

### CHAPTER III

## ADMINISTRATION—STATES AND UNION TERRITORIES

In the words of the very first Article of our Constitution, "India that is Bharat shall be a union of States". The territory of India comprises the territories of the states; the union territories and such other territories as may be acquired. All such territories are specified in the First Schedule of the Constitution. At present India comprises 22 states and 9 union territories. The states are : Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Nagaland, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal. The union territories are : Andaman and Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Lakshadweep, Mizoram and Pondicherry. Among the states, Uttar Pradesh has the largest population—nearly 10 crores and Madhya Pradesh the largest area—4,42,841 sq. kilometres. The Constitution authorizes the Parliament to admit by law into the Union, or establish, new states on specified terms. The Parliament may also make laws to form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state; to increase or diminish or alter the area of any state ; and to alter the name of any state. The Parliament has freely used this authority and the political map of India has undergone many changes since independence. As regards "acquired territories", these are included within the definition of union territories. Clause (3) (c), Article I does not confer power on India to acquire territories in exercise of its sovereignty and govern them as colonies. It merely provides for and recognizes absorption or assimilation of such territories into the territory of India. Such territories may either be merged into an existing state/union territory or be constituted as a separate state or union territory.

On the eve of independence in 1947, the country was divided into two kinds of political units, British Indian provinces and the princely states. The "British India", as it was then called, contained 74 per cent of the population and 55 per cent of the area of the country; the rest fell within the jurisdiction of the princely states. The British India was divided into 11 provinces which enjoyed provincial autonomy and 5 Chief Commissioners' provinces ruled by the centre. In addition,

there were some backward areas in some of the provinces which were not considered fit for the introduction of responsible government. These territories were named Excluded and Partially Excluded Areas and their administration was made a special responsibility of the Governor in each province. The princely India consisted of some 600 native states scattered all over the country occupying about 45 per cent of Indian territory with 26 per cent of the country's population. All these states were ruled by hereditary princes, but they differed from each other in size, population, resources and form of government. The princely states presented a difficult problem but, due to the statesmanship evinced by the new Indian government, the process of integration and merger, which had been completed well in advance of the inauguration of the present Constitution, led to the reduction of the native states to about a dozen units. In the meanwhile the creation of Pakistan out of the original Indian territory led to the loss of some provinces and princely states. Thus, the First Schedule of the 1950 Constitution classified the units of the Indian Union into four categories viz., A, B, C and D. Under Part A were included the former British Indian provinces of Assam, Bihar, Bombay, Madhya Pradesh, Madras, Orissa, Punjab, Uttar Pradesh and West Bengal. Andhra Pradesh was added to this list a little later. Part B included bigger princely states or the unions of such states, namely, Hyderabad, Jammu & Kashmir, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra, Travancore-Cochin and Vindhya Pradesh. Sometime later Vindhya Pradesh was transferred from Part B to Part C states and Madhya Bharat was added to the list of Part B states. Part C states included Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh. Besides these 27 states of different categories, there was another category, namely, a territory specified in Part D of the First Schedule, called the Andaman and Nicobar Islands. Like Part C states this territory was also ruled by the President through a Chief Commissioner. Soon after the inauguration of the new Constitution, there arose a wide-spread demand for the reorganisation of states on linguistic basis, a principle to which the ruling party had already committed itself. The carving of Andhra Pradesh out of the old Madras state in 1953 gave a new and keen edge to this demand and the union government had to appoint the States Reorganization Commission in 1953. The Commission submitted its report on September 30, 1956. The Commission recommended the creation of 16 states and 3 union territories. It also recommended the abolition of the existing distinction between four kinds of units and instead recommended the establishment of only two categories for the component units of the Union, namely, the states and union territories. This

report was soon given effect with some major changes by the States Reorganization Act of 1956. This led to the passing of the Constitution (Seventh Amendment) Act, 1956, which amended the First Schedule, which now included 14 states (Andhra Pradesh, Assam, Bihar, Bombay, Jammu & Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal), the 6 union territories of Andaman & Nicobar Islands, Delhi, Himachal Pradesh, the Laccadive, Minicoy and Amindivi Islands, Manipur and Tripura. The process of change by no means stopped there. In 1960 the composite state of Bombay was split into two linguistic states of Gujarat and Maharashtra. The next year witnessed the transformation of the centrally administered territory of the Naga Hills-Tuesang Area into the new state of Nagaland. In 1961 Goa, Daman and Diu were acquired by India from the Portuguese. They were administered as 'acquired territory' until their incorporation as a union territory by the Constitution (Twelfth Amendment) Act in 1962. Pondicherry, Mahe and Karikal had been acquired from the French by negotiation earlier and given the status of union territory. In 1966, the composite state of Punjab was divided into three units : Punjab, Haryana and the union territory of Chandigarh. In 1970, there was carved out of Assam a separate autonomous state of Meghalaya. The next year saw the emergence of Himachal Pradesh (a union territory till then) into a full-fledged state. The same year the Parliament enacted the North-Eastern Areas (Reorganization) Act which went into effect in 1972. This resulted into the creation of three new states of Meghalaya, Manipur and Tripura and the two union territories of Mizoram and Arunachal Pradesh. In 1975 the 'protectorate' of Sikkim was allowed to merge in the Indian union as an "associate state". A year later Sikkim was given the status of a full-fledged state in the Indian union. Along with the process of redrawing the political map of India, we also find a process of giving new nomenclature to the states. Thus, the United Provinces was renamed as Uttar Pradesh, Madras as Tamil Nadu, Mysore as Karnataka and the Laccadive, Minicoy and Amindivi Islands as Lakshadweep.

To sum up, the Indian Union at present comprises the following 22 states :

TABLE I

S. No.	State	Area (in square kilometres)	Population
1.	Madhya Pradesh	442,841	41,654,119
2.	Rajasthan	342,214	25,765,806
3.	Maharashtra	307,762	50,412,235

S. No.	State	Area (in square kilometres)	Population
4.	Uttar Pradesh	294,413	88,341,144
5.	Andhra Pradesh	276,814	43,502,708
6.	Jammu-Kashmir	222,236	4,616,632
7.	Gujarat	195,984	26,697,475
8.	Karnataka	191,773	29,299,014
9.	Bihar	173,876	56,353,369
10.	Orissa	155,782	21,944,615
11.	Tamil Nadu	130,069	41,199,168
12.	West Bengal	87,853	44,312,011
13.	Assam	78,523	14,625,152
14.	Himachal Pradesh	55,673	3,460,434
15.	Punjab	50,362	13,551,060
16.	Haryana	44,222	10,036,808
17.	Kerala	38,864	21,347,375
18.	Meghalaya	22,489	1,011,699
19.	Manipur	22,356	1,072,753
20.	Nagaland	16,527	516,449
21.	Tripura	10,477	1,556,342
22.	Sikkim	7,299	209,843

NOTE:—Area and population figures are based on 1971 Census.

The new Constitution is federal in structure with strong unitary features. It defines and demarcates the areas and jurisdiction of the Union and its component units. Unlike the United States of America, the states in India possess no vestige of sovereignty and are indeed the creatures of the Constitution and residual powers of legislation are vested in the Union Parliament. In our federal system the Central Government is the dominant partner enjoying various types of powers, over-riding in nature, over the states including the power to issue directives and to ensure their implementation. Above all, Part XVIII of the Constitution on Emergency Provisions confers upon the central government the power virtually to convert the Union into a unitary state.

Yet the states occupy a vital role in the governmental system in the country. The vigour and competence with which the state governments function are of crucial importance for the efficiency and effectiveness of administration in the country. The responsibility for the execution of planned programmes rests mainly with the states and most subjects, which constitute the ingredients of development administration, are within their exclusive jurisdiction. In addition, even in the execution of the union government's projects and programmes the states are involved at several points. State governments also act in many cases as agents of the union government assisting the latter in the discharge

of its functions. Again, it is only at the state level that people's participation in government and administration can become a reality and it is with this end in view that the Constitution has provided for a system of local self-government (Article 40). It follows, therefore, that the states hold the key to the nation's progress on economic and social fronts, in other words, to the realisation of the socialist state.

The states, however, vary considerably in terms of their size, population, resources—physical, economic and manpower—in terms both of quantity and quality, political, social and cultural development and quality of their administrative machinery. This constitutes a major difficulty in a description of the state administrative system. Secondly, India is a union of states and centrally administered territories. These two categories differ fundamentally in their political and administrative organisation. In addition, there is no uniformity as between themselves in the constitutional and administrative systems of the states.

It is proposed to describe the state administration under the following sections :—

- I. Headquarters organisation—secretariat and executive agencies.
- II. Territorial divisions and district administration.
- III. Special agencies such as State Public Service Commissions.
- IV. State services and their training.
- V. Statutory autonomous bodies and public corporations.
- VI. Local Self-Government.
- VII. Union territories.

#### *I. Headquarters organisation—secretariat and executive agencies.*

The system of government in the states closely resembles that of the Union. The executive authority of the state is vested formally in the Governor corresponding to the President of the Union, while the real executive authority in the states lies in the Chief Minister corresponding to the Prime Minister of India. Each state has a Council of Ministers, a State Legislature, a High Court modelled more or less on their counterparts at the centre. It has been truly said that the state government is a miniature model of the union government within its own jurisdiction.

The state executive consists of the Governor and the Council of Ministers with the Chief Minister at its head.<sup>1</sup> The Governor is appointed by the President for a term of five years. The executive power of the state is vested in the Governor and all executive actions of the

1. The five states of Assam, Manipur, Meghalaya, Nagaland and Tripura have a common Governor.

government of the state are formally taken in his name. The Governor has to act on the advice of the Council of Ministers, except in so far as he is required under the Constitution to exercise his powers in his discretion. Such powers, as specifically stated in the Constitution, relate to certain matters concerning the administration of the tribal areas in Assam and Meghalaya, the Tuesang area of Nagaland, the hill areas of Manipur and the Telengana region of Andhra Pradesh and the maintenance of law and order in Nagaland. In the case of Sikkim, the Governor has special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of the state and in the discharge of his special responsibility he acts in his discretion subject to certain directions as the President may from time to time issue.

