have to think in terms of services being owned by the communities which use these services. There is no reason why the district councils cannot recruit, train, manage cadres of school teachers, supervisors, administrators for primary and secondary education, leaving the area of high speciality professionals like curriculum developers to be handled by regional or state level bodies. This would bring local communities in intimate relationship with the education personnel and create appropriate environment for bringing forth responsibility and accountable behaviour from services to the local communities that pay them. It will also ensure that the communities themselves fulfil their obligations towards such personnel and towards the larger objectives of creating and sustaining a healthy and vibrant education system. Similar logic can be employed in regard to other services which are needed at the district levels and it can be extended upwards to the state level.

What is urgently required at this juncture is a straightforward recognition in the fundamental law, cutting through the verbiage of devolution, that a district is the basic unit of planning for development - social, cultural, economic and human. Along with this it is necessary to provide that creation of new districts has to conform to the criteria of viability. Otherwise the political process already under

pressure of the forces of fragmentation would be unable to at least moderate the present trends.

Civil Services: One of the problems that remains to be addressed in the context concerns the All India Services. The structural problem is that these two services (Administrative & Police) were founded on the imperial idea of territorial control. It was at the district level that the Raj really became an operational reality. The territorial integrity of the imperial domain rested on the territorial control over hundreds of districts from over the length and breadth of the country. Therefore services were recruited for the purpose of maintaining political control over the vast territories of the empire – and their counterparts could be found everywhere in the colonised world governed by Britain – but were expected to do sundry other jobs such as tax collection once again the major part being from land, regulating trade and industry and supervising urban centres, but the numbers involved in staff jobs in the central and provincial secretariats were miniscule compared to the presence of the services at the district level.

This colonial idea was not abandoned when the country became free for reasons which become clear from the constituent assembly debates. Be it as it may, the present situation is that the structure of the All India Services would appear to be incompatible with the development of full fledged democratic representative government at the district level. In plain words it means that law and order has also to be brought within the ambit of the elected district council which should also be in-charge of developmental activity. It may well mean the disappearance of the post of the district collector, an institution traditionally venerated by the advocates of the All India Services. We would need cadres trained to detect, prevent and investigate crimes and to maintain the peace and public order but the need for a generalist officer to maintain public order may be questioned. In fact if the force to combat crime and maintain public order should in a substantive sense be subjected to the control of the elected representatives at the district level. It is only thus that public service at the district level would acquire significance and be the real stepping stone for leadership at higher levels.

The end of the imperial continuum in the administrative set up may require a different conception of the generalist services. The brightest university graduates who wish to enter I.A.S. (Indian Administrative Service) could then be trained in a variety of subjects having to do with the economic and financial administration of the states and the centre and policy making in higher branches of administration such as security, science and technology, international trade to constitute a truly elite corps of administrators which would be mobile within defined fields but would not perform the present generalist jig of moving from animal husbandry to defence to women welfare which makes a total mockery of any concept of administration in these days of knowledge explosion.

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These are several ways in which the IAS can be improved and rationalised and made to play an important role in transforming governance and attention should be given to them. Above a certain level – above the present Joint Secretary to GOI level – the posts should be manned by persons drawn from different services and sources and even from industry, corporate houses, NGO's and the Posts of Secretaries should not be the near monopoly of IAS officers. We should specialise some of the generalists and generalise some of the specialists through proper career management. Such persons alone should hold the top posts. Career management has to improve greatly and be freed from day to day political manipulation. The system which has come into vogue of a minister choosing his Secretary to Government from among the officers of his own State has to be given up at once. In the early years upto 1970s it was recognised that a Secretary was Secretary to Government and not Secretary to the Minister and case was taken in postings most of the time to ensure that the two did not belong to the same State. Exception was made only on the basis of the individual work of officer for a particular job and not because 'x' minister wanted 'y' officer from some State or community.

For career management and preparation of lists of persons suitable for senior appointments on an objective basis, international experience is available. The political leadership should be willing to give up its hold.

The absence of clear cut relationship between the people and the state functionaries is responsible for much which has gone wrong. All this happened because, inadvertently or otherwise, we allowed the colonial legacy of administration to continue to hold sway in the post-independence era as well. For instance, the change of nomenclature from ICS to IAS did not even constitute a cosmetic change. The so-called 'steel frame' of the British Empire became the role model for the fledgling IAS fraternity. The 'guru mantra' of the old guard, viz, the I.C.S., was the maintenance of the status quo and the new guard, viz. the IAS, was only too willing to oblige and follow suit. It is a naïve hope to expect status quoists to initiate or welcome changes for a variety of reasons. First, they have a vested interest in perpetuating their dominant advantageous position along with the privileges flowing from it. Second, being for the most part bureaucrats rather than intellectual leaders, they lack the vision and imagination to devise new and innovative policies, preferring to tread the beaten track and to continue familiar programmes.

Many other failings of the executive machinery leading to violation of fundamental rights have also become obvious. The obscene and atrocious acts systematically employed by certain sections of the executive devalued and debased the moral authority of the Government. The civil and police services failed to serve the people well. Corruption and illegal ways vitiated the course of justice

and fairplay. Hardships, negligence and injustices accumulated, which had adverse political consequences. Perks, fringe benefits, special arrangements and privileges provided exclusively to executive officers and political masters set them apart from the people. What is still more galling is that most of these freebies had no legitimate sanction but were self-appropriated by the high and mighty ruling elites as some sort of a divine right. A massive decline in the prestige of public office occurred in the public eye. Corruption, like cancer, proliferated in the whole body politics. Delivery agencies were rendered ineffective and partial. Credibility of government organizations suffered very badly with the run-away expansion in the bureaucratic apparatus of the State does not serve society but it served itself. Disillusionment with democratic governance became pervasive.....

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1.8 CONTINUITY IN INDIAN ADMINISTRATION AFTER INDEPENDENCE

There has been continuity in the Indian Administration after 1947 from the pattern that existed before independence. At the sametime 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.

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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.

1.9 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. Vallabhbai 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

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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 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 of the Central Services: Central Engineering Services, Central Health Services, 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 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 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.

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1.10 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 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 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 an/or interviews are enormous in view of the large number of qualified officials the governments at the Union and the States required in their employment. Promotions and transfers to another service are also referred to the commission 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.

1.11 DEVELOPMENT AND WELFARE CONTENT OF ADMINISTRATION

After Independence, the welfare and development content¹ of the administration has become very prominent. It might be said that this content¹ is predominant over the law and order and regulatory content. It does not that during the British rule the development and welfare aspect did not exist at all. It was there, but it was subordinate to the chief motivation of the foreigners to rule over this country and its people. Railways, posts 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 educations at primary, secondary and University levels began. Health and medical facilities 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 fa 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 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

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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.

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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.

1.12 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.

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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 imputing 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.

1.13 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.

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Lobbies or pressure and interest groups do operate in the system. Before Independence, the lobby of the Indian currency. Now, the industrialists, exporters and are some examples of the lobbies who do 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 role of the popular representatives in the local self-governing bodies. After Independence, specifically from the late fifties, panchayati raj has been the most significant channel of the participation of the rural people in the rural development administration. Community development was the earlier phase of this popular participation. But it was dominated by the officials, so it could not evoke adequate participation of 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.

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UNIT – 3 (POLITICAL EXECUTIVE)

Public policy making is the most significant activity of the government as it touches almost every facet of the life of the citizens and the nation as a whole. Policy making is one of the major functions of the political executive. Broadly speaking, the structure of the public policy making involves the entire political system. The ultimate authority in policy making, planning and budgeting rests with those who hold the power to legitimise policy. Legally, this power may be in the hands of a single individual (a king or a dictator), in the hands of a group of persons (a political party or military) or in the hands of the entire citizenry of a country. In this Unit, we shall highlight the role of the political executive in policy making in India, the role played by the President, the Prime Minister, the Council of Ministers, Cabinet Secretariat and Cabinet Committees in identifying policy agenda, issues and proposals. A discussion on the role of public opinion in policy making will also be made.

According to its constitution, India is a "sovereign socialist secular democratic republic." India is the largest state by population with a democratically-elected government. Like the United States, India has a federal form of government, however, the central government in India has greater power in relation to its states, and its central government is patterned after the British parliamentary system. Regarding the former, "the Centre", the national government, can and has dismissed state governments if no majority party or coalition is able to form a government or under specific Constitutional clauses, and can impose direct federal rule known as President's rule. Locally, the Panchayati Raj system has several administrative functions.

The central government exercises its broad administrative powers in the name of the President, whose duties are largely ceremonial. The president and

vice president are elected indirectly for 5-year terms by a special electoral college. The vice president assumes the office of president in case of the death or resignation of the incumbent president.

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The constitution designates the governance of India under two branches namely the executive branch and Real national executive power is centered in the Council of Ministers, led by the Prime Minister of India. The President appoints the Prime Minister, who is designated by legislators of the political party or coalition commanding a parliamentary majority. The President then appoints subordinate ministers on the advice of the Prime Minister. In reality, the President has no discretion on the question of whom to appoint as Prime Minister except when no political party or coalition of parties gains a majority in the Lok Sabha. Once the Prime Minister has been appointed, the President has no discretion on any other matter whatsoever, including the appointment of ministers. But all Central Government decisions are nominally taken in his/her name.

The constitution designates the Parliament of India as the legislative branch to oversee the operation of the government. India's bicameral parliament consists of the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). The Council of Ministers is held responsible to the Lok Sabha.

1.14 MEANING OF THE TERM "POLITICAL EXECUTIVE"

Policy making is not one person's or one political group's job, the actual formulation of policies is shared by political leaders of different political parties, pressure and interest groups, policy making units and the people as a whole. The U.N. publication on Development Administration (1975) says, "In view of the magnitude and complexity of various policy questions today, a king or party alone cannot make public policies and must, therefore, establish some central units to assist in policy making. Similarly, the citizenry, who usually exercise their power to legitimise policy through persons elected by them, directly or indirectly, normally require some central units to initiate, examine and formulate policy proposals. Sometimes such units may even take policy decisions explicitly or implicitly in the name of those with the power to give policies legal authority. Such central units for policy making are mostly located in the executive branch of the government".

In a parliamentary democracy like India, the leadership of the government is in the hands of the Prime Minister, who is the real executive, the nominal executive being the President. Through the party system and the authority of patronage which the Prime Minister enjoys, the Prime Minister has usurped the authority of the Parliament. The ever increasing authority or influence of the Prime Minister has changed the Cabinet government into 'Prime Ministerial government'. Before we examine the role of the executive, let us first understand the meaning of the term 'Executive'. J.W. Garner observes. "In a broad and

collective sense, the executive organ embraces the aggregate or totality of all the functionaries and agencies which are concerned with the execution of the will of the state as that will has been formulated and expressed in terms of law". In India, it comprises the Prime Minister leaders of the different parties, the ministers of the ruling party and the opposition, the Cabinet, its committees, Cabinet Secretariat and the Prime Minister's Secretariat. Before dealing with their role separately, it would be of relevance to discuss briefly, the broad functions of the executive which are as follows :

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- (1) Maintenance of internal peace and order is the major function of the executive but maintaining external relations and saving the country from external aggression is also an equally important responsibility. In other words, the formulation of the national policy for domestic, as well as, external purposes is the chief concern of the executive. It includes all activities pertaining to the maintenance and well-being of the State.
- (2) As already mentioned, the initiative for legislative work has also become the responsibility of the executive. The bills are first approved by the Cabinet, and the government does not face any difficulty in getting the approval of the Parliament where, generally, it enjoys a majority. In the present context, though we have a minority government yet its proposals are accepted, with or without modification, by the Parliament as holding elections at short intervals imposes financial and political pressures on the system.
- (3) The executive proposes the budget and decides about the imposition or abolition of taxes. It may increase or decrease the tax rates. The executive also sees that provisions of the budget are implemented after the approval of the Parliament. It is, therefore, clear that the executive has all pervasive authority over the activities of the State.

1.15 THE ROLE OF THE POLITICAL EXECUTIVE IN POLICY MAKING

Now, we shall briefly discuss the role of the political executive in policy making by highlighting the role of the Cabinet.

The Role of Cabinet in Policy Making

The Cabinet plays a very important role in policy making as would be clear from the following :

- (1) It defines the direction which the national policy shall take and decides how each problem at home or abroad is to be tackled.
- (2) The Cabinet is responsible for all types of legislation. It gets the proposals prepared from various departments and only after its approval, these are

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submitted to the Parliament.

- (3) The Cabinet is held responsible for every detail of the administrative work carried on by the ever-growing administrative machinery.
- (4) It is also responsible for the finances of the State.
- (5) It is the Cabinet which decides as to what business is to be submitted to the Parliament and how much time be allotted for the same.
- (6) Higher appointments at home and abroad are also made by the Cabinet through its Committee on Appointments.

Thus, it is clear that the Cabinet initiates and decides public policy concerning almost every sphere of government's activity. Without its approval no policy proposal can become effective. While examining the role of the Cabinet, S.R. Maheshwari opines, "Policies acquire final approval at various levels of governance depending on their import and nature. Certain proposals are required to be brought before the Cabinet for its decision, and the Cabinet may take them up either directly or may refer them to one or its sub-committees for a more detailed examination. The Cabinet, functioning on the principle of collective responsibility, is the top policy making body in the government, but only major proposals are taken to it for its decision, other matters get disposed of by the minister at his/her own level. Even otherwise, it functions more as a referral body than an original one, more as a policy satisfactory organ than a policy formulating one. But occasionally, in its meetings some new policy items may get thrown up. Much more systematically powerful as policy making mechanisms are its subcommittees, particularly the Political Affairs Committee and the Economic Affairs Committee, both presided over by the Prime Minister and consisting of the key ministers".

1.16 THE PRESIDENT OF INDIA

The President of India is the head of state and first citizen of India, as well as the Supreme Commander of the Indian Armed Forces. Despite Article 53 of the Constitution stating the President can exercise their powers directly, with few exceptions, all of the authority vested in the President is in practice exercised by the Council of Ministers, headed by the Prime Minister.

The President is elected by the elected members of the Parliament of India (Lok Sabha and Rajya Sabha) as well as of the state legislatures (Vidhan Sabhas), and serves for a term of five years. Incumbents are permitted to stand for re-election. A formula is used to allocate votes so there is a balance between the population of each state and the number of votes assembly members from a state can cast, and to give an equal balance between State Assembly members and National Parliament members. If no candidate receives a majority of votes there is a system by which losing candidates are eliminated from the contest and votes for them transferred to other candidates, until one gains a majority.

The Vice-President is elected by a direct vote of all members (elected and nominated) of the Lok Sabha and Rajya Sabha.

POWERS AND DUTIES

Legislative Powers

The President summons both houses of the Parliament and prorogues them. He or she can even dissolve the Lok Sabha. These powers are formal, and by convention, the President uses these powers according to the advice of the Council of Ministers headed by the Prime Minister.

They inaugurate the Parliament by addressing it after the general elections and also at the beginning of the first session each year. Their address on these occasions is generally meant to outline the new policies of the government.

A bill that the Parliament has passed, can become a law only after the President gives his/her assent to it. The President can return a bill to the Parliament, if it is not a money bill, for reconsideration. However, if the Parliament sends it back to them for the second time, the President is obliged to assent to it.

When the Parliament is not in session and the government considers it necessary to have a law, then the President can promulgate ordinances. These ordinances are submitted to the Parliament at its next session. They remain valid for no more than six weeks from the date the Parliament is convened unless approved by it earlier.

ARTICLE 52 EXECUTIVE POWERS

The Constitution vests in the President of India all the executive powers of the Central Government. The President appoints the Prime Minister the person most likely to command the support of the majority in the Lok Sabha (usually the leader of the majority party or coalition). The President then appoints the other members of the Council of Ministers, distributing portfolios to them on the advice of the Prime Minister.

The Council of Ministers remains in power during the 'pleasure' of the President. In practice, however, the Council of Ministers must retain the support of the Lok Sabha. If a President were to dismiss the Council of Ministers on his or her own initiative, it might trigger a constitutional crisis. Thus, in practice, the Council of Ministers cannot be dismissed as long as it commands the support of a majority in the Lok Sabha.

The President is responsible for making a wide variety of appointments. These include:

- Governors of States
- The Chief Justice, other judges of the Supreme Court and High Courts of India.

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- The Attorney General
- The Comptroller and Auditor General
- The Chief Election Commissioner and other Election Commissioners
- The Chairman and other Members of the Union Public Service Commission
- Ambassadors and High Commissioners to other countries.

The President also receives the credentials of Ambassadors and High Commissioners from other countries.

The President is the de jure Commander in Chief of the Indian Armed Forces.

The President of India can grant a pardon to or reduce the sentence of a convicted person for one time, particularly in cases involving punishment of death.

The decisions involving pardoning and other rights by the president are independent of the opinion of the Prime Minister or the Lok Sabha majority. In most other cases, however, the President exercises his or her executive powers on the advice of the Prime Minister.

FINANCIAL POWERS

Money bills can be introduced in the Parliament only on the prior recommendation of the President. He/she also causes to be laid before the Parliament the annual financial statement which is the Union Budget. Further no demand for grant shall be made except on his recommendation. He/She can also make advances out of the Contingency Fund of India to meet any unforeseen expenditure. Moreover, he/she constitutes the Finance Commission every 5 years to recommend the distribution of taxes between the States and the Centre.

JUDICIAL POWERS

The president appoints the Chief Justice of the Union Judiciary and other judges on the advice of the Chief Justice. In practice, these judges are actually selected by the Union cabinet. The President dismisses the judges if and only if the two Houses of the Parliament pass resolutions to that effect by two-thirds majority of the members present.

If they consider a question of law or a matter of public importance has arisen they can ask for the advisory opinion of the Supreme Court. They may or may not accept that opinion.

He/She has the right to grant pardon. He/She can suspend, remit or commute the death sentence of any person.

He/She enjoys the judicial immunity:

- No criminal proceedings can be initiated against him/her during his term in office.
- He/She is not answerable for the exercise of his duties.

DIPLOMATIC POWERS

All international treaties and agreements are negotiated and concluded on behalf of the President. However, in practice, such negotiations are usually carried out by the Prime Minister along with his Cabinet (especially the Foreign Minister). Also, such treaties are subject to the approval of the Parliament. The President represents India in international forums and affairs where such a function is chiefly ceremonial. The President may also send and receive diplomats like Ambassadors and High Commissioners.

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MILITARY POWERS

The President is the supreme commander of the defence forces of India, in this capacity the president can appoint Army, Navy & Air Chiefs. The President can declare war or conclude peace, subject to the approval of parliament only under the decision of the Council of Ministers.

EMERGENCY POWERS

The President can declare three types of emergencies: national, state and financial.

National Emergency

National emergency is caused by war, external aggression or armed rebellion in the whole of India or a part of its territory. Such an emergency was declared in India in 1962 (Indo-China war), 1971 (Indo-Pakistan war), 1975 to 1977 (declared by Indira Gandhi on account of "internal disturbance").

Under Article 352 of the India Constitution the President can declare such an emergency only on the basis of a written request by the Council of Ministers headed by the Prime Minister. Such a proclamation must be approved by the Parliament within one month. Such an emergency can be imposed for six months. It can be extended by six months by repeated parliamentary approval, up to a maximum of 3 Years.

In such an emergency, Fundamental Rights of Indian citizens can be suspended. The six freedoms under Right to Freedom are automatically suspended. However, the Right to Life and Personal Liberty cannot be suspended.

The Parliament can make laws on the 66 subjects of the State List (which contains subjects on which the state governments can make laws). Also, all money bills are referred to the Parliament for its approval. The term of the Lok Sabha can be extended by a period of up to one year, but not so as to extend the term of Parliament beyond six months after the end of the declared emergency.

State Emergency

State emergency, also known as President's rule, is declared due to breakdown of constitutional machinery in a state.

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If the President is satisfied, on the basis of the report of the Governor of the concerned state or from other sources that the governance in a state cannot be carried out according to the provisions in the Constitution, he/she can declare a state of emergency in the state. Such an emergency must be approved by the Parliament within a period of six months.

Under Article 356 of the Indian Constitution, it can be imposed from six months to a maximum period of three years with repeated parliamentary approval every six months. If the emergency needs to be extended for more than three years, this can be achieved by a constitutional amendment, as has happened in Punjab and Jammu and Kashmir.

During such an emergency, the President can take over the entire work of the executive, and the Governor administers the state in the name of the President. The Legislative Assembly can be dissolved or may remain in suspended animation. The Parliament makes laws on the 66 subjects of the state list. All money bills have to be referred to the Parliament for approval.

On 19 January 2009, President's rule was imposed on the Indian State of Jharkhand making it the latest state where this kind of emergency has been imposed.

A State Emergency can be imposed via the following:

1. By Article 356:-If that state failed to run constitutionally i.e. constitutional machinery has failed
2. By Article 365:-If that state is not working according to the given direction of the Union Government.

This type of emergency needs the approval of the parliament within 2 months. This type of emergency can last up to a maximum of 3 years via extensions after each 6 month period. However, after one year it can be extended only if—

1. A state of National Emergency has been declared in the country or in the particular state.
2. The Election Commission finds it difficult to organize an election in that state.

Financial Emergency

If the President is satisfied that there is an economic situation in which the financial stability or credit of India is threatened, he/she can proclaim financial emergency as per the Constitutional Article 360. Such an emergency must be approved by the Parliament within two months. It has never been declared. On a previous occasion, the financial stability or credit of India has indeed been threatened, but a financial emergency was avoided through the selling off of India's gold reserves.