The Chief Minister is appointed by the Governor, who also appoints other Ministers on his advice. The Council of Ministers is collectively responsible to the legislative assembly of the state. The ranking of the Ministers is similar to that at the centre : Cabinet Ministers, Ministers of State and Deputy Ministers. In addition, in the past some states like Uttar Pradesh appointed Parliamentary Secretaries and the pre-1956 Madhya Pradesh had a Chief Parliamentary Secretary as well. Presently the new Haryana government has appointed a Parliamentary Secretary. These Parliamentary Secretaries are appointed by the Chief Minister to assist Ministers in their legislative duties. The position of the Chief Minister is unique. He is incomparably the first and pre-eminent in the Council of Ministers. In fact, he constitutes the linch-pin of the ministerial organization. He is the power to guide, direct, control and co-ordinate the activities of other Ministers and to discipline them when occasion arises. He combines in himself the four roles of the leader of the party in power, the leader of the House with some exceptions, the leader of the government, and the political head of the services. The demands on the Chief Minister's time and attention are many and pressing. The discharge of his multifarious functions together with the fact that the tasks and responsibilities of government have immeasurably increased throw up to Chief Minister a variety of complex and important work which must be disposed of expeditiously. The Chief Minister thus needs expert assistance. At present the Chief Secretary is, no doubt, the chief staff officer of the Chief Minister and in some states, as in Rajasthan, the Chief Minister is assisted by a Cabinet Secretariat. Yet there is need for staff support with a broader ambit and the Madhya Pradesh Administrative Reforms Commission Report, 1972 recommended "that there should be set up, in the Chief Secretary's charge, a Policy Review Unit (PRU). The principal function of the PRU should be to balance by critical analysis and synthesis the specialisms of individual

Ministries”.

On the advice of the Chief Minister, the Governor allots the business of the government by assigning one or more departments to the charge of a Minister. He may assign one department to the charge of more than one Minister. The present distribution of work is not based exclusively on any one principle. The allocation of business to heads of executive departments is generally on the principle that all activities that require for their performance a particular kind of specialized professional knowledge and training are grouped together under one executive department. This principle, however, is not applied with the same rigour while grouping administrative departments under the charge of a Secretary. Administrative departments and consequently executive departments are assigned to members of the Council of Ministers. But in doing so no rational principle seems to operate. It is not unusual to take out a particular subject from an organic group and entrust it to a Minister either in isolation or as an addition to some other work given to him with which it has no connection. Again, if a Secretary has in his charge more than one department, all the departments in his charge do not form the portfolio of a Minister but each of the departments may have a different Minister with the result that one Secretary has often to assist a number of Ministers. There are also instances of odd combinations at the secretariat level, e.g., forest with health; law and order with transport; revenue with elections; civil supplies with agriculture, etc. This had led to considerable duplication of activities, dispersal of expert and quality personnel, shortage of resources which is itself an endemic problem in any developing economy.

**Secretariat :** The three essential components of the state government are the Minister, the Secretary and the executive head. The most important function of the Minister is to decide the policy, of the Secretary to provide the material on which to reach such decisions and to oversee the implementation of such decisions and of the executive head to carry the decisions into effect. The first two functionaries, namely, the Minister and the Secretary are served by the secretariat organization, which is nothing but a conglomeration of a number of administrative departments. Significantly, the secretariat works as a single unit with collective responsibility as in the case of the Council of Ministers. Secretaries, thus, are Secretaries to the state government and not to any individual Minister.

Thus, the state level administration and management functions are entrusted to two agencies, viz., the secretariat and heads of executive departments. The secretariat's primary responsibility is to assist the Ministers in respect of the following matters :

- (i) Making and modifying policies from time to time.

- (ii) Framing legislation, rules and regulations.
- (iii) Sectoral planning and programme formulation.
- (iv) (a) Budgeting and control of expenditure.  
(b) According administrative and financial approval to operational plans and programmes and their subsequent modifications.
- (v) Supervision and control over the execution of policies and programmes by field agencies, and evaluation of the results.
- (vi) Co-ordination and interpretation of policies, assisting other branches of the government and maintaining contact with other governments both at the centre and in other states.
- (vii) Initiating measures to develop greater organizational competence.
- (viii) Discharging their responsibilities to the legislature.

The primary duty of heads of executive departments is the implementation of the decisions of the government through the field agencies under their control.

The secretariat is divided among a number of administrative departments. The number of secretariat departments differs from state to state. Departments common to most of the states are agriculture, co-operation, education, excise, finance, food, general administration, home, industries, irrigation and power, jails, labour and employment, legislative, local self-government, medicine, *panchāyati raj*, planning and development, public health, public works, publicity and information, revenue, supplies and transport. It should be noted that the number of Secretaries is usually less than the number of secretariat departments because the departments are grouped and one group is put in charge of a Secretary. The secretariat departments, in turn, are divided into divisions, divisions into branches and branches into sections.

A department consists of the officer class and the office. The notable feature of the existing organizational set-up of the secretariat is that a wide base of clerical personnel helps a hierarchy of a small number of officers arranged pyramidically at the apex of which sits the Secretary of the department. The officer class includes, besides the Secretary, deputy-secretary, under-secretary and/or assistant-secretary. There may also be joint, additional and special secretaries. In pre-independence days, the state secretariat had a very much smaller office underlay than at present. One or at the most two under-secretaries working directly under a Secretary was the normal officer complement of a department. In those days, as at present,



the under-secretary was not expected to take decisions. His responsibility was to see that the office functioned properly and presented to the Secretary all the relevant material available in the office. When the post of deputy-secretary was created, the intention was to relieve the Secretary of some of his work. The same process, though to a lesser extent, has operated in the case of the additional levels between that of the deputy-secretary and the Secretary which were at times designated as joint-secretary, additional-secretary or as special-secretary. Not all departments have special secretaries in addition to Secretaries but some departments are headed by special secretaries.

All these officers are, subject to the well-known "tenure system", appointed to the secretariat only for a fixed term, the only exception to this system being the Chief Secretary. These officers, drawn from services which have field functions, move between the field and the secretariat. The staffing practice, barring a few odd exceptions, is 'generalists' oriented in that the posting to a department or the assignment of work to an individual does not take account of his aptitude and interests nor is there anything approaching purposive training for particular aspects of work.

The office component of the secretariat comprises the personnel below the rank of the under-secretary. They are secretariat officials in the sense that they usually work life-long in the secretariat. In M.P. (Madhya Pradesh) the clerical personnel is divided into four grades—lower division clerks, two grades of upper division clerks and superintendents. In some states there is the rank of an assistant-secretary and of assistants. In addition, there are steno typists, stenographers, typists, etc. Below them come the class IV employees who are mostly engaged in manual and unskilled work. The classification and categories and numbers of these employees differ from state to state.

**Chief Secretary :** The head of the secretariat in every state is the Chief Secretary. He is always in-charge of the General Administration Department, which forms part of the portfolio of the Chief Minister himself. But his control extends to other departments of the secretariat as well. It will not be correct to describe his role as *primus inter pares* for he is in reality the chief of the Secretaries. He also heads the civil services in the state. He functions as the central point of inter-departmental co-ordination at the officers' level. He should also, by reason of his experience and standing, be able to smoothen out difficulties and friction that cannot always be avoided in any big organization and to give general guidance to other officers. He, thus provides leadership to the administrative system of the state. He also acts as the chief communication link between his state govern-

ment on the one hand and the union government and other state governments on the other hand. In the Chief Secretary the state government has an officer whose counter-part does not obtain in the union government. In fact, his role in state administration is, at the union level, spread over a number of senior officers like the Cabinet Secretary, the Finance Secretary and the Home Secretary.

The Chief Secretary, thus, has a triple role. In the first place, he is the Secretary to government in the General Administration Department. This department, in general, is concerned with services, protocol and related matters, organization and methods, elections and census, publicity and tourism, foreigners and passports, emergency, languages and Raj Bhavan. This is certainly a heavy charge and although the Chief Secretary is assisted by deputy-secretaries and in certain states by a special secretary, he has still to attend to a number of matters which are routine in character and of less importance. It is doubtful if this diversion of his attention is desirable. The Chief Secretary should be enabled to find time for looking into the major development activities of government. Secondly, he is the Secretary to the Cabinet. In this capacity he prepares the agenda for Cabinet meetings and drafts their minutes. In fact, he is in full charge of the business which comes before the Cabinet and as a rule himself presents the cases for consideration. Thirdly, he is the chief of all the Secretaries to government. In this capacity he presides over a large number of committees, some 20 or more in number, and is a member of several others. Apart from these committees, the Chief Secretary is generally a part of any committee or group of officers concerned with high-level policy particularly during crisis. As the principal Secretary to government, the Chief Secretary also receives in the normal course a large number of files from other departments. In brief, he functions as a co-ordinator *par excellence* of administrative action in the secretariat. In the words of the Rajasthan Administrative Reforms Committee Report, "the Chief Secretary should be in a position to effectively co-ordinate the work of different secretariat departments and ensure that there is a certain degree of uniformity in the policies adopted by the State Government with respect to different departments. To a certain extent, powers have already been vested in him under the 'Rules of Business' to enable him to discharge this role."<sup>2</sup> The Committee, therefore, recommended that all important cases involving adoption of new principles or new schemes; all cases involving the appointment, confirmation, posting, transfer and promotion of officers of the status of deputy heads of departments and above; and all proposals suggesting deviation

2. Report of the Administrative Reforms Committee, Rajasthan, 1963, p. 46.

from existing rules and practice should be circulated by the Secretaries of the departments concerned to the Minister-in-charge only through the Chief Secretary. The observations of the Bombay Administrative Enquiry Committee, (1948) are also apt in this connection. "We suggest that the office of the Chief Secretary should be utilized for the co-ordination of the important matters originating in other departments. For this purpose he should have timely knowledge of the movement of important business in other departments and an opportunity to contribute his own view on matters where he may feel it necessary to do so."<sup>3</sup> The crucial role of the Chief Secretary in state administration was very well brought out in the report of the Study Team of the Central Administrative Reforms Commission on State Level Administration in the following words : "But the secretariat organization itself needs co-ordination and discipline. This can be achieved by strengthening the position of the Chief Secretary, who is to function as the chief co-ordinator under the Chief Minister. Being the captain of the team of Secretaries to Government, the Chief Secretary should be a senior person of outstanding ability. He should not only command respect and confidence of all the services in the State but also enjoy good reputation at the Centre so that he can deal with the Secretaries to the Union Government on equal terms. . . . . The Chief Secretary in addition to assuming . . . . . responsibility for the departments directly under his control, will also have to ensure proper functioning of all the Secretaries. The Chief Secretary by his tact, experience, ability and seniority, has to so manage things that the political leadership keeps to its essential task of laying down policies and programmes and of co-ordinating the work amongst the Ministers themselves. This requires a person of high calibre and tact. We, therefore, recommend that the selection of the Chief Secretary should be made with great care. He should usually be the senior-most fit person who by virtue of his ability, experience, integrity and impartiality commands the respect and confidence of all officers."<sup>4</sup> It was in pursuance of this recommendation that a decision was taken in 1973 to upgrade the post of the Chief Secretary in all states and bring it on par with the rank of the Secretary to the union government.

Attention may now be drawn to two problems that merit some discussion, namely, the increasing functions and the expanding authority of the secretariat and the relationship between the Minister and

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3. *Report of the Administrative Enquiry Committee* Bombay, 1948, pp. 63-64.

4. *Report of the Study Team (Administrative Reforms Commission) on State Level Administration*, New Delhi, 1968, p. 33.

the Secretary. Strictly speaking, the secretariat exists as an overhead office for policy-making and legislative relations, as a memory and a clearing-house preparatory to certain types of decisions and as a general supervisor of executive action. However, ever since independence, the states have taken in hand the paramount task of the development of their economic resources and the ushering in of social and economic justice for the weak, the down-trodden and the poor. This has resulted in a steady and substantial increase in the volume of work done at the secretariat level. This work has also become increasingly complex and technical.

Since there were no established executive agencies to undertake these new tasks and as the bulk of senior civil servants in the field had already been drawn to the secretariat during the Second World War, the secretariat itself had to undertake these tasks and in doing so to trespass outside the sphere of policy-making into that of executive administration. Another factor which helped the new trend was the fact that there was no settled policy with regard to the new range of problems and the business of formulating policies at different points could only be performed in the secretariat. Moreover, there has never obtained in our country a sharp distinction between "staff" and "line" functions and agencies. It will not be correct to describe the secretariat as a staff organization mainly engaged in planning, organizing, staffing, directing, co-ordinating, reporting and budgeting activities to assist the "top management". The British rule in India was in the hands of a "steel frame" which comprised not only the Indian Civil Service but included besides the army, the police and the members of the provincial civil/executive service. The members of this "steel frame" were freely transferable from the secretariat to the field work and *vice versa* under the well-known "tenure" system. The tradition of our administrative system, thus, has been that most of the new activities start in the secretariat and it is only when they get stabilized that they are transferred to field agencies specially created for the purpose. Thirdly, India, being a parliamentary democracy, the secretariat has to collect a lot of information from various sources and agencies to be made available to the state legislature, particularly by way of replies to questions. Lastly, "people approach ministers direct for redress of individual or group grievances. The Ministers also want to do their best to redress such grievances, thus adding to the work of the Secretariat."<sup>5</sup>

There is the equally important question of the relationship between the Ministers and the civil servants. In the discharge of the respective responsibilities and the performance of the respective duties

5. *The Kerala Administrative Reform Committee Report*, Vol. I, 1958, p. 83.

there are likely to be differences of opinion and consequent annoyance. But it would be good for both to act according to the following advice : "The relationship between the Minister and the civil servant should be and usually is that of colleagues working together in a team of co-operative partners seeking to advance the public interest and the efficiency of the Department. The Minister should not be an isolated autocrat, giving orders without hearing or considering arguments for alternative courses; nor on the other hand, should the civil servants be able to treat him as a mere cipher. The partnership should be alive and virile, rival ideas and opinions should be fully considered, and the relationship should be one of mutual respect on the understanding, of course, that the Minister's decision is final and must be loyally and helpfully carried out, and that he requires efficient and energetic service."<sup>6</sup>

**Executive Departments :** The work relating to the initiation and formulation of policies of the government requires decentralization of executive direction and the establishment of field agencies. For the most part of the substantive work handled by the state secretariat, therefore, there exist executive departments, varying in size and powers, which are responsible for providing executive direction required in the implementation of policy laid down by the administrative departments to which they are attached. These executive departments serve as repository of technical opinion and advise the secretariat departments on technical aspects of questions dealt with by them. Below them are found field agencies or establishments responsible for detailed execution of the policies and programmes laid down above. Powers of the head of a department, both administrative and financial, are defined in financial rules, the civil service rules, the budget manual and other codes. These rules indicate the category of cases that must go up to the head of department for final orders, the administrative and financial powers vested in various heads of departments and of the heads of offices below them and cases which have to be referred to the state government at the headquarters for orders. The orders in cases referred to the government are passed by the Secretary after obtaining, if necessary, orders of the Minister-in-charge. In the words of the Simon Commission, the executive department "is an Administrative Unit, separate from the Secretariat, which reaches its apex usually in a single officer like the Inspector-General of Police or the Chief Conservator of Forests, outside the Secretariat altogether. Such a head of the department will usually be concerned principally with a single Secretary to Government and a single Minister for his orders and the

6. Morrison, Herbert, *Government and Parliament*, London, 1964, pp. 318-19.

funds which he has to spend."7 In general, each administrative department of the secretariat has a corresponding executive department in the field. But some secretariat departments like law have no field agency.

**Heads of Departments, Principal Heads of Offices and other Heads of Offices :** Heads of departments are officers who are in over-all charge of the actual administration of specific services or administration and execution of projects. There are also heads of departments who are responsible for the collection of taxes and administration of laws relating to taxation. The state government exercises control over the working of heads of departments through administrative departments of the secretariat. The funds voted by the legislature are placed by the finance department and the administrative department concerned at the disposal of the heads of departments who are responsible to the government for the proper utilization of these funds and to render accounts to the Accountant-General and through him to the Public Accounts Committee and the legislature. The running schemes are administered by heads of departments according to a pattern which had in the past received government's sanction. New schemes are first considered by the government either of their own accord or on reference made by heads of departments and necessary provisions are made in the budget. After the passing of the budget, the departments are directed to carry out the schemes according to the pattern formulated by the government and approved by the legislature at the time the grant was voted. Thus a head of department enjoys specified financial and administrative powers delegated to him.

Similarly, a principal head of office also exercises such powers, but on a lower scale, and is in-charge of organizations smaller than those under a head of department. They are directly responsible to the government for the proper working of their departments and for implementation of schemes and governmental policies in various fields. Except for matters in which they are competent to take final decisions, all other issues are referred to government for orders. A head of department as also a principal head of office has under him officers in-charge at regional or district level. There is in every district a representative of almost each department. Supervision over departmental activities in a specified number of districts is done by the regional officer. Though overall superintendence of departmental activities vests in a head of department or a principal head of office, the collector/deputy commissioner of a district is kept in close touch with those activities by the departmental district representative. A head of office, which means the highest gazetted officer of a local office, also

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7. *Report of the Indian Statutory Commission*, Vol. I, 1930, p. 312.

exercises, individually or generally, some of the specified financial and administrative powers, as are exercised by the head of a department or a principal head of office but on a yet lower scale. However, the heads of departments are as much amiss as the secretariat in the matter of allowing adequate operational freedom to their subordinate levels. They do not always allow their subordinates to exercise, according to their own judgment, the powers delegated to them, the heads of departments intervening only to rectify errors or to stimulate initiative and drive. A major reason for this is the failure to define the inter-relationships of the sub-units and individuals in the organization.

The offices of the heads of departments are also fashioned on the same general pattern as the secretariat with an office underlay largely though not exclusively manned by clerical personnel on which is superimposed an officer hierarchy in almost as many levels as in the secretariat. The officer staff is generally drawn from the department which means that they are specialists and technicians. The departments are generally headed by a technical officer variously called registrar, director, director-general, inspector-general, commissioner, chief engineer, etc. But it is not unusual to appoint a member of the Indian Administrative Service to hold the charge of technical departments like agriculture, education, forests, health, sales tax, tribal welfare, etc. Indeed, it has been a sore point in the controversy between the 'generalists' and the 'specialists' in the state administration.

Since independence, there has taken place a large proliferation in the number of departments, partly due to the breaking up of large departments and partly due to the creation of new ones. The following table gives the names of departments (common to most states) along with the designation of their heads :

TABLE II

S. No.	Name of the Executive Agency	Designation of the Head
1.	Accounts and Treasuries Directorate	Director of Accounts and Treasuries.
2.	Agriculture Department	Director of Agriculture.
3.	Animal Husbandry Department	Director of Animal Husbandry.
4.	Archives and Historical Documents Department.	Director of Archives and Historical Documents.
5.	Ayurved Directorate	Director of Ayurved.
6.	Buildings and Communication Department (Executive).	Chief Engineer (Buildings and Communication).
7.	Charity Department	Charity Commissioner.
8.	Co-operative Department	Registrar of Co-operative Societies.
9.	Dairy Development Department	Dairy Development Commissioner.
10.	Education/Public Instruction Directorate/Department.	Director of Education/Public Instruction.

S. No.	Name of the Executive Agency	Designation of the Head
11.	Employment Directorate	Director of Employment.
12.	Excise Department	Director of Excise/Excise Commissioner.
13.	Fisheries Department	Director of Fisheries.
14.	Food and Civil Supplies Department.	Director of Food and Civil Supplies/ Supply Commissioner.
15.	Forest Department	Chief Conservator of Forests.
16.	Geology and Mining Directorate	Director of Geology and Mining.
17.	Government Printing and Stationery Directorate.	Director of Government Printing and Stationery.
18.	Housing Department	Housing Commissioner.
19.	Industries Directorate	Director of Industries/Industries Commissioner.
20.	Information and Publicity	Director of Information and Publicity.
21.	Irrigation and Power Department (Executive).	Chief Engineer (Irrigation).
22.	Jail Department	Inspector-General of Prisons.
23.	Judicial Department	Advocate-General/Registrar, High Court.
24.	Land Records Office	Director of Land Records.
25.	Languages Directorate	Director of Languages.
26.	Labour Department	Labour Commissioner.
27.	Medical Services Department	Director of Medical Services/Surgeon General.
28.	Motor Vehicles and Transport Department	Director of Transport.
29.	Planning and Development Department.	Development Commissioner.
30.	Police Department	Inspector-General of Police.
31.	Public Health Department	Director of Public Health.
32.	Registration Department	Registrar/Registrar-General.
33.	Sales Tax Department	Sales Tax Commissioner.
34.	Settlement Office	Settlement Commissioner.
35.	Social and Harijan Welfare Directorate	Director of Social and Harijan Welfare.
36.	Technical Education Department	Director of Technical Education.
37.	Tourism Directorate	Director of Tourism.
38.	Town Planning Department	Director Town Planning.