A state of financial emergency remains in force indefinitely until revoked by the President.

In case of a financial emergency, the President can reduce the salaries of all government officials, including judges of the Supreme Court and High Courts. All money bills are passed by the State legislatures are submitted to the President for his approval. They can direct the state to observe certain principles (economy measures) relating to financial matters.

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SELECTION PROCESS

Eligibility

Article 58 of the Constitution sets the principle qualifications one must meet to be eligible to the office of the President. A President must be :

- a citizen of India
- of 35 years of age or above
- qualified to become a member of the Lok Sabha

A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Certain office-holders, however, are permitted to stand as Presidential candidates. These are:

- The current Vice President.
- The Governor of any State.
- A Minister of the Union or of any State.

In the event that the Vice President, a State Governor or a Minister is elected President, they are considered to have vacated their previous office on the date they begin serving as President.

CONDITIONS FOR PRESIDENCY

Certain conditions, as per Article 59 of the Constitution, debar any eligible citizen from contesting the presidential elections. The conditions are :

- The President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as President.
- The President shall not hold any other office of profit.
- The President shall be entitled without payment of rent to the use of his *official residences and shall be also entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and until*

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- provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.
- The emoluments and allowances of the President shall not be diminished during his term of office.

ELECTION OF THE PRESIDENT

Whenever the office becomes vacant, the new President is chosen by an electoral college consisting of the elected members of both houses of the Parliament and the elected members of the State Legislative Assemblies (Vidhan Sabha).

The election is held in accordance to the system of Proportional Representation by means of Single Transferable Vote method. The Voting takes place by secret ballot system. The manner of election of President is provided by Article 55.

Each elector casts a different number of votes. The general principle is that the total number of votes cast by Members of Parliament equals the total number of votes cast by State Legislators. Also, legislators from larger states cast more votes than those from smaller states. Finally, the number of legislators in a state matters; if a state has few legislators, then each legislator has more votes; if a state has many legislators, then each legislator has fewer votes.

The actual calculation for votes cast by a particular state is calculated by dividing the state's population by 1000, which is divided again by the number of legislators from the State voting in the electoral college. This number is the number of votes per legislator in a given state. For votes cast by those in Parliament, the total number of votes cast by all state legislators is divided by the number of members of both Houses of Parliament. This is the number of votes per member of either house of Parliament.

CONSTITUTIONAL ROLE

Constitutional role of the Indian Constitution states "There shall be a President of India". Article 53(1) vests in the President the executive powers of the Union which are exercised either directly or through subordinate officers in accordance with the Constitution. Although the Constitution explicitly says that the president is the executive head of the state, real executive power is exercised by the Council of Ministers, headed by the Prime Minister. This is inferred from Article 74 of the Indian Constitution, providing for a "... council of ministers to aid and advise the President who shall, in exercise of his functions, act in accordance with such advice".

However, the Article 74(2) bars all courts completely from assuming even an existence of such an advice. Therefore from the courts' point of view, the real executive power lies with the President. As far as President's decision and action are concerned no one can challenge such decision or action on the ground that it

is not in accordance with the advice tendered by the Ministers or that it is based on no advice.

The president of India shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of India or, in his absence, the senior-most Judge of the Supreme Court available, an oath or affirmation that he/she shall protect, preserve and defend the Constitution (Article 60).

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REMOVAL OF THE PRESIDENT

The President may be removed before the expiry of his/her term through impeachment. A President can be removed for violation of the Constitution.

The process may start in either of the two houses of the Parliament. The house initiates the process by levelling the charges against the President. The charges are contained in a notice which has to be signed by at least one quarter of the total members of that house. The notice is sent up to the President and 14 days later, it is taken up for consideration.

A resolution to impeach the President has to be passed by a two-third majority of the total members of the originating house. It is then sent to the other house. The other house investigates the charges that have been made. During this process, the President has the right to defend himself/herself through an authorised counsel. If the second house also approves the charges made by two-third majority again, the President stands impeached and is deemed to have vacated his/her office from the date when such a resolution stands passed. Other than impeachment, no other penalty can be given to the President for the violation of the Constitution.

No President has faced impeachment proceedings. Hence, the above provisions have never been tested.

SUCCESSION

In the event of a vacancy created for the President's post due to death, resignation, removal, etc., Article 65 of the [Indian Constitution] says that the Vice President will have to discharge his duties. The Vice President reverts to his office when a new President is elected and enters upon his office. When the President is unable to act owing to his absence, illness or any other cause, the Vice President discharges the President's functions for a temporary period until the President resumes his duties.

When the Vice President acts as, or discharges the functions of the President, he has all the powers and immunities of the President and is entitled to the same emoluments as the President.

Parliament has by an enactment made provision for the discharge of the functions of the President when vacancies occur in the offices of the President and of the Vice President simultaneously, owing to removal, death, resignation of

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the incumbent or otherwise. In such an eventuality, the Chief Justice, or in his absence, the senior most Judge of the Supreme Court of India available discharges the functions of the President until a newly elected President enters upon his office or a newly elected Vice President begins to act as President under Article 65 of the Constitution, whichever is the earlier.

IMPORTANT PRESIDENTIAL INTERVENTIONS

The President's role as defender of the Constitution, and their powers as Head of State, especially in relation to those exercised by the Prime Minister as leader of the government, have changed over time. In particular, Presidents have made a number of interventions into government and lawmaking, which have established and challenged some conventions concerning Presidential intervention. Some of the more noteworthy are documented here.

In 1979, the then Prime Minister, Charan Singh, did not enjoy a Parliamentary majority. He responded to this by simply not advising the President to summon Parliament. Since then, Presidents have been more diligent in directing incoming Prime Ministers to convene Parliament and prove their majority within reasonable deadlines (2-3 weeks). In the interim period, the Prime Ministers are generally restrained from making policy decisions.

The constitution gives the President the power to return a bill unsigned but it circumscribes the power to send it back only once for reconsideration. If the Parliament sends back the bill with or without changes, the President is duty bound to sign it. Since the nineties, Parliamentary elections have generally not resulted in a single party or group of parties having a distinct majority. In such cases, Presidents have used their discretion and directed Prime Ministerial aspirants to establish their credentials before being invited to form the government.

Typically, the aspirants have been asked to produce letters from various party leaders, with the signatures of all the MPs who are pledging support to their candidature. This is in addition to the requirement that a Prime Minister prove he has the support of the Lok Sabha (by a vote on the floor of the House) within weeks of being sworn in to office.

In the late nineties, President Narayanan introduced the important practice of explaining to the nation (by means of Rashtrapati Bhavan communiqués) the thinking that led to the various decisions he took while exercising his discretionary powers; this has led to openness and transparency in the functioning of the President.

In mid-2006, President A. P. J. Abdul Kalam sent back a controversial bill regarding enlarging the scope of the offices of profit, which disqualify a person from being a member of parliament. The opposition combine, the NDA, hailed

the move. The UPA chose to send the bill back to the president without any changes, and after 30 days Kalam gave the assent.

1.17 THE VICE PRESIDENT

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The Vice-President of India is the second-highest ranking government official in the executive branch of the Government of India after the President. The Vice-President also has the legislative function of acting as the Chairman of the Rajya Sabha.

The current Vice-President of India is Hamid Ansari, who was elected on 10 August 2007.

Article 63 of the Constitution of India provides for a Vice-President: "There shall be a Vice-President of India". While the Indian Vice-President could be elected for any number of terms, the Constitution requires that the Vice-President must be a citizen of India. The qualifications for Vice-President are the same as those for President.

The Vice-President acts as President in the event of the death, resignation, or removal of the President, until a new President is chosen by the electoral college. The Vice-President may also act temporarily as President during the absence or illness of the President.

The Vice-President is elected for a term of five years whenever the office becomes vacant, by an electoral college consisting of all the Members of both Houses of Parliament. Holds office for 5 yrs. Can be re-elected.

Term can be cut short if he resigns or by a resolution of the Rajya Sabha passed by a majority of all the then members of the Rajya Sabha and agreed to by the Lok Sabha.

The Vice President is the second highest dignitary of India, next to the President of India.

No formal functions are attached to the office of Vice President. He is the ex-officio chairman of Rajya Sabha. Since he is not a member of Rajya Sabha, he has no right to vote.

Being the Vice President of India, he is not entitled for any salary, but he is entitled to the salary and allowances payable to the Chairman of the Rajya Sabha.

All bills, resolution, motion can be taken in Rajya Sabha after his consent. He/She can discharge the function of President if the post falls vacant. (For maximum 6 months).

The Vice President takes over the office of the President normally under these conditions:

Death of the President; Resignation of the President; Removal of the President; When President owing to absence, illness or any other cause,

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is unable to perform the functions of his office. When he discharges the functions of the President, the Vice President shall not perform the duties of the office of the Chairman of Rajya Sabha and shall not be entitled to receive the salary of the Chairman.

During this period, he is entitled for the salary and privileges of the President of India.

Vice President is elected by both the houses (Electoral College) in accordance with the system of proportional representation by means of single transferable vote and the vote being secret. Nominated members also participate in his election.

The Supreme Court has the final and exclusive jurisdiction for resolving disputes and doubts relating to the election of the Vice-President.

VICE PRESIDENT QUALIFICATIONS

- Citizen of India.
- More than 35 yrs of age.
- Possess the qualification for membership of Rajya Sabha.
- Not hold any office of profit under union, state or local authority. However, for this purpose, the President, Vice-President, Governor of a State and a Minister of the Union or a State, are not held to be holding an office of profit.
- The constitution also provides a mechanism for the removal of the Vice-President (Article 67(b)) by a vote of the majority of the votes of all the members of both Houses of Parliament.

1.18 THE PRIME MINISTER AND COUNCIL OF MINISTERS

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.

CONSTITUTIONAL FRAMEWORK AND POSITION OF PRIME MINISTER

The Constitution envisages a scheme of affairs in which the President of India is the head of the executive in terms of Article 53 with office of the Prime Minister as heading the Council of Ministers to assist and advise the President in

the discharge of the executive power. To quote, Article 53 and 74 provide as under;

The executive powers of the Union shall be vested in the President and shall be exercised either directly or through subordinate officers, in accordance with the Constitution.— Article 53(1), Constitution of India

There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.— Article 74(1), Constitution of India

Like most parliamentary democracies the Head of State's duties are only ceremonial, the Prime Minister of India is the head of government and has the responsibility for executive power. With India following a parliamentary system of government the Prime Minister is generally the leader of a party (or coalition of parties) that has a majority in the Lok Sabha, the lower house of the Parliament of India. The Prime Minister either has to be a current member of one of the houses of Parliament, or be elected within six months of being appointed.

A council of ministers, or cabinet, is headed by a prime minister and wields executive power at the national level. The council, which is responsible to parliament, is selected by the president upon the advice of the prime minister. Each council member heads an administrative department of the central government. In most important respects, the Indian cabinet system is identical to that of Britain. There is a constitutionally fixed division of responsibilities between national and state governments, so that the national government has exclusive powers over areas such as foreign affairs, while the states are responsible for health-care systems and agricultural development, among other areas. Some areas are the joint responsibility of both the national and state governments, such as education.

ROLE OF THE PRIME MINISTER

The Prime Minister, leads the functioning and exercise of authority of the Government of India. They are invited by the President as leader of the majority party in the Parliament of India to form a government at the federal level (known as Central or Union Government in India) and exercise its powers. In practice the Prime Minister nominates the members of their Council of Ministers to the President. They also work upon to decide a core group of Ministers (known as the Cabinet) as in-charge of the important functions and ministries of the Government of India.

The Prime Minister is responsible for aiding and advising the President in distribution of work of the Government to various ministries and offices and in terms of the Government of India (Allocation of Business) Rules, 1961. The co-ordinating work is generally allocated to the Cabinet Secretariat which in turn

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acts as a nodal agency for the functioning of the various Ministries. While generally the work of the Government is divided into various Ministries, the Prime Minister may retain certain portfolios.

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The Prime Minister, in consultation with the Cabinet, schedules and attends the sessions of the Houses of Parliament and is required to answer the question from the Members of Parliament to them as the in-charge of the portfolios in the capacity as Prime Minister of India. The Prime Minister is also the ex officio Chairman of the Planning Commission of India. They also appoint the Deputy Chairman of the Commission, who is responsible for the functioning of the Commission and reports to the Prime Minister.

The Prime Minister represents the country in various delegations, high level meetings and international organizations that require the attendance of the highest government office and also addresses to the nation on various issues of national or other importance. They also have exclusive jurisdiction over disposal of two national funds, (i) the PM's National Relief Fund, and (ii) the PM's National Defence Fund, which they use at their discretion attain the objectives behind the establishment of these funds.

1.19 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.

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.

IDENTIFYING POLICY PROPOSALS: SOME TECHNIQUES

The problems and issues which, ultimately, find place in the policy agenda are known as policy proposals. However, all these proposals, may, not find the shape of a policy as the political executive still enjoys the choice of accepting or rejecting a particular proposal though, it might have included the same in the agenda under severe pressure. Therefore, it cannot be categorically stated that every policy proposal is going to be converted into a public policy. Converting a policy proposal into a policy needs a decision by the institution established under the law. The institution (say Cabinet or its committees) has a number of individuals, who at times, may have different or conflicting viewpoints on a given issue. However, even in such a situation where there is a plurality of decision makers having conflicting parameters, certain decisions are taken as the leader may adopt a style that may clinch the issue for him. The styles which are used in such cases are bargaining, competition, command, conflict and cooperation. These are also called techniques of converting policy proposals into policies. Let us discuss them briefly.

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Bargaining : The policy decision, usually, are the result of active interactions among several individuals and organisations. Objectives and preferences of all these persons are diverse though there may be some commonalities between some of them. The similarity of interests can be brought about in the majority of those involved in the policy making process. Hence, a forum is established where the majority view prevails. i.e., a process of give and take operates to an extent that an agreed alternative becomes acceptable to most of the persons. Since the majority has agreed, the minority also gives in, though in the process it might get some other major or minor benefits or promises. The Prime Minister in India, while formulating his/her Council of Ministers adopts bargaining as a technique for reaching an acceptable decision. This technique is very common in modern times be it political decision making or administrative policy making.

Competition : The existence of very strong values and preferences among various individuals and groups lead to B situation where more than one party starts competing for a policy decision that will protect their interests the most. This is known as competition, a technique of reaching decisions in policy making. The various political parties try to use their strength for getting the best possible gains. However, in real competition, strength is, generally, equal and, as such, the gains or losses do not vary significantly. In the developing countries, such a stage of competition comes very rarely, as one or a combination of parties enjoy political power for a longer period of time.

Command : It is a technique which refers to the assertive use of the Constitutional/legal and extra-Constitutional authority by the leader. In a controversial or complicated situation the leader issues a command and a decision is, accordingly, reached. This technique is largely used in the authoritarian political systems where

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the word of the supreme leader is taken as final and his dictates are reflected in the decisions. It is also used in democracies like U.S.A. and India. The leader of the party in power issues commands, which become quite handy in resolving problems. In India, we have seen that the order of the central leadership of the party has resulted in the change of Chief Ministers, though it is the prerogative of the concerned legislative party. The concept of 'Issuing Whips' is based on the discussions and consensus reached in the party meetings. However, it has also been used by the leader as a command without going into proper discussions at the relevant party forums. The command establishes a hierarchy which is bound by chain of command. It is the system of establishing superior-subordinate relationship. Those subordinates who comply with the command are, suitably, rewarded in due course of time and those who oppose or are passive to the command are deprived of some major benefits.

Conflict : It is also a means of reaching decisions at the organisational level. A conflict situation is one when the parties concerned are adamant on protecting the interests of the organisation though the perception of interests varies from group to group. Clash of interests is quite visible but all the concerned are very much interested in finding an acceptable solution. Such a situation can be tackled through domination, compromise and integration, as suggested by Mary Parker Follett.

Cooperation : A policy decision is to serve the best interests of the people at large. Therefore, it must take into account the socio-economic environment and the cultural factors. It is due to these factors that it becomes very essential for the decision-makers to cooperate in reaching the ultimate decision. The demands are many and resources are limited. It is through cooperation and proper understanding- that priorities are reached and policy decisions are taken accordingly. However, it is not easy to reach such an understanding. It requires all out coordinated efforts on the part of all concerned with the process of the policy making.

It may be mentioned that any one of the above techniques is just not enough. A combination of more than one is, generally, put into operation for reaching on agreed policy decisions. Besides, substantiating policy proposal by the government becomes very essential. The government in a democratic system has to have legitimacy for its policies and programmes. In other words, the people, by and large, should not only be appreciative of the Governmental actions but should also extend distinct support for such actions. Such a situation can be attained by substantiating the policy proposals with all the relevant data. For example, if the Government intends to frame a policy with regard to the development of agriculture, it shall have to collect the data and information regarding total availability of the cultivable land, different types of cultivable land available, the crop that can give best yield in a given soil, availability of irrigational facilities,

type of fertilisers to be used and their availability, marketing of the produce, and the basic requirements, both for the domestic and exports purposes, of the country. In order to make people aware of the policies, in order to make them understand and support policies, this exercise is a must.

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Democracy is a form of government in which power is held by “the people” under a free electoral system. It is derived from the Greek word *dimokratia*, “popular government” which was coined from *demos*, “people” and *kratos*, “rule, strength” in the middle of the 5th-4th century BC to denote the political systems then existing in some Greek city-states, notably Athens following a popular uprising in 508 BC.

In political theory, democracy describes a small number of related forms of government and also a political philosophy. Even though there is no universally accepted definition of ‘democracy’, there are two principles that any definition of democracy includes. The first principle is that all members of the society (citizens) have equal access to power and the second that all members (citizens) enjoy universally recognized freedoms and liberties.

There are several varieties of democracy some of which provide better representation and more freedoms for their citizens than others. However, if any democracy is not carefully legislated to avoid an uneven distribution of political power with balances such as the separation of powers, then a branch of the system of rule is able to accumulate power in a way that is harmful to democracy itself. The “majority rule” is often described as a characteristic feature of democracy, but without responsible government it is possible for the rights of a minority to be abused by the “tyranny of the majority”. An essential process in representative democracies are competitive elections, that are fair both substantively and procedurally. Furthermore, freedom of political expression, freedom of speech and freedom of the press are essential so that citizens are informed and able to vote in their personal interests.

Popular sovereignty is common but not a universal motivating philosophy for establishing a democracy. In some countries, democracy is based on the philosophical principle of equal rights. Many people use the term “democracy” as shorthand for liberal democracy, which may include additional elements such as political pluralism, equality before the law, the right to petition elected officials for redress of grievances, due process, civil liberties, human rights, and elements of civil society outside the government.

In the United States, separation of powers is often cited as a supporting attribute, but in other countries, such as the United Kingdom, the dominant

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philosophy is parliamentary sovereignty (though in practice judicial independence is generally maintained). In other cases, "democracy" is used to mean direct democracy. Though the term "democracy" is typically used in the context of a political state, the principles are also applicable to private organizations and other groups.

Democracy has its origins in Ancient Greece. However, other cultures have significantly contributed to the evolution of democracy such as Ancient India, Ancient Rome, Europe, and North and South America. Democracy has been called the "last form of government" and has spread considerably across the globe. Suffrage has been expanded in many jurisdictions over time from relatively narrow groups (such as wealthy men of a particular ethnic group), but still remains a controversial issue with regard to disputed territories, areas with significant immigration, and countries that exclude certain demographic groups.

1.20 PARLIAMENTARY DEMOCRACY

Parliamentary Democracies are characterized by no clear-cut separation of powers between the executive and legislative branches, leading to a different set of checks and balances compared to those found in presidential systems. Parliamentary systems usually have a clear differentiation between the head of government and the head of state, with the head of government being the prime minister or premier, and the head of state often being a figurehead, often either a president (elected either popularly or by the parliament) or by a hereditary monarch (often in a constitutional monarchy).

The term parliamentary system does not mean that a country is ruled by different parties in coalition with each other. Such multi-party arrangements are usually the product of an electoral system known as proportional representation. Many parliamentary countries, especially those that use "first past the post" voting, have governments composed of one party. However, parliamentary systems in continental Europe do use proportional representation, and tend to produce election results in which no single party has a majority of seats. Proportional representation in a non-parliamentary system does not have this result.

Parliamentarianism may also be for governance in local governments. An example is the city of Oslo, which has an executive council as a part of the parliamentary system. The council-manager system of municipal government used in some U.S. cities bears many similarities to a parliamentary system.

Students of democracy such as *Arend Lijphart* divide parliamentary democracies into two different systems, the Westminster and Consensus systems.

- The Westminster system, usually found in Commonwealth of Nations countries, although they are not universal within nor exclusive to Commonwealth countries. These parliaments tend to have a more adversarial style of debate and the plenary session of parliament is relatively

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more important than committees. Some parliaments in this model are elected using a plurality voting system (first past the post), such as the United Kingdom, Canada, and India, while others use proportional representation, such as Ireland and New Zealand. The Australian House of Representatives is elected using instant-runoff voting while the Senate is elected using proportional representation through single transferable vote. Even when proportional representation systems are used, the voting systems tend to allow the voter to vote for a named candidate rather than a party list. This model does allow for a greater separation of powers than the Western European model, since the governing party will often not have a majority in the upper house. However, the extent of the separation of powers is nowhere near that of the presidential system of United States.