NOTE : The above list is just illustrative and not exhaustive.



The above table clearly shows that there is no common nomenclature for all the executive agencies nor a common designation for their heads. Moreover, differences, sometime marked, exist between the emoluments, position and roles of the heads of departments. Thus, there obtains no uniformity in the relationship between the secretariat and the executive departments. It is true that in theory the departments are free in their internal working and for this purpose adequate administrative and financial authority is vested in them, but as subordinate agencies they have to submit periodic or/and *ad hoc* report on their activities to their superiors. There is also a provision for visits to or/and inspections of these offices by the secretariat officers. Another aspect that should be noted in this connection is that in the existing system there exist disparities in the status, rank and remuneration of the heads of executive departments and the secretaries. The secretary's position is looked upon as one of higher status than that of the heads of field agencies who are considered as subordinate to the secretaries. The service pattern has so worked out in the present system that the general administrator is placed at a higher level than the professional and technical officers. This is at the root of all inter-service rivalries, tension and conflicts, and the inadequacy of the present system. For this reason, the secretariat-field relationship has worked out to be one of superior-subordinate relationship. However, there can be no question of superiority or inferiority in the functions of these two agencies, and the relationship should be one of co-ordination, co-operation and competition for better results. In actual practice, however, the executive heads often complain that the secretariat creates hurdles instead of facilitating smooth execution of programmes. They also feel dissatisfied as very often important proposals emanating from them are subjected to a *de novo* and unimaginative examination at the lowest level of the secretariat and do not receive due weight and consideration. The Secretaries, on the other hand, hold that the failure of programmes is due to the inefficiency of the executive. They also complain that very often the executive heads bypass the Secretary and try to obtain approval of the Minister directly. It has been observed that as Ministers gained confidence in their position they started to establish direct contacts with the heads of executive departments who, in turn, began to approach the political executive over heads of the secretariat officers concerned. Such contacts have posed a threat to the supremacy of the secretariat. One more aspect of the problem that deserves mention is that after the re-organization of the states in 1956, a trend has set in to disperse government offices all over the state instead of locating them at the capital. This has been done in deference to the regional and local demands. Thus in states like Maharashtra,

Rajasthan and Uttar Pradesh the headquarters of many executive departments are located outside the capital. The dispersal of offices is more marked in Madhya Pradesh.

**Relationship between the Secretariat and Field Departments :** Any form of government organization must be based on three essential components--the Minister or the political head ; the Secretary or the administrative head ; and the head of the executive agency called by various names such as department, directorate, inspectorate, etc. "The function of the Member (Minister) is to decide policy, of the Secretary to provide the material on which to reach such decisions, and of the Executive Head to carry the decisions into effect. On the analogy of the human machine the Member (Minister) would represent the Will, the Secretary the Brain and the Executive Head the Hands."<sup>8</sup> In the interest of good administration it is essential that the respective functions of the three components should be broadly distinguished and defined, and all must obviously work in the closest touch with each other. This describes the ideal relationship which should obtain during normal times. However, in times of emergency and crisis, this relationship is naturally disturbed and with the centralization of authority the secretariat tends to become powerful. India has not known normalcy since 1939, and emergency/crisis of one kind or the other has continued throughout this period with the consequent upsetting of balance as between the functions of the three parts of the machine. Even in theory, no hard and fast line can be drawn as between their functions. Not seldom they dovetail into each other. The secretariat has, thus, carved out for itself a unique position of authority, influence and prestige so much so that the heads of executive departments hanker after the coveted secretariat status.

The relationship between the secretariat and the field agencies is a problem in state administration that has led to much discussion, debate and controversy, and all committees/commissions appointed in recent years to recommend reforms in state governments have given due attention to this problem and made necessary recommendations. These suggestions vary all the way from a radical organizational overhaul to minor procedural changes. Thus, some heads of executive departments, exasperated at the secretariat red-tapism, delays and overlordship, have at times wondered if it were possible to do away with the interposition of the Secretary as between the Minister and the head of the department. In the words of the *Report of the Administrative Reforms Committee of Andhra Pradesh* (1960), "one extreme view...is that the Secretariat may be abolished altogether and that the Heads of

8. Tottenham, Richard, *Reports on Reorganization of the Central Government*, 1945-46, p. 8.

Departments may be made the Secretaries to Government. According to them, this will result in considerable saving of expenditure and also quicken the pace of administration". Such a suggestion is hardly going to solve the problem. Moreover, there is advantage in interposing between the Minister and the head of the department a secretariat where a scrutiny of policy proposals from a broader point of view is possible. However well argued and cogently put the proposals of the technical head of a department might be, it is essential for government to have a second careful look at them from a non-technical angle through an independent agency; this in fact is what the secretariat is for. Another suggestion is to curtail the functions of the secretariat. Tottenham was of the opinion that "the duties of the secretariat should correspond broadly to those of the staff in the Army Organisation and that, just as the Staff Officer does not himself conduct operations in the field, so the Secretary should not ordinarily be charged with executive duties."<sup>9</sup> A study was made by the Punjab Administrative Reforms Commission (1964—66) of the amount of non-essential work handled at the secretariat level and it was found "that only about 30 per cent of the work required detailed processing at the Secretariat, 38 per cent was routine which could be disposed at the lower level, the Superintendent or Assistant Secretary or Under Secretary at the most. The balance of 32 per cent was not within the legitimate purview of the Secretariat. This indicates that about 1/3rd of the cases should not be handled by the Secretariat at all."<sup>10</sup> The Maharashtra Administrative Reorganisation Committee (1948) came to similar conclusion : "The Secretariat departments also handle directly some work which is really of the executive type. . . . . For example, references are made to the Secretariat in regard to award of certain scholarships, transfer of Medical and Dental College students from one college to another, permission to Medical Officers to accept examinerships of Universities outside the State; purchase of books and publications and recommending them to schools, colleges and libraries for purchase; holding of annual N.C.C. training courses." The prime need, therefore, is for a clear-cut demarcation of functions between the secretariat and the executive departments. The secretariat should concern itself mainly with issues of policy, leaving its implementation to the field agencies and exercising only a supervisory and co-ordinating role.

Flowing from the above suggestion is the need for liberal delegation of authority from the secretariat to the executive agencies. It

9. *Ibid.*

10. *Report of the Study Team (Administrative Reforms Commission) on State Level Administration*, New Delhi, 1968, p. 35.

has been argued that since the responsibility of the execution of government policies rests with the heads of departments, it is essential, that they should be given adequate powers and discretion to act effectively and exercise initiative. All reports on administrative reforms are agreed on the need for it. But, "While.....some increased delegations have been made in some States in recent years, the overall approach has been one of hesitancy and caution. Delegations are often made piecemeal and with reservations, as if they were a favour and not a normal method of work organisation, and are often hedged in by restrictions of various kinds"<sup>11</sup>. Two suggestions have been made in this connection. It has been observed that the powers delegated to various heads of departments lack in uniformity and it is desirable that there should be uniformity in the powers delegated to all heads of departments, exception being made only where absolutely necessary. Secondly, an effort should be made by the secretariat to see that such delegation is effective at all levels and that delegated powers are fully exercised. It has been found that while the heads of departments are quick to resent what they call "interference from above", they do not always allow their subordinates to exercise the delegated powers, nor do they always refrain from "breathing down the necks" of their subordinates. A major reason for this is the failure to define the proper role of the head of department *vis-a-vis* the field agencies.

A third suggestion has been to confer *ex-officio* secretariat status on the heads or deputy heads of executive agencies considered important by the government. This arrangement has been freely resorted to in the past and is widely prevalent even now. Arguments in favour of the combination of the two roles are : (i) it will lead to a more expeditious despatch of business and avoid the delay that inevitably occurs in the scrutiny of proposals of executive agencies in the secretariat; (ii) it will strengthen the interaction between the field and policy-making levels; (iii) it will help bridge the psychological gap between the heads of departments and the secretariat; and (iv) it will also smoothen the relations between the technical heads of departments and the generalist secretariat officers. Most of the state administrative enquiry committees set up in more recent years have taken a view favourable to this suggestion. The Rajasthan Administrative Reforms Committee (1962-63) recommended a limited experiment of appointing the chief engineer, Public Works Department (Buildings and Roads) and the director of industries and supplies *ex-officio* additional secretaries to government. The number of such officers has been con-

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11. *Administrative Reforms Commission Report on State Administration*, New Delhi, 1969, p. 30.

stantly on the increase. The Andhra Pradesh Administrative Reforms Committee (1964-65) recommended the conferment of *ex-officio* secretariat status on 23 heads of departments and the introduction of the single-file system whereby the executive and the secretariat note on the same file. The Punjab Administrative Reforms Commission (1964-66) recommended "that one way of ensuring adequate financial and administrative powers for the Head of Department is to confer on him appropriate Secretariat status. .... This will automatically invest him with powers of the Administrative Department—detailed in various Financial and Administrative Rules." The Kerala Administrative Reorganization and Economy Committee (1966-67) recommended the grant of *ex-officio* secretariat status to 55 officials of the executive departments.

Lastly, the Study Team of the Administrative Reforms Commission on the Machinery of the Government of India recommended that the distinction between the secretariat as the policy-making body and the non-secretariat organizations as executive agencies be abolished and that heads of all important non-secretariat organizations should be integrated with the administrative departments in the secretariat. The Madhya Pradesh Administrative Reforms Commission (1970-72) also recommended the substitution of the two parallel hierarchies by an integrated composite office. In the words of the Commission's Report: "An administrative organization must provide for specialisation in the various aspects of administration. This is neglected at present. This major deficiency will have to be made good when improvement of the prevalent system is attempted. Therefore, the new arrangements will have to be such that specialist assistance in administration is available both to the Secretary and to the head of department. In that event, parallel hierarchies in the secretariat and under the head of department will involve duplication of these arrangements. Combining the two offices has the advantage of avoiding such duplication. And it should be possible to entrust these specialised functions to personnel of higher calibre by concentrating the work in a single office, thereby improving the quality of performance and avoiding dispersal of scarce manpower and financial resources.

"A composite office will permit more specialisation in the division of work than would be possible in separate offices, ensuring that every aspect of the work to be done is handled by persons chosen for their competence in that aspect, reducing the dependence on generalists.

"These advantages are, in our view, sufficient justification for giving up the existing parallel hierarchies in the secretariat and under the head of department and substituting for them an integrated office to look after the work of both".

## II. Territorial Divisions and District Organization :

Undoubtedly, it is the administrative headquarters at the capital of the state from where the entire state is administered. However, it is just not possible nor desirable to administer a big community from one single centre. Consequently, every state is divided into a number of administrative sub-centres catering to the needs of the people in the areas comprised in such sub-centres. It is obvious that for the citizen these 'mofassil' (field) areas are more important than the far-off 'sadar' (headquarters).

Every state in India follows a mixed pattern which includes both area and functional agencies. We may illustrate this point by giving the examples of the organization of the police, forests and revenue departments. Each of these departments has its own independent field hierarchy. The hierarchies of the departments of police and forest departments are given below :

TABLE III

POLICE DEPARTMENT		FOREST DEPARTMENT	
Name of the unit	Designation of the officer-in-charge	Name of the Unit	Designation of the officer-in-charge
Head-quarters	Inspector-General of Police.	Head-quarters	Chief Conservator of Forests/Director of Forests.
Range	Deputy Inspector-General of Police.	Circle	Conservator of Forests.
District	District Superintendent of Police.	Division	District Forest Officer.
Circle	Circle Inspector of Police.	Sub-Division	Sub-Divisional Forest Officer.
Police Station	Sub-Inspector of Police.	Range	Range Forest Officer.
Village	Chaukidar, Patel or Headman.	Beat	Beat Guard.

The revenue department too has a similar hierarchy. At the headquarters stands the board of revenue ; below it comes the division with divisional commissioner-in-charge; the division is divided into districts under the charge of a collector/deputy commissioner; districts in turn are divided into sub-divisions under the charge of sub-divisional officers; these are further split into *tahsils/taluks* which are headed by the *tahsildar*; below the *tahsil* lies the *paragana*/revenue circle under the charge of a revenue inspector or *kanungo*; and then comes the lowest primary unit, namely, the village whose important official as the *patwari* or *lekhpal* or village accountant. However, these field units have special and unique importance. Ever since the Mauryan times revenue administration has occupied a special place

in Indian government. The Mughals and the British kept up this tradition. The revenue administration in India has always had more than mere revenue connotation; it has included magisterial, executive and residuary functions. These revenue areas have, therefore, also been examples of area administration and the officers in-charge of these have functioned as "territorial officers in their respective areas."<sup>12</sup> A brief description of the above units of area administration at this stage will not be out of place.

**Village :** The ultimate unit for all fiscal and administrative purposes in all the states in the country is the village, which is administered by the village establishment consisting of *lekhpal* and *choukidar* in Uttar Pradesh, village headman and *karnum* in Tamil Nadu, and *patel* and *talati* in Maharashtra, assisted by a few other village servants. The village headman in Tamil Nadu is the most important functionary in the village. He is the head of the village police; it is his duty to collect the revenue dues of the government from various sources and to remit them into the treasury; he maintains birth and death registers; and is the custodian of all government properties in the village. Above all, he is the representative of the government in the area. His counterpart in Maharashtra is the *patel* who performs administrative, revenue and police duties. In Uttar Pradesh, there is no corresponding official. Next in importance is the official variously known as *lekhpal* (Uttar Pradesh), *Karnum* (Tamil Nadu) and *talati* (Maharashtra). He is the village accountant in charge of maintaining village revenue accounts and land records. But he is more than that. He is, in fact, a multipurpose official who helps the government in gathering all sorts of data and information. Some call him "the Kingpin of the revenue administration in the district."<sup>13</sup>

**Pargana/Firka/Circle :** The next unit in the revenue hierarchy is known as *pargana* in Uttar Pradesh, *firka* in Tamil Nadu and circle in Maharashtra. The Officer-in-charge of this unit is called supervisor *kanungo* in Uttar Pradesh, revenue inspector in Tamil Nadu and circle inspector in Maharashtra. He is in-charge of supervision over revenue administration and land records of every village under his charge. He may be regarded as the first-line supervisor in the chain of revenue administration. The *kanungo* is usually appointed by the collector. In some cases *patwaris* are promoted to this position but in both cases the appointee must undergo the training course in the training school concerned.

**Tahsil/Taluk/Taluka :** Above the circles or *parganas* are *tahsils* in

12. Shukla, J. D., *State and District Administration in India*, New Delhi, 1976, p. 81.

13. Khera, S. S., *District Administration in India*, New Delhi, 1964, p. 38.

Uttar Pradesh, *talukas* in Tamil Nadu and *talukas* or *mahals* in Maharashtra. In some states like Bengal and Bihar there are no *tahsils* and a sub-division is the unit below the district. In fact, these states have no *kanungos* and *patwaris*. This distinctive phenomenon is due to the prevalence in these states of the permanent settlement system of revenue administration. The *tahsil* is an old traditional unit found in pre-British rule. It is the basic unit for purposes of land revenue, land records, magistracy, treasury, general administration and a large number of other miscellaneous items of work. It is the office where many basic administrative records are kept. It has the closest contact with the rural people. In short, it is a miniature district where the offices of various field departments are located. The head of the *tahsil* in Uttar Pradesh is the *tahsildar* who is helped by one or more *naib-tahsildars*. In Tamil Nadu the *taluks* are in charge of *tahsildars* assisted by deputy *tahsildars*. This officer is known as the *mamlatdar* in Maharashtra but in the case of the *mahal* (which is a small *taluka*), his designation is the *mahalkar* who is a little lower in status to the *mamlatdar*. All these officers are executive magistrates, either of the first, second or third class, in their respective jurisdictions. Lastly, like the collector, the *tahsildar* is the principal government official and represents the state government at his level. Except to a limited extent in Maharashtra, *tahsildars* are not appointed directly; usually they are promoted from the posts of *naib-tahsildars* or *awwal karkun*.

**Revenue Division/Sub-Division :** Land revenue codes of various states provide for the division of a district into sub-divisions with a sub-divisional officer at its head. Similarly, the Criminal Procedure Code authorizes the government to divide a district into sub-divisions for purposes of criminal administration with a sub-divisional magistrate in-charge. In actual practice, the state governments have created a common sub-division for both revenue and criminal administration with a common officer as the head, known as the sub-divisional officer and the sub-divisional magistrate. In Maharashtra and Tamil Nadu there is an intermediate level between the *tahsil* and the district, known as revenue sub-division in the former and revenue division in the latter. There is no such level in Uttar Pradesh, where usually the *tahsil* itself constitutes a sub-division and consequently the officer-in-charge of a *tahsil* is known as the sub-divisional officer/sub-divisional magistrate. In Tamil Nadu districts are divided into divisions under the charge of revenue divisional officers or sub-collectors who belong to the Indian Administrative Service. Each division comprises two or more *taluks*. These officers serve as a link between the collector and the *taluk* officers. Maharashtra, too, has revenue sub-divisions or



*prants*. A *prant* consists generally of 3 to 5 *talukas* and is under the charge of an officer of the grade of an assistant collector (Indian Administrative Service) or a deputy collector (State Civil Service). The *prant* serves as an effective instrument of decentralization and in both Maharashtra and Tamil Nadu provides a training ground for the new recruits to the Indian Administrative Service. All such officers are vested with both revenue and magisterial functions. In Madhya Pradesh as well we find sub-divisions under the charge of deputy collectors. Previously both in Madhya Pradesh and Uttar Pradesh these officers used to be located at the district headquarters. Since the inception of the *janapada* set-up in Madhya Pradesh, however, the sub-divisional officers have moved out into their sub-divisions. In Uttar Pradesh as well orders have been issued recently for these officers to reside at the headquarters of their sub-divisions/*tahsils*. Earlier in Maharashtra as well the prevailing pattern was for the sub-divisional officer to reside at the district headquarters but the state government has recently issued orders for the sub-divisional officers to shift to their sub-divisional head-quarters. The sub-divisional officers belong to the state executive/administrative/civil service and are appointed by the state government which controls them. Like the collector, the sub-divisional officer also is an all purpose officer. "The Sub-Divisional Officer is an overall RME (Revenue, Magisterial and Executive) Officer in his sub-division; he is a territorial officer like the Collector in the district and tahsildar in the Tahsil, where he performs a number of functions and duties and emerges as the Chief Executive Officer and representative of Government in his area".<sup>14</sup>

**District Organisation :** We will discuss the organization, functions and role of this important unit of administration somewhat in detail. The district is the key unit of the state government in India to-day. In fact, the district has always existed as the unit of administration in some form throughout the long history of our country. Thus, the Mauryas, who established the first historically identified empire in India, with a view to administering their huge dominion efficiently and effectively, had divided it into provinces which were sub-divided into units known as *vishayas* and *pradeshas*. Ashoka's inscriptions refer to *rajukas* and *pradeshikas* as officers charged with the welfare of the *janapadas* and *pradeshas* or districts. Under the Guptas as well their extensive kingdom was divided into provinces which were again divided into *vishayas* or *mandalas* and the officer-in-charge of a *vishaya* was called *ayukta* or *vishayapati*. The Mughal emperors continued to follow this system and, for purpose of administration and revenue collection, divided their empire into provinces or *subahs*,

14. Shukla J. D., *op. cit.*, p. 107.

which in turn were sub-divided into *sarkars* or districts. Each *sarkar* was composed of a number of *parganas* and each *pargana* was a union of several villages. The *sarkar* was the counter-part of the modern district and the term is significant as it means "government in its total manifestation". The British saw no reason to depart from the age-old pattern of area administration and gave pride of place to the district as the basic unit of administration. Thus, under the British rule, the district became virtually a sort of sub-capital both in administrative and political sense. Independent India too has kept up the tradition and the district continues to retain its position as the pivot of the structure of administration and government in the state. It is at this level that the policies of the government are translated into practice and the problems of local people are studied and communicated to the state government. It is in the district that the big complex machine of government is in operation and it is by its accomplishments at this vital centre that we can measure the extent of success of governmental policies, plans and programmes. It may be truly said that the district is the unit of administration with which almost every citizen comes into contact. Every village and town in the country forms part of a district and there can hardly be found a citizen who cannot tell the name of his district. The district is also an important unit for electoral purposes and every political party attempts to build up a strong organization at this level. It is in this sense that the district can be described generally as the centre of political and administrative life.