- Western European parliamentary model (e.g., Spain, Germany) tend to have a more consensual debating system, and have semi-cyclical debating chambers. Consensus systems are identified by proportional representation, where there is more of a tendency to use party list systems than the Westminster Model legislatures. The committees of these Parliaments tend to be more important than the plenary chamber. This model is sometimes called the West German Model since its earliest exemplar in its final form was in the Bundestag of West Germany (which became the Bundestag of Germany upon the absorption of the GDR by the FRG). Switzerland is considered one of the purest examples of a consensus system.

There also exists a Hybrid Model, the semi-presidential system, drawing on both presidential systems and parliamentary systems, for example the French Fifth Republic. Much of Eastern Europe has adopted this model since the early 1990s.

Implementations of the parliamentary system can also differ on whether the government needs the explicit approval of the parliament to form, rather than just the absence of its disapproval, and under what conditions (if any) the government has the right to dissolve the parliament, like Jamaica and many others.

1.21 INDIA AS A PARLIAMENTARY DEMOCRACY

India has a parliamentary system of government based largely on that of the United Kingdom (Westminster system).

The legislature is the Parliament. It is bicameral, consisting of two houses: the directly-elected 545-member Lok Sabha ("House of the People"), the lower house, and the 250-member indirectly-elected and appointed Rajya Sabha ("Council of States"), the upper house. The parliament enjoys parliamentary supremacy.

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The executive is split between a mainly ceremonial head of state (the President of India). The President enjoys all constitutional powers, but exercises them only on the advice of the actual executive, the head of government (Prime Minister of India) and his or her Council of Ministers (the cabinet), which enjoy all real powers and make important policy decisions.

All the members of the Council of Ministers as well as the Prime Minister are members of Parliament. If they are not, they must be elected within a period of six months from the time they assume their respective office. The Prime Minister and the Council of Ministers are responsible to the Lok Sabha, individually as well as collectively.

INDIVIDUAL RESPONSIBILITY

Every individual minister is in charge of a specific ministry or ministries (or specific other portfolio). He is responsible for any act of failure in all the policies relating to his department. In case of any lapse, he himself is individually responsible to the Parliament. If a vote of no confidence is passed against the individual minister, he has to resign. Individual responsibility can amount to collective responsibility. Therefore, the Prime Minister, in order to save his government, can ask for the resignation of such a minister.

COLLECTIVE RESPONSIBILITY

The Prime Minister and the Council of Ministers are jointly accountable to the Lok Sabha. If there is a policy failure or lapse on the part of the government, all the members of the council are jointly responsible. If a vote of no confidence is passed against the government, then all the ministers headed by the Prime Minister have to resign.

JUDICIAL BRANCH

India's independent judicial system began under the British, and its concepts and procedures resemble those of Anglo-Saxon countries. The Supreme Court of India consists of a Chief Justice and 25 associate justices, all appointed by the President on the advice of the Chief Justice of India. In the 1960s, India moved away from using juries for most trials, finding them to be corrupt and ineffective, instead almost all trials are conducted by judges.

Unlike its US counterpart, the Indian justice system consists of a unitary system at both state and federal level. The judiciary consists of the Supreme Court of India, High Courts at the state level, and District and Session Courts at the district level.

National Judiciary

The Supreme Court of India has original, appellate and advisory jurisdiction. Its exclusive original jurisdiction extends to any dispute between the Government

of India and one or more states, or between the Government of India and any state or states on one side and one or more states on the other, or between two or more states, if and insofar as the dispute involves any question (whether of law or of fact) on which the existence or extent of a legal right depends.

In addition, Article 32 of the Indian Constitution gives an extensive original jurisdiction to the Supreme Court in regard to enforcement of Fundamental Rights. It is empowered to issue directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari to enforce them. The Supreme Court has been conferred with power to direct transfer of any civil or criminal case from one State High Court to another State High Court, or from a court subordinate to another State High Court.

Public Interest Litigation(PIL) : Although the proceedings in the Supreme Court arise out of the judgments or orders made by the Subordinate Courts, of late the Supreme Court has started entertaining matters in which interest of the public at large is involved, and the Court may be moved by any individual or group of persons either by filing a Writ Petition at the Filing Counter of the Court, or by addressing a letter to Hon'ble The Chief Justice of India highlighting the question of public importance for invoking this jurisdiction.

Such a concept is known as Public Interest Litigation, or PIL and several matters of public importance have become landmark cases. This concept is unique to the Supreme Court of India, and perhaps no other Court in the world has been exercising this extraordinary jurisdiction.

THE PARLIAMENT OF INDIA

The Parliament of India (or Sansad) is the federal and supreme legislative body of India. It consists of the office of President of India and two houses, the lower house, known as the Lok Sabha and the upper house, known as the Rajya Sabha. It is located in New Delhi at Sansad Bhavan on Sansad Marg. Any bill can become an act only after it is passed by both the houses of the Parliament and assented by the President. The Central Hall of the Parliament is used for combined sittings of the lower and upper houses and is of historical significance.

Lok Sabha (Lower House)

The Lok Sabha is also known as the "House of the People" or the lower house. Almost all of its members are directly elected by citizens of India. It is the more powerful of the two houses and can precede or overrule the Rajya Sabha (upper house) in certain matters.

The Lok Sabha can have up to 552 members as envisaged in the Constitution of India (Article 81). It has a term of 5 years but it may be dissolved earlier by the President in the event of no party getting a majority.

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To be eligible for membership of Lok Sabha, a person must be a citizen of India and must not be less than 25 years of age. Up to 530 members can be elected from the states, up to 20 members from the Union territories and no more than two members can be nominated by the President of India.

As of now, the Lok Sabha has 545 members, 530 members from the states, 13 members from the Union territories and two nominated members representing the Anglo Indian community. Some seats are reserved for representatives of Scheduled Castes and Scheduled Tribes.

The representatives from States and Union territories are directly elected by the people on the basis of universal adult suffrage. Every citizen who is over 18 years of age, irrespective of gender, caste, religion or race, who is otherwise not disqualified, is eligible to vote.

Rajya Sabha (Upper House)

The Rajya Sabha is also known as "Council of States" or the upper house. Its members are indirectly elected by members of legislative bodies of the States.

The Rajya Sabha has 250 members in all. Elections to it are scheduled and the chamber cannot be dissolved. Each member has a term of 6 years and elections are held for one-third of the seats after every 2 years. The composition is specified in Article 80 of the Constitution of India.

- 12 members are nominated by the President from people having special knowledge or experience in literature, science, art or social services.
- Representatives of States are elected by the elected members of the Legislative Assembly of the State in accordance with system of proportional representation by means of single transferable vote.
- Representatives of Union Territories are indirectly elected by members of an electoral college for that territory in accordance with system of proportional representation.

The Council of States is designed to maintain the federal character of the country. The number of members from a state depends on the population of the state (e.g. 31 from Uttar Pradesh and one from Nagaland).

The minimum age for a person to become a member of Rajya Sabha is 30 years.

PARLIAMENT HOUSE (SANSAD BHAVAN)

The Parliament House (Sansad Bhavan) is a circular building designed by the British architects Sir Edwin Lutyens and Sir Herbert Baker in 1912–1913. Construction began in 1921, and in 1927 the building was opened as the home of the Council of State, the Central Legislative Assembly, and the Chamber of Princes.

The roof of the outer circle of the structure is supported by 144 granite pillars. The Houses are located on Janpath, a stone's throw away from the presidential palace (Rashtrapati Bhavan). It is also seen from the India Gate. The former Chamber of Princes was home to the Supreme Court of India until 1958.

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ADVANTAGES OF A PARLIAMENTARY SYSTEM

Some believe that it is easier to pass legislation within a parliamentary system. This is because the executive branch is dependent upon the direct or indirect support of the legislative branch and often includes members of the legislature. Thus, this would amount to the executive (as the majority party or coalition of parties in the legislature) possessing more votes in order to pass legislation. In a presidential system, the executive is often chosen independently from the legislature.

If the executive and legislature in such a system include members entirely or predominantly from different political parties, then stalemate can occur. Former US President Bill Clinton often faced problems in this regard, since the Republicans controlled Congress for much of his tenure. Accordingly, the executive within a presidential system might not be able to properly implement his or her platform/manifesto.

Evidently, an executive in any system (be it parliamentary, presidential or semi-presidential) is chiefly voted into office on the basis of his or her party's platform/manifesto. It could be said then that the will of the people is more easily instituted within a parliamentary system.

In addition to quicker legislative action, Parliamentarianism has attractive features for nations that are ethnically, racially, or ideologically divided. In a unipersonal presidential system, all executive power is concentrated in the president. In a parliamentary system, with a collegial executive, power is more divided. In the 1989 Lebanese Taif Agreement, in order to give Muslims greater political power, Lebanon moved from a semi-presidential system with a strong president to a system more structurally similar to a classical parliamentarianism. Iraq similarly disdained a presidential system out of fears that such a system would be equivalent to Shiite domination; Afghanistan's minorities refused to go along with a presidency as strong as the Pashtuns desired.

It can also be argued that power is more evenly spread out in the power structure of parliamentarianism. The premier seldom tends to have as high importance as a ruling president, and there tends to be a higher focus on voting for a party and its political ideas than voting for an actual person.

In the English Constitution, Walter Bagehot praised parliamentarianism for producing serious debates, for allowing the change in power without an election, and for allowing elections at any time. Bagehot considered the four-year election rule of the United States to be unnatural.

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There is also a body of scholarship, associated with Juan Linz, Fred Riggs, Bruce Ackerman, and Robert Dahl that claims that parliamentarianism is less prone to authoritarian collapse. These scholars point out that since World War II, two-thirds of Third World countries establishing parliamentary governments successfully made the transition to democracy.

By contrast, no Third World presidential system successfully made the transition to democracy without experiencing coups and other constitutional breakdowns. As Bruce Ackerman says of the 30 countries to have experimented with American checks and balances, "All of them, without exception, have succumbed to the nightmare [of breakdown] one time or another, often repeatedly."

A recent World Bank study found that parliamentary systems are associated with lower corruption.

CRITICISMS OF PARLIAMENTARIANISM

One main criticism of many parliamentary systems is that the head of government is in almost all cases not directly elected. In a presidential system, the president is usually chosen directly by the electorate, or by a set of electors directly chosen by the people, separate from the legislature. However, in a parliamentary system the prime minister is elected by the legislature, often under the strong influence of the party leadership. Thus, a party's candidate for the head of government is usually known before the election, possibly making the election as much about the person as the party behind him or her.

Another major criticism of the parliamentary system lies precisely in its purported advantage: that there is no truly independent body to oppose and veto legislation passed by the parliament, and therefore no substantial check on legislative power. Conversely, because of the lack of inherent separation of powers, some believe that a parliamentary system can place too much power in the executive entity, leading to the feeling that the legislature or judiciary have little scope to administer checks or balances on the executive.

However, most parliamentary systems are bicameral, with an upper house designed to check the power of the lower (from which the executive comes).

Although it is possible to have a powerful prime minister, as Britain has, or even a dominant party system, as Japan has, parliamentary systems are also sometimes unstable. Critics point to Israel, Italy, Canada, the French Fourth Republic, and Weimar Germany as examples of parliamentary systems where unstable coalitions, demanding minority parties, votes of no confidence, and threats of such votes, make or have made effective governance impossible. Defenders of parliamentarianism say that parliamentary instability is the result of proportional representation, political culture, and highly polarised electorates.

Former Prime Minister Ayad Allawi criticized the parliamentary system of Iraq, saying that because of party-based voting “the vast majority of the electorate based their choices on sectarian and ethnic affiliations, not on genuine political platforms.”

Although Walter Bagehot praised parliamentarianism for allowing an election to take place at any time, the lack of a definite election calendar can be abused. In some systems, such as the British, a ruling party can schedule elections when it feels that it is likely to do well, and so avoid elections at times of unpopularity. Thus, by wise timing of elections, in a parliamentary system a party can extend its rule for longer than is feasible in a functioning presidential system.

This problem can be alleviated somewhat by setting fixed dates for parliamentary elections, as is the case in several of Australia’s state parliaments. In other systems, such as the Dutch and the Belgian, the ruling party or coalition has some flexibility in determining the election date.

Alexander Hamilton argued for elections at set intervals as a means of insulating the government from the transient passions of the people, and thereby giving reason the advantage over passion in the accountability of the government to the people. Critics of parliamentary systems point out that people with significant popular support in the community are prevented from becoming prime minister if they cannot get elected to parliament since there is no option to “run for prime minister” like one can run for president under a presidential system. Additionally, prime ministers may lose their positions solely because they lose their seats in parliament, even though they may still be popular nationally.

Supporters of parliamentarianism can respond by saying that as members of parliament, prime ministers are elected firstly to represent their electoral constituents and if they lose their support then consequently they are no longer entitled to be prime minister. In parliamentary systems, the role of the statesman who represents the country as a whole goes to the separate position of head of state, which is generally non-executive and non-partisan. Promising politicians in parliamentary systems likewise are normally preselected for safe seats ones that are unlikely to be lost at the next election which allows them to focus instead on their political career.

1.22 FEDERALISM : NATURE AND PROBLEMS

Federalism is a form of government in which the sovereign authority of political power is divided between the various units. This form of government is also called a “federation” or a “federal state” in the common parlance. These units are Centre, state and panchayats or the municipalities. The centre also is called union. The component units of the union are called variously as states (in the United States of America), Cantons (in Switzerland), Province (in Canada). Republics (in the former Union of Soviet Socialist Republic). Literally, the word

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'federal' means contractual. A federal union is a contractual union. A federal state is a state brought into being through a contractual union of sovereign states. The union of states by conquest cannot be called a federal union.

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It was regional disparities, historic differences and the enormous cultural diversity of India that led the framers of its Constitution to adopt a federal form of government. Still, they did include several centralizing elements: the office of the centrally-appointed governor, the all-India administrative services (the higher civil service, which serves both the central government and the states), very centralized revenues, and the power to declare an internal emergency and dismiss an elected state government. These mechanisms enabled the central government to exercise its influence and control over the states.

Indian Constitution is neither purely 'federal' nor purely 'unitary'. The federal form is clearly manifest in the constitutional distribution of powers between the union and the states not only in the legislative field but also in executive and administrative fields.

In normal times, the constitutional scheme has to ensure autonomy of the states in regard to the spheres of activities earmarked for the states in the Constitution. Specific subjects have been allocated to the exclusive fields of the centre and the states respectively and certain subjects have been allocated to the 'concurrent field' with the stipulation that in the 'state' and 'concurrent' fields. The states should have the freedom to follow their own policies except to the extent that Parliament itself decides to legislate under the powers given to it under the Constitution.

Historically, a highly centralised colonial government had slowly been transformed into a semi-feudal set-up. In post-Independent India, the needs of planned development, national integration and maintenance of law and order resulted in a considerable degree of centralisation of powers in the hands of the centre. Single party rule for a long period of time has also contributed to the increasing preponderance of the centre. Centre-state relationship in reality is a matter of interaction between the two levels of governments in course of discharge of their duties to people.

In administering subjects like education, health, agriculture, etc. the two levels of governments have to interact in the interest of efficient management of these functions. Administrative problems assume political colour when the interactions are conditioned by considerations of power and hegemony. As the Administrative Reforms Commission commented "The problem of Centre-State relations has acquired new dimensions and new importance in recent times due to several political parties being in power at the Centre and in the States."

After independence, those centralizing aspects of the federal system had been reinforced by the dominance of one party, the Congress Party, at both the central and the regional levels. Because Congress effectively controlled both levels,

any differences between states (regional governments) and between the centre and the states could be sorted out through intervention of the party leadership. As the Congress Party became more centralized in its own functioning and organizational structure, the balance tilted even more heavily in favour of the centre.

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1.23 FEDERALISM IN INDIA

Federalism in India has some similarities with that of U.S.A. The Constitution of India like the Constitution of U.S.A, which is the oldest federation, nowhere uses the term "federation" or "federal union". Both countries have dual polity - one for the Central/Union government: and another for the state government. But there are two main differences between them. A person in USA has dual citizenship one of the states where he resides and another the citizenship of his country U.S.A. There is no dual citizenship in India. An Indian citizen has only one citizenship - Indian. There is no separate citizenship for the state where a person resides.

Besides, apart from the constitution for the USA, each state has its own constitution. But these are loosely interrelated. In India there is only single constitution for the whole country, with the exception of the state of Jammu and Kashmir.

The Article 1 of the Constitution of India describes India as a "Union of states" for Indian federalism. The word "Union" has been used because according to Ambedkar the "federation in India was not a result of an agreement between different states to join a Federation". As mentioned earlier, the federation in India is the result of the devolution of power, not the result of an agreement. This does not give a state the right to secede from India. But the pattern of division of power under the Constitution renders it a federal character. This federal character was given by the framers of the Constitution primarily for two reasons:

- (1) A federal state is more effective than a unitary one when the size of its territory is as large as India.
- (2) A federal state is more effective than a unitary one when diverse groups of its population live in a discrete territorial concentration as in India.

THE STRUCTURE OF THE INDIAN FEDERATION

The Constitution of India is written and relatively rigid. Several provisions of the Constitution can be amended only with the consent of a majority of the state legislatures. The Constitution divides power between the Union and the states. The Supreme Court of India has original jurisdiction to decide disputes between:

- (a) The Union and a state or a group of states;
- (b) One state and another state or a group of other states; and

- (c) One group of states and another group of states.

TERRITORIES OF THE STATES

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It is said that the USA is an 'indestructible union of indestructible states'. It means that the states of the USA cannot be split, merged or altered in size, but they may not leave the union. But in India boundaries of States can be altered by a law enacted by parliament. It is in this context that in India territorial reorganisation has been going on till the year 2000 and further reorganisations are possible. In the year 2000, the number of states stands at 28, the number of Union territories at seven.

According to Article 3 of the Constitution of India, Parliament has power to separate territories from states and Union territories to create new states or Union territories, to merge two or more states or land Union territories, split a state or a Union territory into two or more states or land Union territories and to unite parts of states and Union territories to create new states or Union territories. The views of the concerned state legislatures will have to be taken beforehand but not necessarily respected.

STRUCTURE OF GOVERNMENT

The Union and states have separate governments, both based on parliamentary systems. Like President at the Centre, the Institution head of government at State level is Governor. However, although the President is elected indirectly by the people, the Governors of the states are appointed by the President (i.e., the Union Government). Both the President and the Governors are advised by their Councils of Ministers.

But there is no strict division of public services in India. The Union and the state officials administer both the Union and state laws simultaneously. There are state civil services. But there are also All-India Services whose members serve both the Union and the state government.

The Indian judiciary is, however, integrated. It is headed by the Supreme Court of India. which is also the federal court.

DIVISION OF POWERS

The Indian Constitution lays down an elaborate division of legislative powers between the Union and state government in the Seventh Schedule. The executive powers of the Union and state governments co-exist with their legislative powers. The powers of the Union and state governments are enlisted in three lists known as: The Union list, the State list and the Concurrent list.

In List I, the Union List, the powers of the Union government are mentioned; it contains 97 subjects; in List II, the State List, 61 subject are mentioned on which State legislatures will enact laws. In List III, the concurrent List are

mentioned the powers that are to be concurrently exercised by the Union and the state governments and 47 subjects are mentioned in this. The residual powers, not mentioned in any of these lists, belong to the Union. There are, however, three conditions attached to this division:

- (i) If on a concurrent list subject the Union and a state's laws conflict, the Union law will prevail.
- (ii) If the Council of States, or Rajya Sabha by a majority of two-thirds of its members, decide by a resolution that a certain subject belonging to the state list is of national importance the Parliament will be able to legislate on it.
- (iii) When a proclamation of emergency is in operation the Parliament may legislate on any of the state subject. The force of such law will lapse six months after the proclamation ceases to operate.

Broadly speaking, all subjects relating to defence, security, external affairs, communication, currency, banking and insurance, inter-state river and river valleys, inter-state trade and commerce, major industries, development and regulation of oilfields and mines declared by Parliament necessary to be controlled by it, census and universities and other institutions declared by Parliament to be of national importance are under the Union's control. Public order, police, prisons, local communication, land, agriculture, public health, local government, mines not under the Union's control, intoxicating liquor and betting and gambling are under the state's control.

The concurrent jurisdiction of the Union and the state extend to criminal law and criminal procedure, preventive detention, education, forests, inland shipping and navigation, factories, boilers, electricity, newspapers, books and printing presses, weights and measures and price control.

A BRIEF OUTLINE

The history of federalism and Centre-state relations in India is marked by political mobilisation and intermittent struggle to fashion a more federal set-up. Even though such efforts have not yet resulted in any major constitutional changes towards a more federal orientation, the struggle has not been entirely fruitless. It will be useful to trace the tortuous course of the movement for federalism. In the first phase lasting till the late sixties, the task of nation building and development was the main concern of India's rulers.

There were separatist problems in Jammu & Kashmir and Nagaland in the North-East but these were seen more as challenges to national unity and issues of national security. The drive towards centralisation which began in this period also coincided with the period of Congress dominance both the Centre and in the states.

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But this period was not solely dominated by the trend of centralisation. One of the major democratic movements in the post-independence period — the movement for the formation of the linguistic states — took place in the fifties which resulted in the formation of the linguistic states in 1956. The ruling Congress and the Central government resisted this demand and gave in, in the face of strong popular movements. This laid the basis for the later assertion by the states for greater powers. The second phase began with the 1967 general elections.

The Congress party, for the first time lost in nine states and non-Congress state governments came into being, including the Left-oriented United Front governments in West Bengal and Kerala. The demand for restructuring of Centre-state relations picked up momentum. The political response of the ruling party at the Centre under Mrs. Gandhi's leadership was to manoeuvre to regain the lost political ground and pursue policies designed to centralise more powers at the Centre both political and economic.

The seventies and eighties, therefore, saw a tussle between the Congress on the one hand and the regional and Left parties on the other for greater powers to the states. Beginning with the Rajmanna Committee set-up by the DMK government in 1969 to the memorandum on Centre-state relations by the Left Front government of West Bengal in 1977 to the opposition conclave on Centre-state relations in Srinagar in 1983 — the framework for the restructuring of Centre-state relations and a more federal political system was prepared. The Central government responded by appointing the Sarkaria Commission on Centre-state relations in 1983.

The drive for centralisation sought to undo the prospects of democratic decentralisation effected by the formation of the linguistic states in 1956. Resistance to decentralisation and more powers to states had its class dimension. The Indian big bourgeoisie was hostile to any dilution of the unitary character of the state. Their quest for a homogenous market led them to condemn the demand for linguistic states as heralding the "balkanisation" of India.

The political onslaught on federalism found expression in the repeated use of Article 356 by the Central government to dismiss state governments, most of whom were run by parties who were in the opposition. The Governor, in the garb of the Constitutional post, became an agent for the Centre. Progressive legislation passed by the states such as those concerning land reforms by the West Bengal assembly were not given assent for years on end. The division of financial resources between the Centre and the states, instead of a Constitutional right, became a method to keep the states in a supplicant and subordinate position. The Centre sought to transfer subjects from the states list into the concurrent list whenever an opportunity presented itself. Some of these actions reached their zenith during the internal emergency when the 42nd Constitutional amendment was enacted.

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The rigidity of the Constitutional political system with the Centre playing a dominant and monopolistic role met with resistance. The rise of regional parties, the DMK and the Akali Dal, were the earliest formations and the subsequent proliferation of other regional parties had both an economic class content and a cultural expression. The major linguistic-nationality groups in India – of which the most developed were the non-Hindi groups – were the first to throw up the regional parties. These regional parties expressed the class interests of the rising bourgeois-landlord classes of that linguistic group and they also tapped into the linguistic-cultural aspirations. In the eighties, the rise of the Telugu Desam Party in Andhra Pradesh symbolised this development.

The political contestation between the forces of centralisation and federalism did not result in a clear-cut victory for either side. While there has not been substantial changes in the unitary features of the Constitution and the financial system, the political parties system has evolved on federal lines. The end of Congress one-party dominance by the late eighties created an atmosphere to check rampant centralisation.

For the first time, in 1989, a National Front coalition government headed by V.P. Singh, which had major regional parties like the TDP, DMK and AGP, took office at the Centre. Though short-lived, this government took certain steps to strengthen the federal principle. The Inter-state Council was constituted in 1990. The provision in the Constitution to set-up such a council was not exercised by the Centre earlier. The entry of the regional parties in coalition governments at the Centre became a regular feature in 1996 with the formation of the United Front government and in all subsequent ones – the 1998 and 1999 coalitions headed by the BJP and the current United Progressive Alliance headed by the Congress coalition. Both the National Front government of 1989 and the United Front governments of 1996-1998 were supported by the Left parties who are strong supporters of the federal principle.

The participation of the regional parties in the Central coalition governments has led to checks on the centralisation trend initiated by the Central government. The political give and take within a coalition precludes the possibility of a roughshod approach to states. Even the BJP which has no sympathy for federal values proved adept at responding to the concerns of the regional parties.

One of the obnoxious anti-federal features was the use of Article 356 by the ruling party at the Centre. Halting the arbitrary use of this clause by demanding its removal or modification has been the priority for all the forces advocating a more equitable Centre-state relations. The Supreme Court, by the Bommai judgement of 1994, made a significant contribution towards restraining the Central government from misusing these powers.

The Court decreed that the exercise of the powers have been arbitrary and militates against the federal principle. It provided for safeguards by stipulating

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that a decision to dissolve the State legislature cannot be implemented till both the Houses of Parliament approved the presidential proclamation. Till then the dissolution should be kept in suspended animation. The judgement also requires the President to set out the reasons and the material on which basis the proclamation of President's rule is made. The Court made this subject to judicial review. The judgement was informed by the Constitutional perspective that federalism and democracy are interconnected and one cannot be violated without harming the other.

PROBLEMS AND CHANGING POLITICAL CONTEXT

In the 1960s and after, changes in the political process provided the impetus for restructuring the centre-state relationship. As the Congress Party's hegemony broke down, new regional parties came to power, demanding more, fiscal and administrative autonomy within the federation. This process, sometimes described as the shift from centralized federalism to co-operative federalism, began in the mid-1970s. Since the 1990s it has been further consolidated with coalition governments being formed at the centre. The failure of any one party to gain majority in the central Parliament, and the growing dependence of national parties on support from regional parties to run the government at the centre, has given more elbow room for the federal units to bargain and influence important decisions at the centre.

The space that the political process created for regional players and states vis-à-vis the centre has over the years been formalized through a series of institutional mechanisms. This pursuit of institutional change and innovation accelerated in 1989 when the National Front coalition, with V. P. Singh as prime minister, assumed office at the centre. The demand for restructuring the centre-state relationship had been gaining momentum since 1967 when the Congress Party lost elections for the first time in nine states.

A framework for restructuring the centre-state relationship had been prepared beginning with the Rajmamar Committee set up by the Dravida Munnetra Kazhagam party when they were the government of Tamil Nadu state, the memorandum on centre-state relations submitted by the Left Front Party in 1977, and the opposition conclave in 1983 in Srinagar.

The centre responded by setting up the Sarkaria Commission to look into the issue. In 1988, the commission made 247 recommendations in its report, 179 of which have since been accepted, paving the way for greater consultation and co-operation between the centre and the state.

NEW INSTITUTIONAL MECHANISMS SET UP

The Constitution of India, under Article 263, envisaged the creation of institutional mechanisms for investigating, discussing, and advising on specific

issues of concern to the centre and the states. One of the most important of these institutions, the National Development Council (NDC), was set up in 1952 with the Prime Minister as chair and the chief ministers of all the states as members. The NDC was supposed to strengthen and mobilize efforts in support of the five-year plans. Its role was subsequently expanded in 1967, when, following the recommendations of the Administrative Reforms Commission, it became a consultative body involved in the preparation of the plans and conducting their mid-term reviews.

In 1990, there emerged another important institutional mechanism – the Inter-State Council (ISC), with the prime minister as chair, chief ministers of all the states, six ministers of cabinet rank appointed by the PM as members, and another four ministers of cabinet rank as permanent invitees. While the NDC involved the states in determining planning priorities, the ISC was expected to facilitate a more comprehensive dialogue. In recent times, the ISC has prepared an action plan on good governance and scrutinized the implementation of the Sarkaria Commission's recommendations on centre-state relations. Over the years, several other institutions have been set up to enhance co-operation between the centre and the states. While most of these are advisory bodies, in the changing political scene they have been able to play a positive role. Zonal Councils were established under the States Reorganization Act of 1956. With the Home Minister as chair and the chief ministers of states in the region as members, these councils meet to resolve differences between the states and with the centre and to promote balanced socio-economic development in the region. There are now five such councils and they offer concerned states an opportunity to deliberate on issues of shared interest; last year, the focus was on rural development, infrastructure, tourism, mining, and internal security.

Besides the Zonal Councils, there are a number of inter-state consultative bodies that review policies on specific issues: e.g., the National Water Resource Council, the Advisory Council on Foodgrains Management and Public Distribution and the Mineral Advisory Board. In addition, institutions have been set up under Article 263 to provide data for policies on specific issues. There are at present separate Central Councils of Health, Local Self Government, Family Welfare, Transport Development, Sales Tax and Sales Excise Duties, and Research in Traditional Medicine. Also, from time to time, the government sets up a finance commission to recommend the distribution of resources from the centre to the states. There exists, as well, a provision for the creation of tribunals to settle disputes between states on the sharing of river water.

LIMITS OF THE EXISTING STRUCTURE

This large web of consultative bodies has enabled states to initiate dialogue with the centre and with each other, and has helped minimize tensions and enhance

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the co-operative dimension of the federal structure. While the contribution of these institutions must not be underestimated, there are nevertheless certain concerns that need to be addressed so that the institutionalized interactions nurture a sense of partnership, rather than paternalism, between the centre and the states.

First, no matter how well institutions are designed, their effective functioning is dependent upon, and can be impeded by, the larger political context in which they operate. For example, the ISC was set up in 1990 when the Congress Party had been voted out of power and first met in 1992. Then, after the Congress Party was voted back in, no meetings were held for the next six years – thus undermining the ISC.

Second, in the period of reform, new decision-making centres emerged and diminished the role of some of the existing consultative bodies. This is clearly the case of the NDC. Today, the NDC's approval is required for finalizing the five-year plans, but, effectively, the planning priorities are determined by the Planning Commission, a body of the central government.

Third, while consultative bodies are forums where political positions of different parties can be, and often are, articulated, the spirit of dialogue is not always present. Therefore, the challenge is to mould them in a way that they become mechanisms for genuine co-operation.

Lastly, even though mechanisms of co-operation and consultation have been put in place, the centre remains powerful politically, and in extreme cases it can invoke the extraordinary measure known as President's Rule, which allows the central government to assume all the powers of a state government when that government is deemed to not be carrying out its functions in accordance with the Constitution.

From 1950 to 1967, President's Rule was imposed on 10 occasions. From 1967 to 1983, when the Congress Party was no longer the dominant force, this provision was invoked 81 times. In 1994, the Supreme Court ruled that such proclamations of emergency are not immune to judicial review. Since then, President's Rule has only been imposed around 20 times and the political barriers to this measure have been raised. On balance, despite many institutions for co-operation and providing independence for the states, the centre remains a powerful influence, further strengthened by its control of important fiscal transfers from the centre to the states for centre-sponsored schemes.

While there are certainly challenges confronting the federal polity, it cannot be denied that many contentious issues have been resolved successfully through the existing institutional arrangements. There is added reason for optimism.

The central government has recently acknowledged the need to make the Inter-State Council a more effective mechanism for discussion on crucial economic

and social concerns. In this era of coalition politics, it is to be expected that there will be more validations of this kind, helping India achieve a genuinely co-operative federalism.

FLEXIBLE FEDERALISM

Despite the centralizing drive, parliamentary democracy and popular movements have compelled the Centre and the political system to accommodate political, social and cultural diversities. Apart from the pressure of the regional and Left parties, the Central government in the nineteen seventies responded to the ethnic and linguistic-nationality aspirations in the North Eastern region by the setting up of seven states.

The Constitution provides for regional autonomy for certain tribal areas through the 5th and 6th schedules. Article 370 of the Constitution grants special status to Jammu & Kashmir. Article 371 deals with special provisions such as providing safeguards to customary laws of Nagaland and Mizoram and the setting up of development boards for backward areas in certain states.

For a multilingual country, the recognition and status of languages is an important aspect of federal policy. The 8th schedule of the Constitution recognises 22 languages as national languages. The recent additions have been Bodo, Dogri, Maithili and Santhali. The UPA government has agreed to consider the demand to declare Tamil a classical language.

It is the political and democratic assertion of the people which have given shape or expression to some of these constitutional arrangements, though many of these provisions are limited in scope and require expansion.

The elements of federalism in the State structure have been vital for conflict resolution. The secessionist movement in Nagaland and Mizoram were met by the creation of separate states and other safeguards. The grievances of tribal groups suffering from socio-cultural and economic oppression erupted often into demands for a separate identity. In the case of the Bodo people in Assam, it has been met with an agreement to set up an autonomous Bodo council. For the hill people of Darjeeling in West Bengal a Gorkha Autonomous District Council was formed.

It is by the grudging adoption of a limited but flexible federalism – creation of states, setting up of autonomous councils, according special status to certain areas – that the Indian political system has sought to resolve ethnic, regional and linguistic problems.

Liberalisation is taking place in an internal setting where there are sustained onslaughts on national sovereignty. The twin processes of capitalist globalisation and imperialist hegemony seeking has led to a new doctrine that national sovereignty is dispensable in the face of demands for access to markets and

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protecting the rights of ethnic minorities. Big multinational states which do not accept this diktat can face disintegrative pulls and break-ups. Imperialism seeks to utilise ethnic and religious nationalism to buttress the rule of capital. In recent times big federal states like Yugoslavia were undermined by ethnic nationalism which received the backing of imperialism and finance capital. International finance capital finds it comparatively easier to deal with fragmented sections of society divided on ethnic and religious lines. Both big multinational states and small states with ethnic and linguistic minorities face this problem.

To make the point that functioning a federal system in the spirit of democratic decentralisation is threatened by the process of imperialist globalisation is one thing. To argue that this system is therefore irrelevant is another thing and wrong. In India the struggles to arrest the liberalisation offensive and the effects of imperialist globalisation have shaped up in the states where linguistic nationality consciousness is higher and local democratic structures are better shaped. Andhra Pradesh was the crucible for World Bank dictated structural adjustment policies where strong resistance developed and political punishment meted out to the icon of the liberalisers, Chief Minister Chandrababu Naidu during the elections. The scope of alternative policies, however limited, can be explored in the states where parties which do not share the ruling class consensus come to power.

SOUTH ASIA: FEDERAL VARIANTS

All the countries of South Asia have multi-cultural and multi-ethnic societies. The challenge is to build or modify the State structures which will help promote national sovereignty, national unity, ethnic and religious harmony and a democratic system which promote development with social justice. Federalism is a system with innumerable variants. No one model may be applicable to all countries. India the biggest with 18 national languages, 28 states and innumerable religious and caste groups is still struggling to work a democratic, secular, federal system which will bind and unify the country and provide the framework for social and economic progress. Democracy is rule by majority with crucial safeguards for the rights of minorities. Both "big" and "little" chauvinisms plague India and other South Asian countries. They need to be rejected.

Sri Lanka has a long history of debate between the unitary structure vs. federalism. In the late 1990s progress was made in working out a federal form of State structure which safeguards Sri Lankan unity and sovereignty and provides for devolution of powers and protecting the rights of minorities. The 1997 draft Constitution and the 2000 August Draft are proposals for Constitution reform which can be a good starting point to find an amicable solution to the ethnic conflict. A compact can be found in a federal variant which grants autonomy on a territorial and linguistic-cultural basis within a State framework equipped to

meet the challenges of a predatory international environment. The federal principle can work in a small state as well as in big states.

The countries of South Asia as independent sovereign states with provision for federal and democratic devolution can cooperate in a regional framework to meet the aspirations of a vast mass of humanity who constitute some of the poorest and most deprived in the world.

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1.24 SUMMARY

- In Ancient times, the *rashtra* (polity) was governed by a *rajan* (chieftain, 'king'). The king is often referred to as *gopa* (protector) and occasionally as *samrat* (supreme ruler). He governed the people with their consent and approval. He was elected from a restricted class of 'royals' (*rajanya*).
- Kautilya's *Arthashastra* is an important source of knowledge on polity, economy and administration.
- Many of Kautilya's teachings and policies were influenced by the Vedas, which tell us that a human being is made up of mind, body, and intellect (brain).
- The vast Gupta empire was divided into provinces which were under the control of the governors. The members of the royal family were appointed as governors.
- The Constituent Assembly of India was elected to write the Constitution of India, and served as its first Parliament as an independent nation.
- 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.
- 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.
- The President of India is the head of state and first citizen of India, as well as the Supreme Commander of the Indian Armed Forces.
- The Constitution envisages a scheme of affairs in which the President of India is the head of the executive in terms of Article 53 with office of the Prime Minister as heading the Council of Ministers to assist and advise the President in the discharge of the executive power.
- India has a parliamentary system of government based largely on that of the United Kingdom (Westminster system).

1.25 REVIEW QUESTIONS

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1. Discuss the Administrative System of of the Vedic Period.
2. What are the six forms of Kautilya's diplomacy? Explain.
3. Write a short notes on the 'Administration of Mughal dynasty'.
4. How were Civil Services organised during British era?
5. What are the functions and powers of President of India?
6. Discuss the powers and functions of Prime Minister.
7. What are the important features of Parliamentary Democracy?
8. Explain the nature and problems of Indian Federalism.

1.26 FURTHER READINGS

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CHAPTER – 2

*Structure of Central
Administration*

STRUCTURE OF CENTRAL ADMINISTRATION

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STRUCTURE

- 2.1 Learning Objectives
- 2.2 Introduction
- 2.3 Evolution of Central Secretariat
- 2.4 Functions of Central Secretariat
- 2.5 Structure of Secretariat
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- 2.9 Evolution of Cabinet Secretariat in India
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- 2.19 Subordinate Offices
- 2.20 Commissions
- 2.21 Subordinate Offices Field organizations
- 2.22 Summary
- 2.23 Review Questions
- 2.24 Further Readings

2.1 LEARNING OBJECTIVES

After going through this chapter, students will be able to:

- State the evolution, structure, role and function of central secretariat;
- Discuss the organization, role and function of cabinet secretariat;
- Explain the importance, composition and function of Prime Minister Office;
- Discuss the composition, functions and importance of ministries, boards and commissions;

2.2 INTRODUCTION

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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 chapter. The evolution and role of cabinet secretary will also be discussed in detail in this chapter.

UNIT — 5 (CENTRAL SECRETARIAT)

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.

2.3 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

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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.

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. The Central Secretariat thus occupies an apex position. The Administrative reforms Commission commented in this regard as follows :

“The Secretariat system of work has lent balance, consistency and continuity to the administration and serve as a nucleus for the total

machinery of a ministry. it has facilitated inter-ministry co-ordination and accountability to parliament at the ministerial level. As an institutionalized system, it is indispensable for the proper functioning of the government.”

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2.4 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.

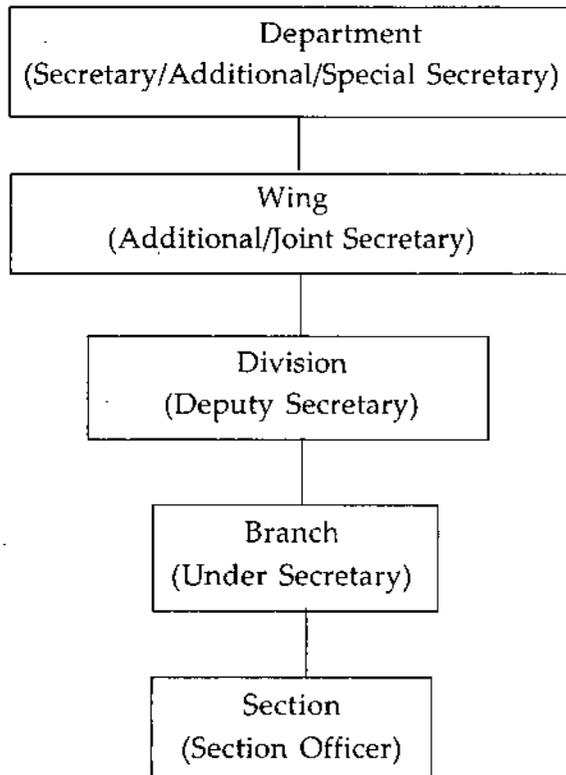
In the Indian system, a rigid demarcation does not exist between the secretariat and field functions. The officers of the secretariat are transferred to the field and vice-versa. Thus, the Secretariat ensures that the field officers execute the policies and decisions of government efficiently.

2.5 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 subgroups with an officer in charge of each of them.

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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.

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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.

2.6 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.

2.7 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:

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- (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.

2.8 APPRAISAL OF CENTRAL SECRETARIAT

The Administrative Reforms Commission, in its report on the Machinery of the Government of India and its procedures of Work, had observed as follows in regard to the functioning of Central Secretariat :

"The Secretariat at the centre is thus today encumbered with non-essential work and has, for a large part, become an unwieldy and over-staffed organization. This leads to occasional blurring of responsibilities and choking of the administrative machinery, which thus finds excuse for dilatoriness and delay. Further, the overgrowth of personnel has resulted in deterioration in quality. This has inevitably meant increased burden for officers at the higher levels"

The ARC was critical of the tendency of the Central Secretariat to involve itself in functions which fall within the jurisdiction of the states. Nevertheless,

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there is a legitimate role for the Union government in relation to states' subject. This role can be defined as under :

1. Providing initiative and leadership to the states and, in particular, serving as a clearing house of information, intimating details and data about good programmes and methods adopted in one part of the country to the rest of the country.
2. Undertaking the responsibility for drawing up the national plan for the development sector in question in close collaboration with the states and developing, for this purpose, well-manned planning and statistical units.
3. Undertaking research at the national level, confining attention to matters which are beyond the research resources of the states.
4. Undertaking training programmes of a foundational nature, e.g., training of planners and administrators and training of trainers
5. Taking the initiative in evaluation of programmes with the object of checking progress, locating bottlenecks, taking remedial measures, making adjustments etc. .
6. Providing a forum and a meeting ground for state representatives for exchange of ideas on different subjects and for the evolution of guidelines.
7. Attending to functions of the nature of co-ordination which can only be handled at the centre.
8. Maintaining relations with foreign and international organisations.

Infact, the whole issue of centre-state relations affects the functioning of the Central Secretariat and, as the respective rôles of the two become classified, the ambiguity about the secretariat's role is bound to be mitigated. .