The Study Team on District Administration of the Administrative Reforms Commission in its report (February 1967) has defined the district as "the most convenient geographical unit where the total apparatus of public administration can be concentrated, and where it comes into direct contact with the people". There is no state in the country which does not have districts but their size and population vary from one state to the other. Thus, the districts are smaller in Uttar Pradesh than in Madhya Pradesh, Maharashtra and Tamil Nadu. The optimum size of a district charge has been a matter of considerable discussion but no final formula for the ideal size of a district or for its population has emerged so far. However, of late, there has set in a trend in most of the states to divide large districts into smaller and more manageable ones. The total number of districts in the whole country on the basis of the 1971 Census was 360—343 districts in 22 states; 12 districts in the union territories of Arunachal Pradesh, Goa and Pondicherry; in addition there are 5 other union territories which themselves form districts.

**District Administration and its Tasks:** Most departments of the

state government outside the secretariat have external or field services which are located in the district. In certain cases even the union government has its field agencies located at this level. The sum total of the activities of these departments and some others connected with the affairs of the union government, together constitute the administrative machinery of the district. Thus the "district administration is the total functioning of government in a district ; that total and complex organization of the management of public affairs at work, dynamic and not static in the territory of geographically demarcated district . . . . District administration includes all the agencies of government, the individual officials and functionaries, public servants, . . . all institutions for the management of public affairs in the district, all the bodies corporate such as the *panchayats* of different kinds, . . . all advisory bodies associated with the administration."<sup>15</sup>

The tasks of district administration, thus, are many and varied. These may, for the sake of convenience, be grouped under six broad categories : regulatory, developmental, concerning local bodies, conducting elections, emergency and residuary. Obviously, the first two of these constitute the most important tasks. The regulatory functions include first and foremost the maintenance of law and order, control of crime and administration of justice. The departments mainly concerned with these functions are the magistracy, the police and the judiciary. The administration of jails may also be included here as the jail department generally works under the supervision of the district magistrate. Next to law and order comes land administration, which includes the assessment and collection of land revenue and other public dues which are collected as arrears of land revenue, such as sales tax, forest and excise dues, income tax, etc. Land administration requires the maintenance of elaborate land records and adjudication of disputes between government and private parties, and also between private parties themselves, regarding the correctness of the entries in land records. Under this heading can also be included subjects like land reforms, land acquisition, consolidation of agricultural holdings, etc. It is the collector who is mainly concerned with these activities but he is given additional help for any particular type of function. The third important group of regulatory and executive functions comprises control, regulation and distribution of food and civil supplies. Generally this task is assigned to the collector, who has a separate organization for the purpose under his command.

Under development come functions like agricultural production, co-operation, animal husbandry and fisheries and welfare activities like public health, education, social welfare of backward classes and com-

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15. Khera, S. S., *op. cit.*, p. 5.

munications. Each of these activities is looked after by a separate specialist officer in the district. Prior to the introduction of the *panchayati raj*, the collector was closely connected with these activities. Since the introduction of the *panchayati raj*, however, development activities have been handed over to the elected bodies and the role of the collector in this field differs from state to state.

The third group of functions concerns the administration of local bodies, urban and rural. Municipalities, as units of local government, are to a large extent independent of district administration, but the collector is generally responsible for their supervision and proper functioning and has, therefore, been given certain powers of control. In respect of rural local government, the links with the collector are of a varied nature.

The fourth task concerns the holding of elections to parliament, the state legislature and local bodies. These functions are directly under the collector, who is responsible for the proper observance of the process of elections right from the registration of voters to the declaration of results. He also acts as the returning officer for the elections. This is a highly responsible and important task in a democracy.

The fifth task is related to emergencies and natural calamities, which include arrangements on the occasions of calamities like floods, famine, fire, earthquake, internal and external aggression, etc. If such a situation arises, the entire district administration is geared up to meet the threat and the collector is required to assume charge and take appropriate steps to alleviate the sufferings of the people.

Finally, we may group together the miscellaneous and residuary functions of the district administration. There are a number of executive functions of government which have not been precisely defined and there is no separate representative of government to carry out such duties in the district. It falls to the lot of the collector, in his capacity as the chief representative of government in the district, to deal with all residuary matters. In this group we may also include miscellaneous functions like grant of arms licences, their renewal, suspension and cancellation ; enforcement of special Acts ; small savings campaign ; publicity and public relations ; protocol duties ; attending numerous meetings and conferences, etc.

**Organization of District Administration :** The above-mentioned six tasks of district administration can be grouped for the sake of convenience under two broad heads, traditional or regulatory or non-developmental and modern or developmental. The Central Administrative Reforms Commission has also recommended that the district administration should be divided into two sectors—one concerned with

'regulatory' functions and the other with 'developmental' functions, and that the collector should be in-charge of the former and the *panchayati raj* institutions in the district should have the responsibility for the latter. The two wings of district administration are thus largely independent of each other. Under the former category are included all the regulatory, executive, general administration, miscellaneous and emergency activities. A survey of the history of Indian administration shows that in the early stages of evolution a single authority, represented by the collector/deputy commissioner, held direct charge of all these functions of government at the district level. In course of time, however, this unity of command was affected by two new developments—the introduction of local self-governing institutions and the setting up of new technical departments like education, police, public works, excise, jails, sanitation, land records, etc. This trend became more marked after the enactment of the Government of India Act of 1919 which not only devolved a lot of functions on the provincial governments but also introduced dyarchy in them. In consequence, almost every department of the provincial government set up its own field agency at the district level. These agencies have their own lines of command from the district upwards to the seat of provincial government. In other words, the area administration in the district was supplemented by a functional type of administration leading to multiplicity of command. This dichotomy has continued with varying emphasis right till this day. The district has thus become a sort of sub-capital where are located the district headquarters of the various technical departments. Their nomenclature as also the official designation of officers heading them differ from one state to the other, but the following may be said to be a representative list :

TABLE IV

Name of the Department		Designation of the District Head
1	2	3
1.	Agriculture . . . . .	District Agriculture Officer/Assistant Director of Agriculture.
2.	Backward Classes/Harijan Welfare . . . . .	Backward Classes Welfare Officer, Harijan Welfare Officer.
3.	Co-operation . . . . .	Assistant/Deputy Registrar of Co-operative Societies.
4.	Education . . . . .	District Education Officer/Inspector of Schools.
5.	Employment . . . . .	District Employment Officer.
6.	Excise . . . . .	District Excise Officer/Superintendent of Excise.
7.	Forest . . . . .	Divisional/District Forest Officer.
8.	Health and Family Planning . . . . .	District Health Officer.

1	2	3
9. Industries		District Industries Officer/Assistant Director of Industries.
10. Jails		Superintendent of Jails.
11. Judiciary		District and Sessions Judge.
12. Labour		Assistant Labour Commissioner/District Labour Officer.
13. Medical		District Medical Officer/Civil Surgeon.
14. Panchayats/Panchayats and Social Services.		District Panchayat Officer.
15. Planning		District Planning Officer.
16. Police		District Superintendent of Police.
17. Publicity/Information		District Publicity Officer/Assistant Director of Publicity.
18. Public Works		Executive Engineer.
19. Registration		Collector.
20. Revenue and General Administration		Collector.
21. Sales Tax		District Sales Tax Officer.
22. Statistics		District Statistics Officer.
23. Treasury and Accounts		District Accounts Officer/Treasury Officer.
24. Veterinary and Animal Husbandry		District Veterinary Officer/Assistant Director of Veterinary Services.

**Role of the Collector in District Administration:** In the early days of the British rule upto the introduction of the Montagu-Chelmsford reforms in the early twenties, the collector was the sole head of the district administration and exercised a wide-ranging superintendence over his district. However, the period of dyarchy (1921—37) was one of ordeal for him. Various factors like the growth of rapid means of communication, the spread of education, the development of press, the introduction of local self-governing institutions and the growth of technical departments could not but have an impact in the adverse sense on the authority and prestige of the collector. Later, the introduction of provincial autonomy on April 1, 1937 resulted in enlarging the sphere of activity of the collector. Till 1937 his concentration was on public order, swift and impartial administration of justice, prompt collection of revenue and the correct maintenance of land records. But by 1939 his sphere of activities had come to include rural development, co-operative movement and the village *panchayats*. The problems created by the Second World War (1939—45) added new dimensions to the functions and duties of the district officer and imposed several additional responsibilities on that "omnibus" official. The dawn of independence in 1947 brought new problems for the country and the burden of these fell primarily on the already over-burdened shoulders of the collector. The introduction of the community development

programmes in 1952 and the inauguration of the *panchayati raj* in 1959 have completely changed the emphasis on the duties of this office. From the maintenance of law and order and the collection of revenue, the major emphasis has now shifted to the development of human and material resources and the elimination of poverty and want.

The collector, however, has continued to remain head of the district and in this capacity he performs a multitude of duties. As district magistrate, he is responsible for law and order; he is the head of the police and executive magistracy; he has powers under special acts and orders; and he is legal representative of government in matters like filing appeals against acquittals and representing government in civil suits, etc. As collector, he is the head of revenue administration, the highest revenue judicial authority in the district, and generally responsible for the collection of several taxes. As the executive head of the district, he has many responsibilities in the sphere of local bodies, elections, census and in all matters in which there is no separate officer at the district level.

However, since independence, the collector has lost his authority and powers in the field of regulatory administration in two important respects. Soon after coming into power of popular ministries in various states after the end of the Second World War, steps were taken to implement their declared policy of the separation of judiciary from the executive. Under the Criminal Procedure Code and various other statutes, the functions of a magistrate fall under three broad categories: (a) functions which are 'police' in their nature, e.g., the handling of unlawful assemblies; (b) functions of an administrative character, e.g., the issue of licences for firearms; and (c) functions which are essentially judicial, e.g., the trial of criminal cases. Prior to the introduction of the separation scheme, all these functions were concentrated in the collector as the district magistrate aided and assisted by a number of magistrates subordinate to and controlled by him. The essential feature of the new scheme is that purely judicial functions coming under category (c) above, have been transferred from the collector and his subordinate magistrates to a new set of officers who are under the control not of the collector but of the High Court. Functions under categories (a) and (b) above have continued to be discharged by the collector and the revenue officers subordinate to him. Both the new sets of officers in-charge of judicial functions and the revenue officers in-charge of the executive administration have been designated as magistrates to satisfy statutory requirements. To indicate the difference between them, however, the former category of officers is designated as judicial magistrates to distinguish them from the second category of executive magistrates.