Another issue that has occasionally cropped up is that of the relation between the secretariat and the executive agencies. Though the study team of ARC on the Government of India and its Procedures of Work advocated the elimination of distinction between the secretariat and the non-secretariat part of administration, the ARC, conversely, did not favour abolition of such a distinction between these two components of governance. However, adopting a pragmatic approach, it observed that an executive organization could be amalgamated with the secretariat only if it fulfilled the following conditions :

- (a) The work of the executive organization is primarily of a developmental character and constitutes a substantial portion of the activities of the administrative department or ministry.
- (b) It is actively involved in planning, coordination and review of developmental programmes and advises the ministry on these matters.
- (c) Its activities relate to an area in which policies have to be altered or midified frequently to meet the requirements of changes in the situation (i.e., where continuous feedback of field experience is essential for effective policy making).

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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.

2.10 ORGANISATION AND FUNCTIONS OF CABINET SECRETARIAT

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

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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.

2.11 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.

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.

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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.

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.

2.12 CABINET SECRETARY

A Cabinet Secretary is almost always a senior official (almost always a civil servant) who provides services and advice to a Cabinet of Ministers. In many countries, the position can have considerably wider functions and powers, including general responsibility for the entire civil service. Most countries with Cabinet Secretaries take the British position as a model.

The Cabinet Secretariat is under the direct charge of the Prime Minister. The administrative head of the Cabinet Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board, and thus the head of the Indian Administrative Service. As a matter of convention the senior most

civil servant is appointed as a Cabinet Secretary. He belongs to the Indian Administrative Service. The incumbent generally has a tenure of 2 to 3 years. Though there is no fixed tenure, the average tenure of the Cabinet Secretary in India has been less than 3 years. His tenure however, can be extended. The Cabinet Secretary is the head of all the civil services under the constitution. Thus, he is the head of all the All India services including the Indian Police Service (IPS) and the Indian Forest Service (IFS). He ranks eleventh in the Table of Precedence of India. Although the highest ranking IPS officer i.e. Director Intelligence Bureau is of the same rank of Cabinet Secretary.

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The following are the functions of a Cabinet Secretary :

1. Provide assistance to the Council of Ministers
2. Act as advisor and conscience keeper of the civil services
3. Handle senior appointments
4. Prepare of the agenda of the Cabinet
5. Attend the meetings of the Cabinet
6. Ensure that the Cabinet decisions are implemented
7. Advise the Prime Minister
8. Act as the Chairman of the Committee of Secretaries on Administration
9. Act as the Chairman of the Chief Secretaries Committee
10. Provide an element of continuity and stability to administration during crises.

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 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-

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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.

UNIT — 7 **(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's 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.

2.13 COMPOSITION PRIME MINISTER'S OFFICE

The Prime Minister's Office is headed politically by Prime Minister and administratively by the Principal Secretary. Additionally it consists 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.

2.14 FUNCTIONS OF PRIME MINISTER'S OFFICE

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.

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- Maintaining liaison with the President, Governors, and Foreign Representatives in the country.
- Acting as the 'think-tank' of the prime minister.

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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.

2.15 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. 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.

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UNIT – 8

A ministry is a specialised organisation responsible for a sector of government public administration, sometimes led by a minister, but usually a senior public servant, that can have responsibility for one or more departments, agencies, bureaus, commissions or other smaller executive, advisory, managerial or administrative organisations.

Ministries are usually subordinate to the cabinet, and prime minister, president or chancellor. A government will usually have numerous ministries, each with a specialised field of providing public service. National ministries vary greatly between countries, but some common ones include Ministry of Defence, Ministry of Foreign Affairs, Ministry of Finance, and Ministry of Health.

2.16 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.

MINISTRIES/DEPARTMENTS OF GOVERNMENT OF INDIA

- Ministry of Agriculture
- Ministry of Chemicals and Fertilizers
- Ministry of Civil Aviation
- Ministry of Coal

- Ministry of Commerce and Industry
- Ministry of Communications and Information Technology etc.

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2.17 BOARDS

A board is a body of elected or appointed members who jointly oversee the activities of an organization. The body sometimes has a different name, such as board of trustees, board of governors, board of managers, or executive board. It is often simply referred to as "the board."

A board's activities are determined by the powers, duties, and responsibilities delegated to it or conferred on it by an authority outside itself. These matters are typically detailed in the organization's bylaws. The bylaws commonly also specify the number of members of the board, how they are to be chosen, and when they are to meet.

In an organization with voting members, e.g., a professional society, the board acts on behalf of, and is subordinate to, the organization's full assembly, which usually chooses the members of the board. In a stock corporation, the board is elected by the stockholders and is the highest authority in the management of the corporation. In a non-stock corporation with no general voting membership, e.g., a university, the board is the supreme governing body of the institution.

Typical duties of boards include :

- Governing the organization by establishing broad policies and objectives;
- Selecting, appointing, supporting and reviewing the performance of the chief executive;
- Ensuring the availability of adequate financial resources;
- Approving annual budgets;
- Accounting to the stakeholders for the organization's performance.

The legal responsibilities of boards and board members vary with the nature of the organization, and with the jurisdiction within which it operates. For public corporations, these responsibilities are typically much more rigorous and complex than for those of other types.

Typically the board chooses one of its members to be the chairman.

BOARDS INSTITUTED BY GOVERNMENT OF INDIA

- Board for Industrial and Financial Reconstruction (BIFR)
- Board of Radiation and Isotope Technology
- Central Board of Excise and Customs
- Central Board of Film Certification etc.

2.18 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.

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.

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.

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.

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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:

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- (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.

2.19 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.

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2.20 COMMISSIONS

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A Commission/Committee is a type of small deliberative assembly that is usually intended to remain subordinate to another, larger deliberative assembly – which when organized so that action on committee requires a vote by all its entitled members, is called the “Committee of the Whole”. Committees often serve several different functions:

- **Governance:** in organizations considered too large for all the members to participate in decisions affecting the organization as a whole, a committee (such as a Board of Directors or “Executive Committee”) is given the power to make decisions, spend money, or take actions. Some or all such powers may be limited or effectively unlimited.
- **Coordination:** individuals from different parts of an organization (for example, all senior vice presidents) might meet regularly to discuss developments in their areas, review projects that cut across organizational boundaries, talk about future options, etc. Where there is a large committee, it is common to have smaller committees with more specialized functions - for example, Boards of Directors of large corporations typically have an (ongoing) audit committee, finance committee, compensation committee, etc.
- **Research and recommendations:** commissions are often formed to do research and make recommendations on a potential or planned project or change.
- **Project management:** while it is generally considered poor management to give operational responsibility to a committee to actually manage a project, this is not unknown. The problem is that no single person can be held accountable for poor performance of the committee, particularly if the chairperson of the committee is seen as a facilitator.

COMMISSIONS INSTITUTED BY GOVERNMENT OF INDIA

- Central Electricity Regulatory Commission
- Central Information Commission
- Central Vigilance Commission
- Competition Commission of India
- Election Commission of India
- Finance Commission of India
- National Human Rights Commission (NHRC) etc.

2.21 SUBORDINATE OFFICES/FIELD ORGANIZATION

The subordinate offices function as field organisations or as agencies responsible for the detailed execution of the policies and decisions of the

government. They generally function under the direction of an executive agency/ attached office. Where the volume of the executive direction is not considerable, they work directly under the ministries concerned.

When they work directly under their ministries, they assist the ministries in handling technical matters in the field of their specialization. Otherwise, there do not exist any well-defined criteria to classify a particular organization as an attached one and another as a subordinate office.

Infact, there are organizations relegated to a subordinate status despite their being engaged in work of a complex nature. Although it is the subordinate office which is responsible for actual execution of the policy, it appears to have been accorded a distinctly inferior status, as is indicated by the label "subordinate". On the other hand, the attached offices have succeeded in acquiring parity with the secretariat in all matters.

Hence, the Central Pay Commission (1947) had recommended the abolition of this distinction. It observed that once the notion of derogatory status is removed and the scale of pay of the office staff, whether it serves in a secretariat branch or in the office of the cheif executive at the headquarters of government or in a local office, are determined purely with reference to the nature of work, the qualifications required and the field of recruitment necessary for getting suitable personnel, the classification of staff will rest on a proper and rational basis.

2.22 SUMMARY

- The Central Secretariat stands for the complex of departments or ministries whose administrative heads are designated as Secretaries and whose political heads are ministers.
- The Central Secretariat occupies a key position in Indian administration. The Secretariat refers to the conglomeration of various ministries/ departments of the central government.
- 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.
- A Cabinet Secretary is almost always a senior official (almost always a civil servant) who provides services and advice to a Cabinet of Ministers.
- 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.

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2.23 REVIEW QUESTIONS

1. Discuss the evolution of Central Secretariat.
2. What are the important functions of Central Secretariat?
3. Explain the evolution of Cabinet Secretariat in India.
4. What are the essential responsibilities of Cabinet Secretary?
5. Discuss the changing role of Prime Minister's Office.
6. Give a brief classification of executive agencies.

2.24 FURTHER READINGS

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CHAPTER – 3

*Accountability and
Control Over Public
Administration*

ACCOUNTABILITY AND CONTROL OVER PUBLIC ADMINISTRATION

NOTES

STRUCTURE

- 3.1 Learning Objectives
- 3.2 Introduction
- 3.3 Centre-State Administrative Relations
- 3.4 Centre-State Financial Relations
- 3.5 Center-State Relations: Institutional Framework/Conferences
 - Sarkaria Commission
 - Venkatachaliah Commission
- 3.6 Emergency Provisions
- 3.7 Distribution of Legislative Subjects Between the Union and States
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- 3.9 Distribution of Judicial Power Between the Union and The States
- 3.10 Citizen's Charter
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- 3.13 Right to Information
- 3.14 Right to Information Act
- 3.15 Summary
- 3.16 Review Questions
- 3.17 Further Readings

3.1 LEARNING OBJECTIVES

After going through this chapter, students will be able to:

- State the legislative, financial and administrative relations of Centre and State;
- Discuss the meaning and importance of Citizen's Charter and role of civil society;
- Explain the concept and importance of transparency in Governance;
- Discuss the importance and role of Right to Information;

UNIT – 9

(CENTRE – STATE RELATIONS)

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3.2 INTRODUCTION

Centre-State relations means the relations between Centre and its units where there exist Federal System. It is of great importance in a country like India constrained by regionalism, religion, uneven development, demand for autonomy, identity politics, competing political interests, caste and race. The Centre-State relations in India have always contained the seeds of conflict and this partly follows from the arrangements made in the constitution.

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

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

In this Unit, we will study about the division of administrative powers between the centre and the states and constitutional and extra-constitutional devices for securing cooperation between the two sets of governments. This Unit

will also discuss about the different ways in which the union exercises its control over the States.

3.3 CENTRE-STATE ADMINISTRATIVE RELATIONS

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As earlier pointed out, the Constitution has clearly delimited the scope of legislative and executive authority of the union and the states. It is at the same time expressly provided under Article 256 of the Constitution that the executive power of the states shall be so exercised as to ensure compliance with the laws of Parliament. Also the union executive power extends to the giving of such directions to the states as may appear to the Government of India to be necessary for the purpose.

It is further stipulated under Article 246 of the Constitution that if the state government fails to endorse the laws passed by the Parliament within its jurisdiction, the union government can issue directions to the states to ensure their compliance.

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

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

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

India, being a federation, the Constitution establishes dual polity with the union at the centre and the states at the periphery. The dual government system and the division of powers are key features of the federal system. Since cooperation and coordination between the central and state governments are necessary for smooth running of the federation, the Constitution provides for a detailed division of executive, legislative and financial powers.

The administrative relations between the union and states can be discussed under two parts (a) powers exercised by union over the states as granted by the Constitution and (b) powers exercised by extra constitutional agencies.

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

- (a) **Directives by the union to the state governments:** The executive power of the union also extends to giving of direction to the state under Article 256 for their compliance. This power of the Union extends to the limit of directing a state in a manner it feels essential for the purpose. For instance, the union can give directives to the state pertaining to the construction and maintenance of means of communication declared to be of national or military importance or protection of railways within the state. This is essential to ensure the implementation of parliamentary laws throughout the country. Non-compliance of the directives might lead to a situation where the union can invoke Article 356, for imposition of President's rule in the State and take over the administration of state.
- (b) **Delegation of union functions to the states:** Under the constitutional provision of Article 254 the President may, with the consent of the state government entrust either conditionally or unconditionally to the government, functions relating to any matter falling within the ambit of union executive power. Under clause (2), Parliament is also entitled to use the state machinery for the enforcement of the union laws, and confer powers and entrust duties to the state. A state can also, with the consent of union government confer administrative functions on the union.
- (c) **All India Services:** Besides central and state services, the Constitution under Article 312 provides for the creation of additional "All-India services" common to both the union and states. The state has the authority to suspend the officials of All India Services. The power of appointment and taking disciplinary action against them vests only with the President of India.

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

(d) **Deployment of Military and Para-military Forces:** These can be deployed in a state by the union, if situation warrants, even against the wishes of the state government.

(e) **Constitution of Joint Public Service Commission for Two or more States:** The Indian Constitution provides for a Joint Public Service Commission. When two or more states through a resolution to that effect, in their respective legislatures agree to have one such Commission, the Parliament may by law, provide for a joint commission. The constitution of the Commission facilitates inter-governmental co-operation.

There is also a provision in the Constitution wherein, on request by two or more states the UPSC can assist those states in framing and operating schemes of joint recruitment to any service for which candidates with special qualifications are required.

(f) **Judicial System:** A distinctive feature of our federal system is the presence of integrated judicial system. Though we have federal form of government with two sets of government and dual powers, there is no dual system of administration of justice. This is clear by the presence of single integrated chain of courts to administer both union and state laws with the Supreme Court at the apex of hierarchy of courts. The practice of having one set of courts which was present in our country under the Government of India Act 1935 continued thereafter under our Constitution.

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

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

(g) **Inter-State Council:** India is a union of states wherein the centre plays a prominent role but at the same time is dependent on the states for the execution of its policies. The Constitution has provided for devices to bring about inter-governmental co-operation, effective consultations between the centre and states so that all important national policies are arrived at

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through dialogue, discussion and consensus. One such device is the setting up of the Inter-State Council. The President is given the powers under Article 263 of the Constitution to define the nature of the duties of the Council. The Council is to inquire into and advise upon disputes which may have arisen between the states. In addition, it may investigate and discuss subjects of common interest between the union and the states or between two or more states in order to facilitate co-ordination of policy and action.

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

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

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

Federal government involves dual government. It is therefore necessary to provide for the acceptance of public acts of both governments to avoid inter-governmental conflict. In the functioning of federation, a state refusing to recognise acts and records of another state may give rise to confusion and inconvenience.

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To eliminate such a possibility, the Constitution of India provides the 'full faith and credit clause'. Article 261 (i) of the Constitution stipulates that full credit and faith shall be given throughout India to public acts, records, and judicial proceedings of the union and all the states. The term 'public acts' relates to not only statutes but to all other legislative and executive acts of the union and the states. This clause serves a very important purpose of eliminating any possible hindrance to the normal transaction of administrative activities in the Indian federation.

3.4 CENTRE-STATE FINANCIAL RELATIONS

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

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

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

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

GRANTS-IN-AID AND LOANS

Besides the devolution of revenues, from different taxes, the centre provides grants-in-aid to the states as per Article 275 to the States for the purpose of promoting the welfare of the Scheduled Tribes and raising the level of

administration of the scheduled Areas. Also every year grants are made to the states, as elected by the parliament on the recommendations of the Finance Commission.

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BORROWING POWERS

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

Recently the state governments are also empowered to borrow money on the same basis from outside India.

FINANCE COMMISSION

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

The Finance Commission is entrusted with the tasks to recommend to the President about the (i) distribution of the proceeds of tax between the union and the State and the allocation between the states of the respective shares of such proceeds; (ii) principles that should govern the grants-in-aid out of the Consolidated Fund of India; (iii) measures needed to augment the consolidated Fund of a state to supplement the resources of the panchayats in the states and municipalities; and (iv) any other matter referred to by the President in the interest of sound finance.

Till now twelve Finance Commission have been set up. The Thirteenth Finance Commission has recently been constituted with C. Rangarajan as the Chairman.

FINANCIAL RELATIONS DURING EMERGENCY

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

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

3.5 CENTRE STATE RELATIONS: INSTITUTIONAL FRAMEWORK/CONFERENCES

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

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

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

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

NATIONAL INTEGRATION COUNCIL**NOTES**

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

ZONAL COUNCILS

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

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

SARKARIA COMMISSION

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

It suggested the Centre's financial hold over the state to be diluted and autonomy be given in this regard.

The major recommendations include:

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

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

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

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

VENKATACHALIAH COMMISSION

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

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

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

- (1) Examine ways to strengthen democratic institutions and their accountability;
- (2) Review Electoral Reforms;

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- (3) Review the pace of Socio-economic change and development and eradication of poverty;
- (4) Promote Literacy and Employment, besides ensuring Social Security;
- (5) Review Centre-state relations, including Art. 356, appointment of Governors, financial relations and sharing of revenues;
- (6) Strengthen Panchayati Raj Institutions;
- (7) Enlarge the Fundamental Rights and improve the Rights of the Minorities and Weaker Sections;
- (8) Effectuate Fundamental Duties;
- (9) Enforce the Directive Principles of State Policy;
- (10) Legal Control of Fiscal and Monetary Policies.

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

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

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

3.6 EMERGENCY PROVISIONS

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

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

The second kind of emergency is the 'national emergency'. Under Article 352, a proclamation of emergency may be made by the President at any time

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

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

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

CONCLUDING REMARKS

To sum up, the administrative relationship between the centre and the states in India has evolved during the course of colonial rule. After Independence the Constitution of India provided for a system of inter-governmental relationship both for normal times and emergencies. In normal times, the federal polity was expected to function on the principle of dual government.

The history of highly centralised government in the past, the influence of the Government of India Act 1935 and the concern of our founding fathers about national stability, peace and harmony led to the acceptance of a constitutional arrangement of distribution of powers that deliberately tilted the scale in favour of the union.

Later, in course of actual governance, the political forces started reshaping the Indian polity and central dominance through President's rule and other provisions harmed the effective working of the federal system. As different political parties came to power at the union and the state level, the phenomenon of central dominance had steadily come under attack by the constituent states.

The politics of centre-state relations revolved round such issues as 'more powers to the states', 'more financial resources to the states' and even a clamour for redrafting of the Indian Constitution. In response to the states' demands, the Sarkaria Commission which was set up to review the working of the federal system suggested appropriate constitutional changes but nothing substantial came out of it. But it seems that in the years to come 'consensus' rather than 'control' is going to be the dominant paradigm of centre-state administrative relationship in the years to come.

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

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UNIT – 10
(CONTROL OVER ADMINISTRATION)

The relation between Union and States is the very bedrock of the Indian Federal system. India is a federal State with a national government and a government of each constituent state. Although the structure of India is federal in a general way, yet there are certain aspects that are unique to federalism as practiced in India. The Indian government follows a strong central bias. Some of the special features of India are as follows:

- There is no equality of state representation. Representation in the Parliament can vary widely from one state to another depending on a number of factors including demography and total land area.
- No double citizenship.
- The consent of a state is not required by the Parliament to alter its boundaries.
- No state, except Kashmir, can draw its own Constitution.
- No state has the right to secede.
- No division of Public Services.

The states enjoy relative autonomy in India. There is autonomy in the legislative, executive as well as the judicial powers for the states of India. However, the autonomy is limited by clear powers that are vested on the Union. The states are not delegates of the Union, but there are many spheres in which the devices and the agencies of the Union can take control over certain matters in the State. At the same time, it must be stressed that both the Union and the States are moreover subject to the limits imposed by the Constitution. The Fundamental rights cannot be violated by either the Union or the States, and thus none can be termed to be 'sovereign' in the true sense of the term.

3.7 DISTRIBUTION OF LEGISLATIVE SUBJECTS
BETWEEN THE UNION AND THE STATES

The division of the powers of the Union and the State can be traced to the distribution of the powers as stated by the three lists laid down by the Indian Constitution. Derived from the Australian constitution, these lists clearly divide the powers vested on the State and the Union. They are the Union List, the State List and the Concurrent List.

The Union List: Also referred to as List I, this list contains legislations, on which the Union enjoys exclusive control. Of the total 99 subjects that are included in the Union list, some are enlisted below:

- Defence
- Banking
- Taxes
- Coinage
- Insurance
- Currency
- Union Duties
- Foreign Affairs

The State List: This is the List II of the Indian Legislative. There are a total of 69 subjects in this particular list, all of which are exclusive legislative powers of the State. Some of the subjects enlisted in the State list are as follows:

- Public Order and Police
- State Taxes and Duties
- Agriculture
- Sanitation
- Local governments
- Forests
- Fisheries
- Public Health

The Concurrent List: This list contains 52 items, which are powers vested on the State as well as the Union. Some of the subjects included in the Concurrent List are as follows:

- Economic and Social Planning
- Criminal Law and Procedure
- Civil Procedure
- Torts
- Trusts
- Marriage
- Education
- Welfare and Labor
- Contracts

However, in case there is any repugnance, the Union legislature will prevail over the State legislature. In case a State Law has already been reserved for the consent of the President, or if such an assent has already been granted, then the

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State Law will hold irrespective of the repugnance. However, the Parliament can override the Law through subsequent legislation.

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The Residuary Powers are the legislative powers that fall in none of the above categories. The lists are usually exhaustive enough to include all possible subjects, and it is generally believed that the field of application will be very narrow. These powers are neither under the legislative powers of the State nor the Union, but is under the jurisdiction of the Judiciary.

It should be mentioned in this context, that the legislative powers of the Parliament can be extended under special situations to include certain subjects of the State List. Some of the conditions under which the Parliament may extend its powers include the follows:

- **In the National Interest:** This is in accordance of the Article 249 of the Indian Constitution.
- **Proclamation of Emergency:** Based on the Article 250 of the Indian Constitution, the Union takes over the Legislative powers of the State subjects once the President declares emergency in any state.
- **Agreement between the States:** If two states agree that the Parliament can legally make laws with respect to the two states, then the Parliament can make laws relating to any law or set of laws related to the State Laws. This is an extension of the Parliamentary legislative as laid down by the Article 252 of the Indian Constitution.
- **Implementation of Treaties:** The Parliament makes laws for the implementation of treaties, even if the subject falls under the legislative power of the State, for the bigger international interest of the country. This power has been given to the Union by the Article 253.
- **Failure of Constitutional Machinery in a State:** This power of legislative extension follows a proclamation by the President that declares the inefficiency of a State Legislature. The powers of the State Legislature then come directly under the jurisdiction of the Union Legislative. It is guided by the Article 356 (1) (b) of the Indian Constitution.

3.8 DISTRIBUTION OF EXECUTIVE POWERS BETWEEN THE UNION AND THE STATES

The distribution of the executive powers is much more complicated than the distribution of the legislative powers. Article 162 vests the executive powers on the Union and the States largely on the lines of the Legislative Powers. The executive powers related to laws included in the concurrent list ordinarily remain within the state's power. However, the Union has the right to take up the administration of the Union Laws relative to any concurrent subject, as and when it thinks fit. The Union also has the right to mediate during any dispute between

the States. Generally, it can be thus concluded that the exercise of the concurrent list remains with the state, except in the following situations:

- Whenever the Parliament vests some functions exclusively on the Union.
- Where the provisions of the Constitution itself vests some executive functions exclusively on the Union like international agreement, irrespective whether the subject falls in the concurrent, Union or State List.

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3.9 DISTRIBUTION OF JUDICIAL POWER BETWEEN THE UNION AND THE STATES

A distinctive feature of our federal system is the presence of integrated judicial system. Though we have federal form of government with two sets of government and dual powers, there is no dual system of administration of justice. This is clear by the presence of single integrated chain of courts to administer both union and state laws with the Supreme Court at the apex of hierarchy of courts. The practice of having one set of courts which was present in our country under the Government of India Act 1935 continued thereafter under our Constitution.

The state governments are empowered to undertake the administration of justice and to constitute courts for this purpose. Hence, there is a High Court in each-state as the highest court within the territory of state which is required to administer both the union and the state laws.

Hence, the Constitution stipulates that the Chief Justice of the High Court be appointed by the President in consultation with the Chief Justice of India and the Governor of the State.

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

UNIT – 11

The main objective of the exercise to issue the Citizen's Charter of an organisation is to improve the quality of public services. This is done by letting people know the mandate of the concerned Ministry/ Department/ Organisation, how one can get in touch with its officials, what to expect by way of services and how to seek a remedy if something goes wrong. The Citizen's Charter does not by itself create new legal rights, but it surely helps in enforcing existing rights. In this

unit, we discuss the conceptual details and importance of Citizen's Charter and role of the Civil Society.

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3.10 CITIZEN'S CHARTER

Citizen's Charter is a document which represents a systematic effort to focus on the commitment of the Organisation towards its Citizens in respects of Standard of Services, Information, Choice and Consultation, Non-discrimination and Accessibility, Grievance Redress, Courtesy and Value for Money. This also includes expectations of the Organisation from the Citizen for fulfilling the commitment of the Organisation.

The aim and objective of the "Citizen Charter" is to make a citizen aware about the functioning of welfare Government in respect of various departments run and managed by them. Though our country has achieved a lot towards information and technology, still a common citizen is unaware about the working system of Government, there by often cheated by the miscreants and harassed. In order to streamline the system of governance transparent and get the feedback of the doorsteps is the intension of the Government to introduce the citizen charter.

A good Citizen's Charter should have the following components:

- (i) Vision and Mission Statement of the Organisation;
- (ii) Details of Business transacted by the Organisation;
- (iii) Details of 'Citizens' or 'Clients';
- (iv) Statement of services including standards, quality, time frame etc. provided to each Citizen/ Client group separately and how/ where to get the services;
- (v) Details of Grievance Redress Mechanism and how to access it;
- (vi) Expectations from the 'Citizens' or 'Clients';
- (vii) Additional commitments such as compensation in the event of failure of service delivery.

3.11 ROLE OF CIVIL SOCIETY

Civil society is composed of the totality of voluntary civic and social organizations and institutions that form the basis of a functioning society as opposed to the force-backed structures of a state (regardless of that state's political system) and commercial institutions of the market.

An independent civil society is a vital to any aspiring democracy and can really help to consolidate it and raise its credibility both at home and abroad. Civil society tends to be voluntary, pluralistic, and participatory, and can serve as a medium through which the governed can organize, assemble, discuss, and criticize governmental actions or other matters of societal concern. Civil society organizations can be formal or informal, of political, religious, social, cultural, or ethnic nature. However, they usually exclude profit-making business groups,

political society, and family or individual organizational life. It is important to note that civil society is foremost a "public sphere" where the public good tends to be pursued over primarily private gains.

One of the most important ways civil society contributes to democracy is that it provides a means of participation for the masses that separates them from political society and governing institutions. Associations should be able to organize and assemble, treat of any subject that is conformed to the country's constitution and laws without being harassed or questioned by the government. Another element that must be present in a democratic civil society is voluntary participation. Citizens must be free to decide whether they join organizations and associations and how much time and money they contribute. In order to reach this level of autonomy, civil society is constantly struggling and lobbying in order to change laws and advance their interests. Ultimately this can only benefit democracy because it instills non-violent and democratic practice within a society and its citizens.

A democratic civil society is also primordial in an emerging democracy because it provides the following: avenues through which regular citizens can pressure the political elites to review or change public policy; a public sphere in which different layers of society can participate in a plurality of ways; a medium through which divergent groups (ethnic, religious, political) can discuss solutions without resorting to violence and extreme means. Also, a thriving civil society is important to democracy because an independent media can serve an important public good of providing information, reporting on government and associational actions to other organization; which is a good way for different groups to keep members of the government elite and politicians in check.

Also with the voluntary all-encompassing nature of civil society, citizens will have more trust and confidence in their governments, thus circumventing passivity. Civil society can also provide services at levels that the government can't reach. This is especially true of religious groups. A vibrant civil society can serve to legitimize some democracies by showing an alternative way citizens take power in participation. In addition, civil society groups may help consolidate democracy by exhorting people to go out and vote in elections and run for office, and generally advance peaceful democratic practices. Finally, civil society has a snowball effect in that it empowers people to think independently and fight for their interests. Once this is done, the same people can never be expected to have their interests and organizations subverted ever again.

The roots of an Indian autonomous civil society is not to be found in the contemporary rise of a modern state but foremost in the ancient and medieval history of the country. Cast "panchayats", village "panchayats", or traders guilds all illustrates forms of local institutions that had long been untouched by the vicissitudes of the political spheres and remained autonomous from state control. Indian society had been characterised in pre-colonial times by a form of "insularity"

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that thus ensured an certain independence from state power but also resulted in a stagnation and an impossible unity of the population. However, the modern definition of an Indian civil society has to confront the radical transformation of the State and its consequences on the role of the non-state actors.

The transition to independence was accompanied with the rise of a welfare state, extending state powers into areas that had been previously left to civil society. This "intrusion" of the State and its monopoly on new spheres as education, health or security resulted in a form of state monopoly in almost all public goods, giving to the state the role of first employer of organized workers in the country. The generalisation of taxes, the ownership of public utilities transformed the state into an arbiter between individuals. But this rise of a welfare state pointed out in the same time its dysfunctions and its failures.

Corruption and nepotism put into question the legitimacy of the state power and give a pejorative connotations to the word "politics". Distribution of licenses, subsidies for the poor, control of the crime order are said to be "the plaything of state functionaries" that have lifetime security. The huge amount of discretionary fund received by the Members of Parliament and Members of Legislatives Assembly to implement economic development programs in their constituencies illustrates this generalisation of the corruption.

The situation of political parties is also perverted by a form of selection of its members by the leaders that constitute an obstacle for the participations of the citizens to the political process. The electoral process itself is put into question by the irregularities of the polls but also by the biased aspect of local elections that are mostly determined by cast belongings and the money involved in the campaign.

This centralized political system make political process inaccessible to a large part of the population, and alienate the potential existence of a form of civil society.

What role can civil society play in this specific political framework?

Considering that situation of monopoly, the role of civil society as challenging the State in three different ways.

- Faced to the centralised power of the State, civil society first has a role of enabling the hitherto voiceless and unorganised communities interests to be represented. In other term, the sphere of civil society has a goal of empowerment for local communities. In that specific function, civil society can be considered as a "space" that is free and accessible to everybody.
- Civil society can also be considered as a "movement" that has to influence public negotiation on public issues like health, education or security. Contesting the frameworks of development programs, criticising the long-term effect of a large displacement of people are examples of this vision of civil society as a contestation movement.
- Civil society finally has a role of "ensuring the accountability" of the State in different spheres. Ensuring the right to access to information is a first

step into the State accountability, in a country where the Official Secret Act predominates. In a more general way, civil society has the monitoring function of holding "the law and order machinery" accountable". This function implies the control of political parties and electoral process, the control of local bodies etc.

In a context where political participation process is increasingly plebiscitary and illustrates the discredit of the political sphere, the purpose of civil society is to build the framework of a real form of governance, in which both State and citizens are accountable to each other.

UNIT – 12

There are Different types of political interference in the bureaucracy. These interference results in growing political and bureaucracy corruption. If there comes transparency in public administration then the link between the politics and bureaucracy will be exposed and thus corruption can be reduced.

Criminalisation of politics, increasingly in recent years, has resulted in great deal of corruption in the bureaucracy with the entry of criminal elements in politics more and more of the administrative personal have fallen for the baits of power and money. Due to non-transparent working of government, the public is unaware about these practices in a democratic country like india transparency is essential for the proper functioning of the system.

There is right of Information granted by the Constitution Of India to the people of India. But this right has seldom been exercised. Very few people desire to know the process of administration regarding a particular issue. so there is no need to make hue and cry about the transparency in public administration.

3.12 TRANSPARENCY

Transparency, as used in the Administrative and in a social context more generally, implies openness, communication, and accountability. It is a metaphorical extension of the meaning a "transparent" object is one that can be seen through. Transparent procedures include open meetings, financial disclosure statements, freedom of information legislation, budgetary review, audits, etc.

An informed public is essential to democracy and can help create a more effective, accountable government. Transparency is a powerful tool to demonstrate to the public that the government is spending our money wisely, that politicians are not in the pocket of lobbyists and special interest groups, that government is operating in an accountable manner, and that decisions are made to ensure the safety and protection of all Indians.

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Effective transparency means that the public has access to timely, accurate information in usable formats. It also means such information is easily findable, thereby allowing the public to utilize commercial or government sources to access the accurate information pertaining to the functioning and performance of the Government Agencies.

In recent years, transparency, openness and disclosure have become all-too-familiar subjects of discussion, taken up as issues of utmost importance when considering how the public sector and policies should be. In the traditional arena of fiscal and monetary policies, for instance, transparency in budget formulation processes or in the central bank's policymaking processes has been drawing much attention from an institutional point of view.

The issue of transparency can be better understood by focusing on "information asymmetry." A situation in which information asymmetry exists is described as a "lack of transparency" or "opaqueness". In other words, the improvement of transparency means a mitigation of "information asymmetry" or "uneven distribution of information."

The lower the transparency of a government, the greater the cost of information gathering and this negatively affects voter participation in politics. Furthermore, it also hampers political competition among parties. When the incumbent government's information disclosure is insufficient, it increases the uncertainty felt by a nonruling party as to how much it can improve the "management" of the government in the event of its taking the helm of (taking over) political rule.

For instance, with regard to fiscal policies, had the outgoing government been tactfully hiding fiscal deficits which would leave a burden on future generations, the incoming government would be bound to a limited scope of fiscal policy options and forced to bear huge costs. In other words, the low transparency of a government increases regime "takeover costs," and thus the incumbent ruling party and government are able to maintain a politically advantageous position by strategically limiting information disclosure and keeping its affairs vague.

TRANSPARENCY AND OPEN INFORMATION SYSTEMS

Transparency is an important aspect of good governance, and transparent decision making is critical for the private sector to make sound decisions and investments. Accountability and the rule of law require openness and good information so higher levels of administration, external reviewers and the general public can verify performance and compliance to law.

Governments have access to a vast amount of important information. Dissemination of this information through transparency and open information systems can provide specific information that firms and individuals need to have

to be able to make good decisions. Capital markets depend for example on information openness.

PARTICIPATION

Participation can involve consultation in the development of policies and decision-making, elections and other democratic processes. Participation gives governments access to important information about the needs and priorities of individuals, communities and private businesses. Governments that involve the public, will be in a better position to make good decisions, and decisions will enjoy more support once taken. While there may not be direct links between democracy and every aspect of good governance, clearly accountability, transparency and participation are reinforced by democracy, and themselves are factors in support of democratic quality.

3.13 RIGHT TO INFORMATION

'Information' as a term has been derived from the Latin words 'Formation' and 'Forma' which means giving shape to something and forming a pattern, respectively.

Information adds something new to our awareness and removes the vagueness of our ideas.

Information is Power, and as the Prime Minister Atal Behari Vajpayee stated, the Government wants to share power with the humblest; it wants to empower the weakest. It is precisely because of this reason that the Right to Information has to be ensured for all.

CONSTITUTIONAL ASPECT OF THE RIGHT TO INFORMATION

Article 19(1) (a) of the Constitution guarantees the fundamental rights to free speech and expression. The prerequisite for enjoying this right is knowledge and information. The absence of authentic information on matters of public interest will only encourage wild rumours and speculations and avoidable allegations against individuals and institutions: Therefore, the Right to Information becomes a constitutional right, being an aspect of the right to free speech and expression which includes the right to receive and collect information. This will also help the citizens perform their fundamental duties as set out in Article 51A of the Constitution. A fully informed citizen will certainly be better equipped for the performance of these duties. Thus, access to information would assist citizens in fulfilling these obligations.

RIGHT TO INFORMATION IS NOT ABSOLUTE

As no right can be absolute, the Right to Information has to have its limitations. There will always be areas of information that should remain protected

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in public and national interest. Moreover, this unrestricted right can have an adverse effect of an overload of demand on administration. So the information has to be properly, clearly classified by an appropriate authority.

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The usual exemption permitting Government to withhold access to information is generally in respect of the these matters: (1) International relations and national security; (2) Law enforcement and prevention of crime; (3) Internal deliberations of the government; (4) Information obtained in confidence from some source outside the Government; (5) Information which, if disclosed, would violate the privacy of an individual; (6) Information, particularly of an economic nature, when disclosed, would confer an unfair advantage on some person or subject or government; (7) Information which is covered by legal/professional privilege, like communication between a legal advisor and his client and (8) Information about scientific discoveries and inventions and improvements, essentially in the field of weapons.

These categories are broad and information of every kind in relation to these matters cannot always be treated as secret. There may be occasions when information may have to be disclosed in public interest, without compromising the national interest or public safety. For example, information about deployment and movement of armed forces and information about military operations, qualify for exemption. Information about the extent of defence expenditure and transactions for the purchase of guns and submarines and aircraft cannot be totally withheld at all stages.

NEED FOR RIGHT TO INFORMATION

The Right to Information has already received judicial recognition as a part of the fundamental right to free speech and expression. An Act is needed to provide a statutory frame work for this right. This law will lay down the procedure for translating this right into reality.

Information is indispensable for the functioning of a true democracy. People have to be kept informed about current affairs and broad issues – political, social and economic. Free exchange of ideas and free debate are essentially desirable for the Government of a free country.

In this Age of Information, its value as a critical factor in socio-cultural, economic and political development is being increasingly felt. In a fast developing country like India, availability of information needs to be assured in the fastest and simplest form possible. This is important because every developmental process depends on the availability of information.

Right to know is also closely linked with other basic rights such as freedom of speech and expression and right to education. Its independent existence as an attribute of liberty cannot be disputed. Viewed from this angle, information or

knowledge becomes an important resource. An equitable access to this resource must be guaranteed.

Soli Sorabjee stressing on the need of Right to Information aim at bringing transparency in administration and public life, says, "Lack of transparency was one of the main causes for all pervading corruption and Right to Information would lead to openness, accountability and integrity".

According to Mr. P.B. Sawant, "the barrier to information is the single most cause responsible for corruption in society. It facilitates clandestine deals, arbitrary decisions, manipulations and embezzlements. Transparency in dealings, with their every detail exposed to the public view, should go a long way in curtailing corruption in public life."

RIGHT TO INFORMATION IN OTHER COUNTRIES

In recent years, many Commonwealth countries like Canada, Australia, and New Zealand have passed laws providing for the right of access to administrative information. USA, France and Scandinavian countries have also passed similar laws. US Freedom of Information Act ensures openness in administration by enabling the public to demand information about issues as varied as deteriorating civic amenities, assets of senators and utilisation of public funds.

It is not only the developed countries that have enacted freedom of information legislation, similar trends are seen in the developing countries as well. The new South Africa Constitution specifically provides the Right to Information in its Bill of Rights—thus giving it an explicit constitutional status. Malaysia operates an on-line data base system known as Civil Services Link, through which a person can access information regarding functioning of public administration. There is thus a global sweep of change towards openness and transparency.

In USA, the first amendment to the Constitution provided for the freedom of speech and expression. The country had already passed the Freedom of Information Reform Act 1986, which seeks to amend and extend the provisions of previous legislation on the same subject. But this right is not absolute. Recently, the US Supreme Court struck down two provisions of the Communications Decency Act (CDA), 1996, seeking to protect minors from harmful material on the Internet precisely because they abridge the freedom of speech protected by the first amendment. Moreover, the vagueness in the CDA's language, the ambiguities regarding its scope and difficulties in adult-age verification, make CDA unfeasible in its application to a multifaceted and unlimited form of communications such as Internet.

Sweden has been enjoying the right to know since 1810. It was replaced in 1949 by a new Act which enjoyed the sanctity of being a part of the country's

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Constitution itself. The principle is that every Swedish citizen should have access to virtually all documents kept by the State or municipal agencies. .

In Australia, the Freedom of Information Act was enacted in December 1982. It gave citizens more access to the Federal Government's documents. With this, manuals used for making decisions were also made available. But in Australia, the right is curtailed where an agency can establish that non-disclosure is necessary for protection of essential public interest and private and business affairs of a person about whom information is sought.

Even the Soviets, under Mikhail Gorbachev, have realised that "the State does not claim monopoly of truth any longer". Glasnost has cast away the cloud of secrecy and stresses the priority of human values.

Even as steps are taken to ensure openness in matters affecting the public, there has to be a greater sense of responsibility on the part of users of information in the media and elsewhere. Journalists must ensure that they seek information in public interest and not as agents of interested parties.

India has so far followed the British style of administration. In Great Britain, Official Secrets Act, 1911 and 1989 are intended to defend national security by rendering inaccessible to the public certain categories of official information. However, the government recognises that access to information is an essential part of its accountability. A recent legislation governing access to public information includes Local Government (Access to Information) Act, 1985; the Environment and Safety Information Act, 1988, and the Access to Health Records Act 1990 are such laws. On the other hand, Data Protection Act, 1984; the Access to Personal File Act; the Access to Medical Reports Act, 1988, and the Consumer Credit Act, 1974, all provide some protection for different aspects of personal information.

3.14 RIGHT TO INFORMATION ACT

The Right to Information Act (RTI) is a law enacted by the Parliament of India "to provide for setting out the practical regime of right to information for citizens. The Act applies to all States and Union Territories of India, except the State of Jammu and Kashmir - which is covered under a State-level law. Under the provisions of the Act, any citizen (excluding the citizens within J&K) may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerise their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally.

This law was passed by Parliament on 15 June 2005 and came fully into force on 13 October 2005. Information disclosure in India was hitherto restricted

by the Official Secrets Act 1923 and various other special laws, which the new RTI Act now relaxes.

INFORMATION

The Act specifies that citizens have a right to:

- Request any information (as defined).
- Take copies of documents.
- Inspect documents, works and records.
- Take certified samples of materials of work.
- Obtain information in form of printouts, diskettes, floppies, tapes, video cassettes 'or in any other electronic mode' or through printouts.

WHAT IS NOT OPEN TO DISCLOSURE?

The following is exempt from disclosure:

- Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- Information received in confidence from foreign Government;
- Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- Information which would impede the process of investigation or apprehension or prosecution of offenders;
- Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
- Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual (but it is also provided

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that the information which cannot be denied to the Parliament or a State Legislature shall not be denied by this exemption);

- Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

3.15 SUMMARY

- Indian Constitution is neither purely 'federal' nor purely 'unitary'. The federal form is clearly manifest in the constitutional distribution of powers between the union and the states not only in the legislative field but also in executive and administrative fields.
- Besides central and state services, the Constitution under Article 312 provides for the creation of additional "All-India services" common to both the union and states.
- The state governments are empowered to undertake the administration of justice and to constitute courts for this purpose. Hence, there is a High Court in each-state as the highest court within the territory of state which is required to administer both the union and the state laws.
- The union can levy taxes on the 12 items of Union List (82 to 92 A). Similarly, the state list contains 19 items on which states are empowered to collect taxes.
- Under Article 352, a proclamation of emergency may be made by the President at any time when he is satisfied that the security of India or any part thereof has been threatened by war, external aggression or armed rebellion.
- Under Article 356, The President is empowered to make a proclamation when he is satisfied that the government of a state cannot be carried on in accordance with the provisions of the Constitution either on the report of the state governor or otherwise.