This is the broad pattern common to all the states, but there are differences in details. Thus, in Tamil Nadu, the collector has ceased to be the district magistrate. Instead, a new officer known as the district magistrate has been appointed.

Another area in which the collector's authority has been diminished in some states is that of revenue. Tamil Nadu has gone furthest in giving relief to the collector in the field of revenue work by creating the post of the district revenue officer. This officer is a senior member of the State Civil Service or Indian Administrative Service. He deals with land revenue and general administration while the collector is engaged mainly in developmental work. In Maharashtra, the relief given to the collector in revenue matters is that the collection of land revenue has been transferred to the *gram panchayats* which have also been made responsible for the maintenance of record of rights in land. The power to use certain stringent measures to realise land revenue, however, continues to be vested in the collector.

The role of the collector in development administration was examined at some length by the Study Team on District Administration appointed by the Administrative Reforms Commission. The Team was firmly of the view that all development functions should be the sole responsibility of the *panchayati raj* institutions and that, except for certain general powers of supervision and control, the collector should be relieved of the responsibility in the field. The Administrative Reforms Commission considered the views of the Study Team and recommended that "while the administration of development work in a district should be separated from regulatory functions and entrusted to the Panchayati Raj institutions adequate safeguards should be provided to ensure that development administration is conducted on sound and proper lines and that there is no abuse of power or authority. For this purpose, the collector should have powers to obtain information regarding the working of these institutions so that he may be able to give timely and proper advice when necessary in public interest. It should be clearly understood that this advisory role does not empower him to exercise supervisory and controlling authority over the working of the Panchayati Raj institutions".<sup>16</sup>

**Relationship between the Collector and Technical Departments :**

A perusal of the list of departments at the district level in Table III shows that the collector is the direct head of only a few departments like revenue, general administration and registration : all the rest have their own independent departmental heads. The relationship

16. Report of the Study Team (Administrative Reforms Commission) on State Level Administration, New Delhi, 1968, pp. 49-50.



between the collector and these heads has always posed a difficult problem in district administration. In course of time, these departments have tended to get independent of the control and authority of the collector. Two reasons have been mainly responsible for it. First, each of these technical departments is under the charge of an independent and separate minister who naturally dislikes interference from outsiders in the matters pertaining to his department. Secondly, as these departmental heads are specialists, they usually have a distrust of the generalist collector and look askance at any attempt by the latter to intervene in their affairs. The creation of regional officers in almost all technical departments has further aggravated the problem since the district officials tend to look to them for guidance in matters where formerly they would have sought the advice of the collector. With the police, however, the collector has special links. He is *ex-officio* (except in Tamil Nadu) district magistrate and as such responsible for the maintenance of law and order. His relations with the departments of publicity and information and jail are also close.

In brief, in theory, the various departmental heads are generally independent of the collector. However, in practice, the collector is free to visit any such office, offer his suggestions and advice and write to the head of the department at the capital about the conduct of any employee of the department in the district. In Maharashtra, for example, the state government has authorized the collectors to pay "co-ordination visits" to other officers and has nominated them as representatives of the Inspection and Organisation and Methods Section at the district level. His influence is further strengthened by the fact that a part of the confidential reports of almost all district officers is written by him and considerable weight is attached to the opinion expressed by the collector. Moreover, the departmental heads have to depend on the good-will of the collector in multifarious ways, for example, in matters like land acquisition, law and order, transport, public relations, visits of VIPs, emergencies like flood, fire, etc. Above all the collector is the representative of the state government in the district and what is more he also represents public interest in a sense more comprehensive than is the case with other departmental officers. Thus, the latter find it in their own interest to keep the collector in good humour. The collector, thus, is easily *primus inter pares* or the captain of the team and is responsible to the state government for the co-ordination of the activities of government departments in the district for their proper functioning.

**New Dimensions of District Administration :** Consequent upon the metamorphosis in the purpose, nature and scope of governmental func-

tions since independence, the district administration has acquired a new dimension. The Republic of India is pledged to the development of human and material resources with a view to eliminating poverty and want of teeming millions. Along with this economic justice, it is also committed to the ushering in of a socially just society. The realisation of this two-fold objective has led the government to traverse untrodden paths and explore unknown realms. Strange though it may seem, the shift in emphasis on developmental functions has not diminished the importance of regulatory functions. In fact, the maintenance of law and order has perhaps never required so much attention as during the last thirty years. Indeed, development and progress can be built upon only a peaceful and law-abiding society.

All this has resulted in adding to the functions of the already over-worked collector. It is perhaps not possible to compile a totally complete list of the duties, functions and activities of the collector. In addition to his regulatory and developmental duties and responsibilities, the collector has now many other functions to perform and varied activities to look after. For example, there are numerous institutions of which he is the president. Then, there are frequent visits by scores of experts, technicians and specialists on the one hand and the VIPs on the other hand, and the collector is expected to make all necessary arrangements for them. Another time-consumer is the celebration of days, weeks and fortnights, nothing to say of jubilees and centenaries. One more activity that takes considerable time of the collector is receiving visitors. With the advent of democratic rule, he has to meet district politicians and leaders and listen to their problems. In the course of his work he has to maintain close and frequent contacts with all sections of the people and grant interviews. He is also increasingly in demand for functions outside the strict official beat like presiding over non-political meetings and functions or opening and laying the foundation stones for schools, dispensaries and the like.

Another noticeable change that has come about in the role of the collector during recent years is that from a line official *par excellence* he is being transformed into a staff official. Now he does less original work and spends more of his time on the staff functions of supervision, control, co-ordination, integration of schemes and plans, building up personnel, eliciting the co-operation and participation of the people, informing and educating the public, etc. As the pressure on government to redress the grievances of the citizens grows, suggestions are being made to bring the collector more and more in the picture. The Administrative Reforms Commission has recommended that the collector's tour should be utilised for enquiring into public grie-

vances and taking remedial action on the spot. Still more recently, the Chief Minister of Uttar Pradesh suggested that the collectors should hold regular '*durbars*' to hear citizens' grievances.

In the 1960's a lively controversy arose on the future role and status of the revenue officers headed by the collector in the field of district administration, and for the first time since 1858, doubts were raised regarding the utility of the office of the collector in the traditional form. The ultimate aim of the ushering in of the *panchayati raj* was to introduce a sort of responsible rule at the district level, which naturally would have led to the "withering away" of the collector as the district officer in the traditional sense. However, taking all in all, "the citadel of the Collector, though shaken a bit (has) stood intact against the prevailing winds." Three factors explain this phenomenon. In the first place, we inherited from the British government the unique office of the collector who formed the kernel of the famous 'steel frame' of Indian bureaucracy, and traditions die hard. Secondly, the collector has been in a unique sense the representative of the public interest as no other officer at the district level can claim. Lastly, the public has looked upon the collector for over 200 years as the formal embodiment of the '*sarkar*' at the district level and has expected him to act as the point of final reference. For the government itself the collector has been described as its "eyes and ears" and has been used as an omnibus instrument for performing any function at any time. Undoubtedly, this pivotal office has experienced ups and downs during the course of its long history, but the confident assertion of the Simon Commission still remains true that "by whatever constitution India may be ruled, no government will be able to do without the District Officer."

**Divisional Commissioners :** In the chain of revenue and "area" administration, the unit above the district is the 'division'. A division may be described as the administrative area between the district and the state government comprising 3 to 6 districts, the number varying from state to state and from division to division within a state itself. The officer-in-charge of this area is called the commissioner. The commissioner is a senior member of the Indian Administrative Service in the super-time scale (2500-2750) and before his appointment to this high office should have gathered varied experience, having served in different capacities like the collector, head of an executive department, deputy secretary/Secretary to the state government and may have even served a tenure in the union government. The post was first created in 1829 when the then Bengal Government\* established an intermediate authority between the collector and the headquarters

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\*The Bengal Presidency at that time included the territories of Bihar, Orissa and the North-Western Provinces (later called the United Provinces minus Oudh).

administration in the form of commissioners of divisions, each of which contained several districts. The next year the then Bombay Government also created this post. The appointment of commissioners in the subsequently acquired provinces of the Punjab, Burma, Oudh and the Central Provinces followed in due course. Thus, before independence, every province in India except Madras had divisional commissioners. The divisional commissioner was primarily a revenue official and in that capacity he not only heard appeals in revenue cases from subordinate revenue authorities but also acted as an inspecting and supervisory authority over collectors and their subordinate revenue officials both in their revenue and magisterial capacities. He also had very definite position as a controlling and occasionally as an appellate officer in respect of the work of district boards and municipalities. In addition, he was vested with the authority to coordinate the work of all departments at the divisional level. These officers, thus, acquired immense authority and prestige and very senior officials were appointed to this position.

However, a considerable volume of public opinion in India has for a long time considered the commissioner as an unnecessary appendage and there has been a tendency in some quarters to think that he had little direct contact with the general public and to regard the office as little more than a highly paid promotion post for the senior members of the civil service. Thus, as early as in 1907, a demand supported by non-official public opinion for the abolition of the posts of divisional commissioners was placed before the Royal Commission on Decentralization (1907-09). Some witnesses, in their evidence before the Commission, described the commissioners as "merely a channel of communication between the district officers and the Government". Others described them as "kings whose subjects are unconscious of their existence" and who wielded "some influence but no control". The Commission, after examining the divergent opinions on the question, recommended the retention of the office. The issue, however, never got finally settled, and it cropped up again and again, particularly at the time of the introduction of constitutional reforms in 1919, 1935 and 1947. After independence, the state governments, freed from the restraining hand of the British Governors and the central government, felt free to experiment with changes in the traditional revenue set-up. Thus the states of Madhya Pradesh, Maharashtra, Rajasthan and Gujarat abolished the posts of divisional commissioners in 1948, 1950, 1961 and 1964 respectively. However, Madhya Pradesh and Maharashtra had to revert to the earlier set-up in 1956 and 1958 respectively. Assam too experimented with the abolition and later restitution of the post. In Uttar Pradesh the office was not abo-

lished but the number of commissionerships was reduced from 9 to 3 and their functions and powers were drastically cut down, their administrative and miscellaneous functions having been taken away from them and distributed among departments. This experiment too failed and the government subsequently had to restore the powers and number of commissionerships.