3.16 REVIEW QUESTIONS

1. Discuss the administrative relations of Centre and States.
2. What are the financial relations between Centre and States?
3. State the recommendations of Sarkaria Commission.
4. How can Citizen Charter improve governance?
5. What are the important rôles of civil Society?
6. How can transparency in governance improve public awareness?

3.17 FURTHER READINGS

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CHAPTER— 4

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STRUCTURE OF STATE AND DISTRICT ADMINISTRATION

STRUCTURE

- 4.1 Learning Objectives
- 4.2 Introduction
- 4.3 The Governor
 - Power and Functions
- 4.4 The Chief Minister and Council of Ministers
- 4.5 Functions of the Chief Minister
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- 4.7 The State Secretariat
- 4.8 The Chief Secretary
- 4.9 Directorates: Meaning and Organisation
- 4.10 Types of Executive Agencies
- 4.11 Factors Shaping the Secretariat and Directorate relationship
- 4.12 Role and Importance of District Administration
- 4.13 Evolution of Office of Collector
- 4.14 Functions and Changing Role of District Collector
- 4.15 Summary
- 4.16 Review Questions
- 4.17 Further Readings

4.1 LEARNING OBJECTIVES

After going through this chapter, students will be able to:

- Discuss the appointment, functions and role of Governor and Chief Minister;
- Describe the appointment, function and importance of Chief Secretary;
- Discuss the importance of state secretariat;
- Explain the evolution, importance and function of District Administration;
- State the evolution, functions and importance of District Collector.

UNIT – 13

(POLITICAL EXECUTIVE AT STATE LEVEL)

*Structure of State and
District Administration*

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4.2 INTRODUCTION

State governments in India are the governments ruling States of India. Power is divided between central government and state governments. While central government handles Military, external affairs etc., the state government controls internal police security etc. Income for central government are through Customs duty, excise tax, income tax etc., while state govt. income comes from sales tax, stamp duty etc.

Executive branch of state is headed by governor appointed by central government. Chief minister and cabinet are most prominent members of the executive branch. Cabinet size can be maximum of 15% the number of legislators in house, the law passed during Vajpayee's central government. Police hierarchy and various other ministries come under executive. District collector and Tahshildar are District and Tehsil heads respectively.

4.3 THE GOVERNOR

The Governors and Lieutenant-Governors of the states and territories of India have similar powers and functions at the state level as that of the President of India at Union level. Governors exist in the states while Lieutenant-Governors exist in union territories and in the National Capital Territory of Delhi. The Governor acts as the nominal head whereas the real power lies in the hand of the Chief Ministers of the states and the Chief Minister's Council of Ministers.

In India, a Lieutenant governor is in charge of a Union Territory. However the rank is present only in the union territories of Andaman and Nicobar Islands, Delhi and Pondicherry (the other territories have an administrator appointed, who is an IAS officer). Lieutenant-Governors hold the same rank as a Governor of a state in the list of precedence.

The Governors and Lieutenant-Governors are appointed by the President for a term of 5 years.

POWERS AND FUNCTIONS

The Governor enjoys many different types of powers:

- Executive powers related to administration, appointments and removals,
- Legislative powers related to lawmaking and the state legislature, that is Vidhan Sabha or Vidhan Parishad,
- Discretionary powers to be carried out according to the discretion of the Governor.

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Executive Powers

The Constitution vests in the Governor all the executive powers of the State Government. The Governor appoints the Chief Minister who enjoys the support of the majority in the Vidhan Sabha. The Governor also appoints the other members of the Council of Ministers and distributes portfolios to them on the advice of the Chief Minister.

The Council of Ministers remain in power during the 'pleasure' of the Governor, but in the real sense it means the pleasure of the Vidhan Sabha. As long as the majority in the Vidhan Sabha supports the government, the Council of Ministers cannot be dismissed.

The Governor appoints the Chief Minister of a state. He also appoints the Advocate General and the chairman and members of the State Public Service Commission. The President consults the Governor in the appointment of judges of the High Courts and the Governor appoints the judges of the District Courts.

Legislative Powers

The Governor summons the sessions of both houses of the state legislature and prorogues them. The Governor can even dissolve the Vidhan Sabha. These powers are formal and the Governor while using these powers must act according to the advice of the Council of Ministers headed by the Chief Minister.

The Governor inaugurates the state legislature by addressing it after the assembly elections and also at the beginning of the first session every year. The Governor's address on these occasions generally outlines new policies of the state government.

A bill that the state legislature has passed, can become a law only after the Governor gives assent. The Governor can return a bill to the state legislature, if it is not a money bill, for reconsideration. However, if the state legislature sends it back to the Governor for the second time, the Governor must assent to it. The Governor has the power to reserve certain bills for the President.

When the state legislature is not in session and the Governor considers it necessary to have a law, then the Governor can promulgate ordinances. These ordinances are submitted to the state legislature at its next session. They remain valid for no more than six weeks from the date the state legislature is reconvened unless approved by it earlier.

Financial Powers

Money bills can be introduced in the State Legislative Assembly only on the prior recommendation of the Governor. He also causes to be laid before the State Legislature the annual financial statement which is the State Budget. Further no demand for grant shall be made except on his recommendation. He can also make advances out of the Contingency Fund of the State to meet any unforeseen expenditure. Moreover, he constitutes the State Finance Commission.

Discretionary Powers

Normally, the Governor has to act on the aid and advice of the Council of ministers headed by the Chief Minister. However, there are situations when the Governor has to act as per his own judgement and take decisions on his own. These are called the discretionary powers of the Governor. The Governor exercises them in the following cases:

In the appointment of the Chief Minister of a state

When no party gets a majority in the Vidhan Sabha, the Governor can either ask the leader of the single largest party or the consensus leader of two or more parties (that is, a coalition party) to form the government. The Governor then appoints the leader of the largest party to Chief Minister.

In informing the President of the failure of constitutional machinery in a state

The Governor can send a report to the President informing him or her that the State's constitutional functioning has been compromised and recommending the President impose "President's rule" upon the state.

REMOVAL

The term of Governor's office is normally 5 years but it can be terminated earlier by

1. Dismissal by the President on the advice of the Prime Minister of the country, at whose pleasure the Governor holds office.
2. Resignation by the governor

There is no provision of impeachment, as it happens for the President.

4.4 THE CHIEF MINISTER AND COUNCIL OF MINISTERS

Chief Minister is the head of the government in the State. The Council of Ministers with the Chief Minister as its head exercises real authority at the state level. Each State has a Council of Ministers to aid and advise the Governor in the exercise of his functions. In the preceding topic, we have discussed that the Governor has discretionary power also. When the Governor sends a report to the President for the proclamation of constitutional emergency in the State, he acts within his own discretion.

Chief Minister is appointed by Governor. The person who commands the majority support in the State Legislative Assembly (Vidhan Sabha) is appointed as the Chief Minister by the Governor. The other Ministers are appointed by the Governor on the advice of the Chief Minister. The Ministers included in the Council of Ministers must belong to either house of State Legislature. A person who is not a member of State Legislature may be appointed a Minister, but he ceases to hold

the office if he is not elected to the State Legislature within six months of his appointment. The portfolios are allocated by the Governor on the advice of the Chief Minister.

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4.5 FUNCTIONS OF THE CHIEF MINISTER

Chief Minister is the head of the State Council of Ministers. The Constitutional position of the Chief Minister is more or less similar to that of the Prime Minister. The Chief Minister plays an important role in the administration of State. We can discuss his/her functions as follows:

1. Chief Minister is the real head of the State government. Ministers are appointed by the Governor on the advice of the Chief Minister. The Governor allocates portfolios to the Ministers on the advice of the Chief Minister.
2. Chief Minister presides over the Cabinet meetings. He/She coordinates the functioning of different Ministries. He guides the functioning of the cabinet.
3. Chief Minister plays a key role in framing the laws and policies of the State Government. Bills are introduced by the Ministers in the State legislature with his approval. He is the Chief spokesman of the policies of his government both inside and outside the State Legislature.
4. The Constitution provides that the Chief minister shall communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation.
5. The Chief Minister shall furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for.
6. If the Governor so requires, the Chief Minister submits for consideration of the Council of Ministers any matter on which a decision has been taken by the Minister but which has not been considered by the Cabinet.
7. The Chief Minister is the sole link of the communication between the Cabinet and the Governor. The Governor has the right to be informed by the Chief Minister about the decisions taken by the Council of ministers.

The above functions show that the real authority is vested with the Council of Ministers headed by Chief Minister. The Council of Ministers is the real executive in the state. The position of the State Council of Ministers largely depends upon the strength of the ruling party in the State Assembly and the personality of the Chief Minister. The position of the Chief Minister is more stronger when his party is in power at the centre as well. As long as the Chief Minister and his/her Council of Ministers enjoy the confidence of majority in the Legislative Assembly, he/she exercises the real executive power in the State.

4.6 RELATIONSHIP OF THE GOVERNOR WITH THE CHIEF MINISTER

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The Governor is the constitutional head of the State. All executive actions in the State are taken in his name. The Governor appoints the Chief Minister and on the advice of the Chief Minister he appoints other ministers. The Governor is responsible for smooth running of the State administration. It is his/her duty to see that the State administration is carried on in accordance with the provisions of the Constitution. If he/she finds that the constitutional machinery of the State has broken down or the administration cannot be carried on in accordance with the provisions of the Constitution, he/she may recommend to the Union Government to proclaim emergency in the State.

The Governor in his/her report can advise the President to impose President's Rule in the State. If the President is satisfied, he/she will declare emergency under Article 356, popularly known as President's Rule in the State. After proclamation, the State comes under the control of the Centre and the Governor acts as the Centre's agent. The Council of Ministers is dismissed and Assembly (Vidhan Sabha) is dissolved or suspended.

The Constitution provides that there shall be a Council of Ministers with the Chief Minister as its head to aid and advise the Governor in the exercise of his functions, except when he/she is required by the Constitution to act on his discretion. When the Chief Minister enjoys the confidence of the majority in the State legislature, then the Governor's capacity to exercise his/her discretionary powers is reduced. In such a situation the Chief Minister is the real head of the State administration and the Governor is the constitutional head. So we see that the Governor plays a dual role. As the constitutional head of the State, he/she acts on the advice of the Council of Ministers and also serves as the agent of the Central Government.

The relations between the Governor and the Chief Minister are influenced by the political and constitutional conditions in the State. In normal conditions, the Governor is the ceremonial head of the State but during the President's Rule he/she becomes the agent of the Centre and assumes control of the State administration.

Keeping the spirit of the Constitution in mind, the Governor may in a sense be the "eyes and ears" of the Central Government and as he/she is appointed, removed or transferred by the Centre he continues to be subservient to Centre as well as the party in power there. It may be emphasised that the job of the Governor would not be merely that of an umpire to see that the game is played according to the letter and spirit of the Constitutional provisions.

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This Unit discusses a diverse range of agencies at the state level. Two state level agencies (i.e., Directorates and the State Secretariat) are discussed here, and Directorate-Secretariat relationship is also brought out. The Unit essentially highlights the following terms/concepts/institutions/factors at the regional level:

DIRECTORATES

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

REGIONAL ADMINISTRATION

Because the Directorates are concerned with policy execution, and the execution of policy must necessarily take place in the field (i.e., at the district, block and village levels), the need arises for them (Directorates) to create intermediate level administrative agencies to coordinate and supervise the field operations. This intermediate level administrative setup between the State headquarters (Directorate) and the district is referred to as 'regional administration'. A generic term, which is used to refer to regional level agencies (and those at district and lower levels). They could be called sub-state agencies because they exist at levels below the state headquarters. Each region comprises a certain number of districts. Thus, a region is a real unit below the state level and above the district level. As a rule, though not always, all executive departments at the state headquarters have regional organisations; names which these regional agencies carry, vary from department to department.

DIVISIONAL COMMISSIONERS

Divisional Commissioners, referred to above, are regional agencies in respect of the states revenue function. Work of revenue administration at the state headquarters is entrusted not to a government department, but to an autonomous agency called the Board of Revenue. Therefore, Divisional Commissioners are but the regional level representatives of the Board of Revenue.

BOARD OF REVENUE

Board of Revenue is an administrative innovation of a great significance. This institution was created way back in 1786 to relieve state governments of the detailed work in the field of revenue administration. Since then, a large number

of states in India have created Boards of Revenue. The equivalents of the Board of Revenue in states, which have not created the boards, are Finance Commissioners or Revenue Tribunals.

As the Secretariat, as the policy-making body and Directorate, as the policy-implementing agency, constitute the two wheels of the governmental machinery; unless they achieve a certain measure of coordination and cooperation, the ability of the machinery to deliver goods will be hampered.

At a theoretical plane, the two have well-defined powers, jurisdiction and roles but, in practice, various factors blur the demarcations leading to estrangement and mutual acrimony between the two wings, ultimately affecting the performance of the government.

The question of relationship between the Secretariat and Directorate is important per se. It, however, assumes added significance in a situation where this relationship has deflected from its original course, as has happened India, and as would, in fact, happen in any dynamic situation. Why has the relationship between the two tended towards some kind of estrangement? Can some alternative models be suggested to reformulate the relationship between Secretariat and Nonsecretariat organisations? In this Unit, these questions are being explained.

The existing set up in the country, under which the two function with complete independence from each other, under the discipline of a well-defined framework of responsibilities and relationship, has attracted criticism; mainly that the Secretariat tends to transgress its defined jurisdiction; does not adequately delegate to the Attached Offices; delays scrutiny of proposals submitted by the Non-secretariat organisations; and so on. On these grounds, it is suggested that the present split system be abandoned. An attractive model, under which these two wings are merged, has been recommended and practically tried out. The merger or amalgamation model seeks to bridge-the gulf between Secretariat and Attached Offices by integrating them into a single entity. This ('Bridging-the-gulf) approach proposes other models also. It may be pointed out that where amalgamation has been tried out, it has run into difficulties of various kinds, and, therefore, efforts have, in fact, been underway to de-amalgamate the two offices. Clearly, this (De-amalgamation) signifies a return to the traditional split system or, in other words, a return to the status-quo model. Thus, the question of relationship between the Secretariat and Directorate is a vexed one. Readymade solutions to remodel this relationship are difficult to come up.

4.7 THE STATE SECRETARIAT

The State Secretariat occupies a key position in the State administration. The Secretariat refers to the conglomeration of various ministries/departments of the state government. The Secretariat works as a single unit with collective responsibility as in the case of the Council of Ministers. Under existing rules,

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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 State Government as a whole and not to any particular minister.

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ROLE

The State Secretariat assists the State Council of Ministers in the formulation of State 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 legislative questions and, also, for various other legislative works. 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 State Ministry of Home and the State Ministry of Finance, and also, consulting other organisations concerned with a particular matter. The Secretariat is the clearing house preliminary to State governmental decisions. And lastly, the Secretariat also ensures that field offices execute, with efficiency and economy, the policies and decisions of the State Government.

FUNCTIONS

The State Secretariat performs mainly the following functions:

- To assist the Minister in the fulfilment of his task.
- To formulate the policies and programmes of the state government.
- To coordinate amongst the programmes of the state government.
- To prepare the state budget.
- To frame legislation, rules and regulations.
- To review the results of the execution of the policy.
- To maintain contacts with Central and other State governments.
- To receive the complaints, representations and appeals from the people and solve them.
- To serve as a think-tank of the state government.

4.8 THE CHIEF SECRETARY

Chief Secretary is the head of the state secretariat. He is the administrative head of the state administration, and stands at the apex of the state administrative machinery. He leads, guides and controls the entire state administration. He is, in fact, chief of the secretaries and his control extends to all the secretariat departments. He is the senior most civil servant in the state.

Chief Secretary discharges a number of functions. Some major functions are as follows:

1. He acts as the principal advisor to the Chief Minister on all matters of state policies and administration.
2. He acts as the secretary to the State Cabinet. He prepares agenda for cabinet meetings and keeps records of its proceedings.
3. He is the chief co-ordinator of state administration and resolves inter departmental disputes.
4. In most of the cases, the general administration department, Personnel department, Planning department and Administrative Reform department are directly placed under the charge of the chief secretary.
5. In times of crises like drought, floods, famine, communal disturbances etc., the chief secretary plays the role of crises administrator.
6. Besides, he acts as a spokesman of the state government; principal channel of communication between his government and the central government on the one hand and the state governments on the other. He acts as the chief advisor to the Governor when President's Rule is imposed in the state, attends the meetings of the National Development Council and he also acts as the chief public relations officer of the state government.
7. He also acts as the head of the State civil service. He deals with all cases related to appointment, transfers and promotion of senior state civil servants.

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4.9 DIRECTORATES: MEANING AND ORGANISATION

As has been explained in the last topic, the Secretariat is concerned with the setting of the broader policies and goals of the state government while the responsibility for achieving those goals and executing those policies rests with the heads of the executive departments. The executive agencies are as a rule located outside the Secretariat and constitute distinct organisational entities. A popular label to identify an executive agency is 'Directorate'. In a large number of cases, the heads of the executive agencies are known as directors. Many examples of this could be cited; director of agriculture, director of animal husbandry, director of education, director of social welfare, director of transport, director of public health, director of town planning, and so on.

However, other nomenclatures are also used to refer to the heads of the executive departments. Thus, the executive head of the department of police is known as the Inspector/Director General of Police; that of the jail department, the Inspector-General of jails; that of the forest department, the chief conservator of forests; that of the cooperative department, the registrar of cooperative societies;

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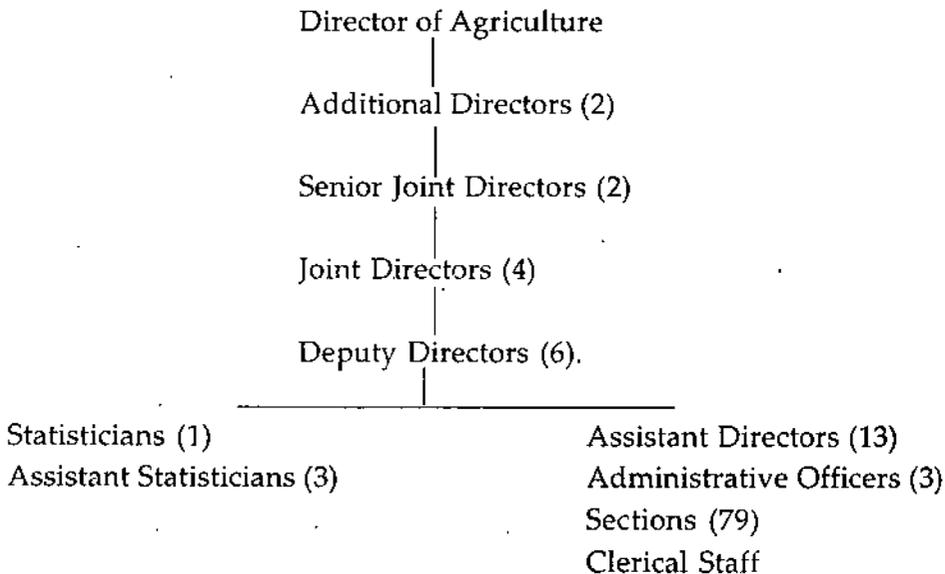
that of the sales tax department, the commissioner of sales tax; that of the irrigation department, the chief engineer (irrigation); that of the printing and stationery department, the controller and so forth. In other words, although in a large number of cases, the heads of the executive departments are called Directors, they are also known by other names.

ORGANISATION OF DIRECTORATES AT THE STATE AND SUB-STATE LEVELS

Apart from the state level, the executive agencies also function at the sub-statal levels. This is quite natural. Because, while the policy must be formulated at one centre (the state headquarters: presently, the state headquarters is signified by Secretariat and Directorates), its execution must necesstuiely take place in the field. Therefore, the Directorates must make a conscious effort at achieving a vertical penetration 'down to the grassroots level. When this is done, lesser Directorates emerge at the regional level: the state level executive department establishes offices in the regions; a region is simply a territorial unit below the state but above the district level. When this process progresses further down the line, the district, block and village level field agencies of a Directorate emerge.

To illustrate the organisational structure of the Directorate at the state and substotal levels, we present below the Organisation chart of the Directorate of Food and Agriculture of the Government at the state level.

The Organisation of Directorate of Food and Agriculture at the State Headquarters Level: The Head of the Department



At the state level, as is shown in the Organisation Chart, the headship would normally be with a 'full' director who would be assisted by a group of lesser directors: additional directors, senior joint directors, joint directors, deputy directors, assistant directors, and other functionaries. Of course, as would be understood, depending upon the workload of a department, the number of levels

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of hierarchy at the headquarters could be larger or smaller. The regional level set up of an executive department, would usually be headed by an officer of a lower rank, a senior joint director in this case. It could indeed even be a person of simply a joint director or even lower level; that would again depend on the workload and other factors. The district level organisation of the Food and Agriculture Department has as its head a joint director. This is, again, not a typical situation. Many district level offices of the executive departments are headed by deputy or even assistant directors. Again, many factors will combine to determine the rank of the officer who may head the district level set up.

At the level immediately below the district (block level), each development department is represented by an extension officer who is a part of the extension team functioning under the block development officer. Thus, to take an example, there would be an agriculture extension officer in each block, representing the state level directorate of agriculture. At the village level, as is well-known, there exist the multi-purpose extension functionaries known as the village level workers (VLWs).

4.10 TYPES OF EXECUTIVE AGENCIES

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

ROLE OF ATTACHED AND SUBORDINATE OFFICES

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

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

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technical aspects of the questions dealt with by them. The Subordinate Offices function as field establishments or as the agencies responsible for the detailed execution of the decisions of government. They generally function under the direction of an Attached Office.. ”

Thus, the Attached Offices have in essence a two-fold function. First, they furnish technical data and advice to the Ministry to which they are attached. (Ministry is the policy making body, but this policy making exercise must be based on technical information and advice. It is the Attached Office, which supplies this assistance to the ministry). The second function of the Attached Office is to provide executive directions to the agencies, which are responsible for implementing the policies of government.

As contrasted with the Attached Office, a Subordinate Office functions as the field establishment or as the agency responsible for the detailed execution of the policies and programmes of the government. As a rule, it functions under an Attached Office.

As oft-quoted analogy with human body clarifies the distinction between Attached and Subordinate Offices further:

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

4.11 FACTORS SHAPING THE SECRETARIAT AND DIRECTORATE RELATIONSHIP

The Secretariat and the Directorate constitute two wheels of the governmental machinery. Unless they achieve a certain measure of coordination and cooperation, the ability of the machinery to deliver goods is hampered. Two sets of factors have played a dominant role in shaping the Secretariat-Directorate relationship at the state level. Of these, one concerns the functioning of the Secretariat at a practical plane.

The second is concerned with the expansion that has lately come about in the Secretariat -its role, personnel, number of administrative units of which it is comprised, and so on. Of course, the two factors are closely inter-related; it is to facilitate academic understanding of the matter that these are being dealt with separately here. It may be noted, it is these very factors which - as they work themselves out - generate situations, which tend to build up tension in the Secretariat-Directorate relationship.

Different Aspects of the Functioning of Secretariat

The institution of Secretariat has attracted considerable criticism. One cannot perhaps find fault with the Secretariat as a concept, for at a Conceptual plane, it is meant to encourage division of labour (between policy making and policy executing agencies) and specialisation, which results from such compartmentalisation of work. Again, at a conceptual level, the idea of Secretariat

is meant to promote delegation of authority from policy making to policy execution level. By implication, it discourages centralisation and concentration.

However, in practice, these advantages of the Secretariat system have failed to fully materialise. There is a large divergence between what is held to be valid in theory and what is achieved in practice. The manner of functioning of the Secretariat and its overbearing attitude have generated tensions in the Secretariat-Directorate relationship and adversely affected the advantages commonly ascribed to the Secretariat System.

The substantive points of criticism against the Secretariat, which have a bearing on its relationship with the executive departments, are placed below:

- (i) The Secretariat has an expansionist attitude, meaning it has arrogated to itself functions, which do not belong to it. It does not confine itself to policy making; instead the Secretariat freely engages in matters of executive nature. This encroachment has materially weakened the authority of the executive agencies.
- (ii) The Secretariat hesitates to delegate adequately to the Executive Agencies. As a result of this, the execution of policies is delayed. Besides, the initiatives of the Executive Agencies is cramped through the need for repeated consultations with, and approvals from, the Secretariat.
- (iii) Scrutiny, in the Secretariat, of proposals submitted by the heads of the Executive Departments begins at the clerical level. This procedure is dilatory. Besides, it undermines the authority of the heads. As is wellknown, the proposals of the heads of the departments are based on proposals received from the district and regional level officers and are submitted to the Secretariat after a detailed scrutiny in the Attached Offices. If, therefore, these proposals are to be subjected to further scrutiny, it leads to unnecessary duplication and delay.
- (iv) More substantively, the very idea of the generalist administrators (who staff the Secretariat) overseeing, superintending and evaluating the work of specialists and technocrats (who staff the Executive Agencies) is out of place in the modern technological age. And, it is all the more untenable that the Secretariat should scrutinise the proposals and schemes emanating from the attached offices, the argument being that the lay generalists have possibly nothing to contribute in such an exercise.

The above-noted situations, coupled with the fact that Secretariat has come to be identified with the real power structure in the governmental system (it is, in fact, considered 'the government') have unduly inflated the influence and authority of the Secretariat and aggravated tensions between the Secretariat and Executive Departments. The importance of Secretariat has not further enhanced since as previously noted, it delves into the questions not only of policy (which constitute its legitimate sphere) ,but also those of execution. It has thus expanded its

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functional area through large, unauthorised encroachments in the executive sphere. This is, quite obviously, at the expense of the executive offices and only further adds to tension between the Secretariat and Executive Agencies. Another situation, which must be noted in this regard, is the easy access, which Secretariat officers enjoy with the political executive. There is no gain saying the fact that this, in its own way, contributes to the existing tensions between the Secretariat and Attached Offices. We shall be discussing the factors that have been responsible for bringing about expansion in the role of the Secretariat and an increase in its personnel and the number of administrative units of which it is comprised. After all, it is partly this expansion, which is at the root of the Secretariat-Directorate tensions. These factors are set out below:

FACTORS RESPONSIBLE FOR EXPANSION IN THE SECRETARIAT

The foremost of these is the parliamentary system of government. The principle of legislative accountability - under which the minister is, inter alia, supposed to answer questions, concerning his department, on the floor of the house - has brought about centralisation of functions in the Secretariat. Also, easy access of ministers to their constituents generates pressures on ministers in regard to matters such as appointments, promotions, transfers, and so forth. Now, clearly, these are matters of executive nature. The ministerial desire to nurture his constituency (and therefore, respond to demands for appointments, etc.) results in the minister's involvement in executive matters. This is how the Secretariat, a policy making body, becomes involved in the matters of policy execution.

The second factor, which has been responsible for a steady and substantial increase in the volume of work in the Secretariat is the governmental policy to develop the economy through planning and state intervention and a whole host of welfare functions with the government in recent years has assumed. Every effort at directing and administering the economy leads to increased volume of work in the government. Secretariat, in particular, has gained in stature and influence from this situation. The reason for this is that more important work as well as decisions commanding wide impact have devolved on the Secretariat.

Two factors account for this. First, the generalist secretaries are thought to possess a breadth of vision and a well-rounded experience, which comes from the varied job placements that an IAS officer is typically exposed to in the course of his career. In contrast, the head of the department is considered narrow in vision and too theoretical in approach. Secondly, the ministerial staff in the Secretariat is considered to be of a higher calibre as compared to that in the Attached Offices. The result is that the Secretariat attracts more business. Thirdly, as noted above, not an insignificant portion of growth in the Secretariat is due to its taking over numerous executive functions and multifarious unimportant tasks, which do not properly belong to it. Finally, some expansion is also due to the

tendency of the bureaucracy to proliferate in any situation. The Secretariat is, thus, today encumbered with non-essential work and has become unwieldy and overstaffed.

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UNIT — 15 (DISTRICT ADMINISTRATION)

District has been the basic unit of administration in India since ancient times. In India, we have a democratic welfare state which involves wide scope of activities for the development of the people and the nation as a whole. District administration, is that part of public administration which functions in the territorial limits of the district. According to S.S. Khera, "District administration is the total functioning of government". It continues to be the hub of Indian administration. With the introduction of planning and development functions the role of district administration has increased tremendously to build the country from below. The introduction of democratic decentralization and Panchayati Raj has fundamentally changed the nature of the district administration.

4.12 ROLE AND IMPORTANCE OF DISTRICT ADMINISTRATION

The government at the centre and the state level cannot implement its policies directly from the head quarters. Therefore, the state is divided into territorial divisions and districts. The actual work of the government is carried out at the district level. People tend to judge the performance of the government by the way the programmes are actually administered in the district. The people come into direct contact with the administration at the district level more than the state or central level.

Certain points are important to know the role of district administration. The major concern of the district administration is to ensure public safety, the protection of the citizens and all their rights. It includes the maintenance of law and order and the administration of criminal and civil justice.

Secondly, its importance is in the field of revenue administration. It includes land revenue, irrigation charges, agricultural income, tax levied, excise duties, entertainment tax etc. It also includes the administration of treasury, land reforms, land acquisition, land management, land records etc.

The government has introduced a number of developmental policies and programmes in the field of agriculture, cooperation and industry. Special programmes have been launched to develop the weaker sections of the society. All these welfare programmes are implemented by the district administration vigorously to the satisfaction of the people. To ensure people's participation in the

planning and execution of development schemes is another important role of district administration. It also ensures the supply of essential commodities to the people living in remote villages.

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In times of natural calamities and disasters the district administration helps the people.

CRISIS MANAGEMENT

During emergencies such as those caused by natural calamities, floods, famines, cyclones, etc. or man made crises such as riots, fires, or external aggression, it is District Administration which holds an umbrella over the district. It also enforces civil defense measures, is responsible for the protection of vital installations, prevents panic and performs a host of other crucial functions.

UNIT – 16 (THE DISTRICT COLLECTOR)

The District Collector is a Central Indian Government appointee who is in charge of the governance of a district in a state.

District Collectors are officers of the Indian Administrative Service and are the most powerful government officials of the district. They are entrusted the task of handling law and order, revenue collection, taxation, the control of planning permission and the handling of natural and man-made emergencies. A collector was a crucially important colonial officer placed at the district level and entrusted with the responsibility of revenue collection and other civil duties.

In the ever expanding role and scope of governance at the state level, the district administration plays an extremely crucial role in assisting the policy makers in implementing their policies. And as head of this district administration, the District Collector plays a pivotal role in leading the official machinery.

The institution of District Collector was first established in 1772. He belongs to the IAS cadre. He/she is known as District Collector, District Officer, District Magistrate, Deputy Commissioner in some states.

4.13 EVOLUTION OF OFFICE OF COLLECTOR

In spite of many structural changes in the office of the district collector ever since its inception in 1772 by Warren Hastings, the district collector functioned as the most decisive officer of the administration throughout the British period. It was through this officer that the colonial state used to execute its commands, and maintained local control. Originally, the business term 'collector' was given to the European district officer to make other powers in Bengal feel that he was not really a ruler, but merely an officer for revenue collection which

was the duty of the British East India Company as the Diwan of Bengal, Bihar and Orissa. For many years the Company pretended to be the diwan, and not the sovereign of the country. But the term became so much a part of the colonial system that it was retained down to the end of British rule.

However, the office of collector had undergone considerable structural and functional changes during the period of British rule. Besides revenue collection, the district collector exercised civil, judicial and military powers in districts until 1792, when the judicial and magisterial powers were separated from him and transferred to the district judge. During William Bentinck's administration, the magisterial duties were separated from the district judge and annexed to the district collector who was given the designation of district magistrate and collector. During the same period the posts of deputy collector was created to help the office of the district magistrate and collector. Until the later part of the nineteenth century, no native was eligible to become a district collector. But with the introduction of competitive examinations for the Indian civil services, no bar to the post remained, though no native ever became a district collector until the very end of the nineteenth century. For colonial reasons, the post of district judge was more open to native civilians than that of the district magistrate and collector. During the Pakistan period the institution of district magistrate and collector retained much of the powers and glories of the colonial era. But the nomenclature was changed. The post was renamed as deputy commissioner. Today there are district commissioners, but due to constitutional government they do not now have the despotic powers as exercised in the colonial and Pakistan period.

A Deputy Commissioner is the chief administrative and revenue officer of a district. The office of the deputy commissioner traces its origin to the district collector system of the early phase of British rule. The district supervisor was appointed with limited functions in 1769. Warren Hastings introduced the district collector system in 1772. The system was, however, repealed in the following year, but restored again in 1787.

Under the Regulation of 27 June 1787, the collector was vested with the powers of a judge and magistrate. The collector had also some authority over the police. With the introduction of the permanent settlement in Bengal in 1793, the collector was stripped of his judicial and police powers, but by 1831 he was reinvested with judicial powers. Since then, the collector was known in Bengal as the district magistrate and collector or just as the district magistrate. The term deputy commissioner was used during the British colonial days in a different context to describe the chief revenue and executive officer of districts in what was known as non-regulation provinces. The regulation provinces signified the settled areas of Bengal where a legalistic system based on comprehensive acts or regulations governed the working of the district administration. The non-regulation provinces meant newly acquired territories which, because of unstable

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conditions, demanded a more authoritarian pattern of administration. In East Bengal districts, the appellation district magistrate and collector was uniformly used.

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The designation "district magistrate" is used in the criminal procedure code to denote the principal magistrate of the district. The term 'collector' is derived from the land revenue laws. The designation district magistrate and collector was used during the British colonial days for districts except in the Chittagong Hill Tracts as a non-regulation district where the term deputy commissioner was used. However, after 1960, the district magistrate and collector came to be redesignated throughout the country as deputy commissioner. It is important to note that during the early years, the deputy commissioner's office was concerned with internal security and revenue administration.

Over time, however, the office became increasingly occupied with the general welfare of the people in the district. To that end, The Deputy Commissioner's role was conceived of as the general controlling authority for all other activities in the district. The universality of the deputy commissioner's role since the early 20th century came to be affected by the introduction of elected legislatures and the creation of specialised departments having their own officers in the districts. The deputy commissioner is, however, still looked upon as the eyes and ears of the government in such areas as law and order, land administration, disaster management and elections, both general and local. The deputy commissioner works under the general guidance and supervision of the divisional commissioner. They are under the administrative control of the cabinet division although their posting and transfer are made by the ministry of establishment. The deputy commissioners are drawn from the members of the Bangladesh Civil Service (Administration). The selection of deputy commissioners is made through a committee consisting of the cabinet secretary as chairman, and secretaries to the ministries of establishment, home and land as members.

4.14 FUNCTIONS AND CHANGING ROLE OF DISTRICT COLLECTOR

The nature of the role of the District Collector has been constantly changing since Independence. Though his influence has been shrinking since, his areas of influence are growing by the day. The main factors influencing the emerging role of the Collector are:

1. Democratic set-up in the country
2. Various attempts at de-centralization
3. Increasing Developmental Responsibilities
4. Increase in public consciousness.

The promulgation of the new constitution has weakened the position of Collector. Article 50 envisages for the separation of executive and judiciary powers.

There are now separate Judicial officers in the district and therefore the collector no longer holds the same judicial authority as he did earlier as a District Magistrate.

The emergence of political parties post independence has diminished the importance of the office of the Collector. Parties have become an extremely important channel of communication between the government and people, and the collector is more than often sidetracked while taking decisions affecting common man.

The introduction of new technical departments like Agriculture, labour, irrigation, cooperatives etc, together with officers who head these departments at the state level, have all led to diminishing of the authority of the Collector. Some of the technical departments are headed by specialists and are independent of Collector.

The democratic decentralization in the form of Panchayat Raj Institutions has further eroded the powers of the Collector. The zilla parishads have emerged as separate power centers independent of the Collector.

FUNCTIONS OF THE COLLECTOR

This is still the traditional and primary task of the collector. As the head of the Revenue Administration of a district, his foremost task is assessment and collection of land revenue. Khera points out 2 principles here:

1. The revenue that is assessed must be collected in full.
2. Timely collection of dues.

Different departments make out demand lists of dues each season and send it to collector who is responsible for recovery of loans. He is also responsible for collecting excise duties on various commodities, he assesses the amount of relief required to each individual, is responsible for recovery of loans and consults the state government if any relaxation is deemed fit, distributes agricultural land. He is the manager of government estates, lands, forest etc in the district. He also prepares land surveys and maintains all land records. The district treasury is directly under his control, and he decides on the allocation of funds to different departments.

As a District Magistrate

The collector's role as a district magistrate is one of his important functions. He is responsible for the overall law and order situation in the state. The three elements involved in this context are:

1. Police
2. The Judiciary and
3. Jails

Functionally, the head of the police in the district is the Superintendent of Police. However, the SP is directly answerable to the District Magistrate. It is he

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who gives orders to fire or to use force. The annual report prepared by the S.P. is also submitted through district magistrates. He can inspect police stations, police staff and police dairies.

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The Indian Police Commission of 1902-05 recommended relaxation of this control and asked DM not to interfere in management and discipline. The Royal Commission on decentralization, however, suggested that the powers of DM vis-à-vis the police be increased.

As far as his powers as District Magistrate are concerned, there has been a serious erosion of his authority. Article 50 envisages for the separation of executive and judiciary. There are now many Judicial officers in the district. The entire responsibility of judicial proceedings are now with the High courts of the states. The collector can exercise powers under Section 144 in case of any disturbances that may arise.

Jails are another important component of his powers. The district jail is under the control of DM. He can visit the jail from time to time to inspect the conditions at the Jail. He deals with problems such as grant of superior classes to prisoners, release of prisoners, mercy petitions etc. Supreme Court, in a landmark judgement in the Gouru Venkat Reddy case, has made it very clear that the collector should conduct his own investigation while recommending clemency to a prisoner.

As a Coordinator

Several departments, like agriculture, irrigation, cooperatives, labour, come under the district purview. They are headed by specialists. These departmental agencies have even sometimes been made incharge of their own developmental programmes. They conduct these programs on their own without the interference of the collector. *This has lead to considerable diminishing of the role of the collector.* There is a serious need to strengthen the role of collector as a coordinator because on this role depends the success of district planning considerably. As all plans take district as the major operational unit, the coordinating role of the collector becomes vital in ensuring that the various departments do not work in cross-purposes. Periodic meetings with officers of different agencies will go long way in ensuring effective coordination. If the collector is successful in removing bottlenecks and earns the trust of different departments, he can emerge as a successful coordinator.

As a Crisis Administrator

Any crisis situation tests the nerve and resilience of the Collector. The effectiveness and credibility of the district administration is put to the sternest of all tests during a crisis. The collector's strength, leadership, and performance assume crucial significance in a crisis situation. The collector is looked as a saviour in such situations. During emergencies like natural calamities, floods, drought, famines or manmade crisis such as riots, fires or external aggression, it is the collector who holds umbrella over the district. It is the collector who has to see that the police

arrive on time, fire brigades are called, searches carried out for arms, hospitals alerted and the panicky public put at ease. During famines, he is the chief authority under the famine code to undertake the relief measures.

During floods he has to organize rescue operations, take steps to check epidemics, call the army for help, and supply food items. During external aggression, he armed with several powers under the defence of India rules. The collector enforces civil defence measures, responsible for protection of vital installations.

Work during crisis, T.N.Chaturvedi says "is not to be done as compensation but out of sense of duty." Sometimes the collector has to cross the written boundaries also.

Crisis cannot be met through rule of thumb procedure which is ascribed to routine ridden bureaucracy but call for and bring out the higher qualities of leadership and resource – O'Malley

As a Developmental Officer

The development role of collector became a focal point after the initiation of planning in India. Rural development is an essential precondition for the establishment of welfare state and several social welfare programs were started in the 1950's and 1960's. These programs aimed at eradicating poverty and improving the living standards of life. In this task of economic development, the role of district collector is not just of an advisor alone, but the emphasis is on leadership role in the extension and development activity.

The collector is the ex-officio chairman of the District Rural Development Agency. The DRDA is responsible for implementation of rural developmental programs. The collector is responsible for the several schemes implemented under this program. He also performs developmental roles in his formal capacity as the head of the district industries centre, Chairman of district level bankers coordination committee etc.

The role of a collector in rural development is to be viewed in terms of his relation with the Zilla Parishad (ZP). B.Mehta suggested that the collector be made the chairman of ZP. However, this recommendation was not accepted by many states. The constitutional amendments and enactments or PR acts by various states reduced the border of collector in development activities.

Miscellaneous

Apart from all the above mentioned roles, the Collector also functions as district census officer, chief returning officer during elections, handles protocol arrangements during visits of dignitaries, supervises the work of municipalities in the district, and compiles and submits the annual administrative report of the district.

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Conclusion

The multifarious activities performed by the collector make him almost indispensable but, at the same time, also make him an overburdened functionary. There is unparalleled uniqueness about the post of Collector. He can, by virtue of his position, act as a leader, a motivator and a people's developer.

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4.15 SUMMARY

- The Governors and Lieutenant-Governors of the states and territories of India have similar powers and functions at the state level as that of the President of India at Union level.
- The Constitution vests in the Governor all the executive powers of the State Government. The Governor appoints the Chief Minister who enjoys the support of the majority in the Vidhan Sabha.
- Chief Minister is the head of the government in the State. The Council of Ministers with the Chief Minister as its head exercises real authority at the state level. Each State has a Council of Ministers to aid and advise the Governor in the exercise of his functions.
- The State Secretariat occupies a key position in the State administration. The Secretariat refers to the conglomeration of various ministries/ departments of the state government. The Secretariat works as a single unit with collective responsibility as in the case of the Council of Ministers.
- Chief Secretary is the head of the state secretariat. He is the administrative head of the state administration, and stands at the apex of the state administrative machinery.
- The executive agencies are as a rule located outside the Secretariat and constitute distinct organisational entities. A popular label to identify an executive agency is 'Directorate'.
- In spite of many structural changes in the office of the district collector ever since its inception in 1772 by Warren Hastings, the district collector functioned as the most decisive officer of the administration throughout the British period.

4.16 REVIEW QUESTIONS

1. What are the important functions and power of Governor?
2. Discuss the functions of Chief Minister.
3. What are the important role the Chief Secretary play in the Governance?
4. What do you mean by directorate?
5. Discuss the evolution and functions of the District Collector.

4.17 FURTHER READINGS

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