The main arguments adduced to support the case for the abolition of commissionerships were based on three considerations namely administrative, financial and political. In the field of administration, the commissioners were described as "the fifth wheel in the coach", "superfluous layer in the hierarchy", "a mere post office", etc. There was a financial angle also of the problem. As a senior member of the Indian Civil Service/Indian Administrative Service, the commissioner was a highly paid officer and the abolition of the post was recommended on grounds of economy. Thirdly, the issue had political overtones. It is revealing to recall that whenever constitutional reforms were on the anvil, the government itself felt the need to examine the utility of the institution in the context of the changed set-up. This office, perhaps owing to its high emoluments, vast authority, high status and prestige, came to be associated in public mind as the symbol of colonial rule and so became the first target of attack soon after independence. An important factor in the popular demand was the desire to demolish one of the strongholds of bureaucracy.

The case for the retention of these posts has been based mainly on administrative grounds : (i) commissioners should be retained as a valuable link in the chain of administration between districts and the state headquarters. A system of decentralization must necessarily include devolution of greater powers to officers possessed of wide experience and with ample opportunities for keeping in touch with the people. In the words of the *Simon Commission Report* (1930) "the tradition of official administration in India is against the creation of large central establishments ;" (ii) the importance of the commissioner as a regional co-ordinating authority for technical departments has been often emphasized ; (iii) the commissioner is in the best position to help, guide and advise the collectors in his division. At the same time, his advice to headquarters is likely to be more mature and comprehensive than that of the collector ; and (iv) the role of the commissioner as the "area" representative of the state government is a special one and in the interest of good administration cannot be terminated. It has been emphasized that the commissioners are "government" in their divisions as opposed to other departmental officers who represented only their departments. The Decentralization Commission's (1907-09) observations in this connection are worth

quoting : "In a country like India, it is specially important to preserve any system of government by professional experts. . . . . It is a distinct weakness in an oriental country that there should be no local officer to whom the people can go with general grievances, and that they should come to regard the Government as a mere collection of scattered and independent departments".

In this connection it is interesting to note that while the Administrative Reforms Commission Study Team on State Level Administration came to the conclusion "that in the interest of regional co-ordination, it is necessary to have this post," the Commission in its report on State Administration observed : "we do not agree with the Study Team that there should be an intermediate level of administration between the district and the Government".

The functions of the commissioner may now be briefly summed up under six categories—judicial, statutory, financial, general administrative, developmental and supervisory and co-ordinative. Judicial powers include the power to hear appeals in revenue matters from district officers under various rent, revenue and tenancy laws. Statutory powers include powers conferred on him by various acts and administrative orders in the fields of police, land acquisition, local government transport and other matters. Under financial powers come powers like forwarding of budget estimates for temporary establishments received from the districts to the state government, sanctioning of temporary staff for district revenue officers, supervision of collection of land revenue, water rates, cesses, motor vehicles tax, excise duties, sales tax, stamps, registration fees, etc. and grant of loans and their realisation. Under general administration fall his overall authority in the sphere of the maintenance of law and order. He enjoys supervisory powers with regard to the district magistrate's responsibility for maintenance of law and order and jail administration. His concurrence is also required for the issuance of certain types of firearms and their cancellation. His powers under crisis and emergency also fall in this category. In the field of development, the commissioner has to keep a vigilant eye on the developmental activities going on in the districts within his division. District officers engaged in developmental activities are expected to give maximum co-operation to him in the implementation of development plans. In Bihar, for instance the divisional commissioner is the "head of all developmental activities in his division. He is a nodal point of administration and has to act as the representative of the Government in executing all plan programmes of the Government. More than administration relating to the maintenance of law and order, the Divisional Commissioner, it is felt, has to devote most of his time

to developmental activities and in bringing to fruitful execution of plans specially the five year plans.”<sup>17</sup> His supervisory and co-ordinative functions are perhaps most important. Inspection of district, sub-divisional and *tehsil* offices constitutes an important aspect of this function. To bring about co-ordination between the work of divisional officers of various departments is the key role of the commissioner. In West Bengal the supervisory power of the commissioner includes “(i) overall supervision of general administration, law and order, land reforms, land management, food and relief administration and activities in the division of all departments/directorates; and (ii) overall supervision of implementation of plans and non-plan development schemes, inspection of maintenance work, periodical check-up of progress of work with particular reference to important schemes or schemes covering more than one district, removing procedural difficulties in administrative matters.”<sup>18</sup> In addition to the functions listed above the commissioner is vested with several miscellaneous functions which include “inspection of district, sub-divisional and tehsil offices; consolidation of various statistics for the division; disbursement of some grants; a large number of reports and returns in the division sent to government or the Board of Revenue, special reports including confidential reports; grant of certain types of licences for the fire arms; the sanction of certain rewards; allocation of village police and the assessment of the cost of additional police; inspection of jails and chairmanship of revision boards; general supervision over excise department; chairman of regional transport authorities; recommendations for filing government appeals; certain routine duties with regard to revenue buildings; control over certain forests; writing off of losses and stamps, etc.; temporary establishments in revenue offices; general supervision over collection of land revenue, canal dues and other dues; special responsibilities in the acquisition of lands; recommendations for conferment of magisterial and revenue powers on various officers; management of government estates; detailed duties with regard to *taccavi* and land records; *nazul*; agricultural income tax; some duties with regard to the treasuries, etc.”<sup>19</sup>

**Regional Offices:** From this point of view the executive departments at the state headquarters are organised on one of the three patterns: (i) departments which have regional offices under them above the district level; (ii) departments which do not have

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17. Dubashi, P. R., *The Divisional Commissioner in Indian Administration*, published in the *Indian Journal of Public Administration*, January-March 1977, p. 11.

18. *Ibid.*, p. 10.

19. Shukla, J. D., *op. cit.*, pp. 356-57.

such area offices and are instead functionally divided ; and (iii) departments which are organised on both area and functional basis. Under the first category fall departments like revenue with its regional office at the division under the commissioner ; police with its range under the deputy inspector-general of police ; forest with its circle under the conservator of forests ; Public Works Department (in all its three branches—civil, mechanical and electrical) with its circle under the superintending engineer, education with its division under the divisional superintendent in Madhya Pradesh or regional deputy directors of education in Maharashtra ; transport with its region in-charge of regional transport officers, etc. The second category includes departments like agriculture in Maharashtra where the director of agriculture is assisted at headquarters by four joint directors of agriculture respectively in-charge of agricultural education, soil conservation and agricultural engineering, administration and research and agricultural extension ; Directorate of Medical and Health Services and Family Planning in Uttar Pradesh where the director is assisted by an additional director (administration), an additional director (health), a joint director (medical education), and a joint director (family planning) dealing with different sections of departmental activities at the headquarters. Other departments that come in this category are jails, registration, *panchayati raj*, etc. A good example of the third category is the Co-operative Department in Uttar Pradesh. The registrar of co-operative societies is the head of the department. He is assisted at the headquarters by three additional registrars in-charge of marketing, development and consumers' co-operatives respectively, and five deputy registrars in-charge of different aspects of the department. In addition there are ten regional offices under the charge of a deputy registrar. It is note-worthy that there is no uniformity in these matters between different states and even in the same state there is no uniformity between various executive departments.

Thus, several executive departments have regional offices interposed between the state headquarters and the district organisation. However, the territorial jurisdiction of regional offices of different departments are not co-terminous, thus making the task of co-ordination among them difficult. Our study shows that the number of departments having regional offices is constantly on the increase. As regards the functions of these offices, there is a general agreement. For example, it is agreed on all hands that the regional level offices should not act as a mere channel of communication between the district level offices and the heads of executive departments in matters in which advice or orders of the heads of departments are required. The main functions of these offices are :



- (i) to supervise and control the work of the offices at the district and sub-district levels ;
- (ii) to relieve the head of the department of part of his work. This will necessitate delegation of substantial powers to these officers to enable them to take final decisions at a level nearer to the people of the region ; and
- (iii) to act as evaluation agency. The responsibility for the achievement of the prescribed development targets and for making administrative arrangements for supply of in-puts should be vested in them.

According to the Rajasthan Administrative Reforms Committee (1962-63), "...primarily the regional level officers should concern themselves with field activities ; they should undertake an adequate number of tours and inspections and give useful guidance to the departmental officers working in the field ; they should also apprise themselves, through spot visits and discussions with the people, of the manner in which the departmental programmes are actually being implemented, and thus identify the spheres in which improvements can be brought about".

As noted above, not all departments have regional offices because it is not necessary that all should have them. The need for such offices arises out of the nature of departmental work. The Administrative Reforms Commission Report on State Administration spelt out certain criteria which must be fulfilled before deciding upon the setting up of a regional office viz.,

- "(a) the work of supervision and control thrown up by the local offices is so voluminous that it would not be possible for the Head of the Department to do it effectively ;
- (b) the size of the set-up required for the office of the Head of the Department is such that the work could be devolved on regional offices at no appreciable higher cost ;
- (c) the operations are far-flung geographically, so that central control would involve higher costs of administration on account of touring, etc. ; and
- (d) supervision and control at an intermediate level is warranted by administrative needs and the nature of work devolving on the organisation."

### III. Special Agencies of Government

By "special agencies" we mean agencies which are distinctive either in terms of their appointment/composition or/and the nature of their

tasks and duties. Under this head we shall discuss four agencies—Advocate-General, Board of Revenue, State Public Service Commission and Vigilance Commission.

**Advocate-General :** Article 165 of the Constitution provides for the office of an Advocate-General, which is a counter-part of the office of the Attorney-General provided for in the union government by Article 76. The Advocate-General is appointed by the Governor, of course, with the consent of the State Cabinet. He holds office during the pleasure of the Governor, but, in actual practice, convention has evolved by which the Advocate-General holds office during the tenure of the ministry appointing him and resigns when that ministry quits. Thus, though strictly not a political office, yet it has turned out to be so. The only qualification laid down is that he should be qualified to be a judge of the High Court. There is no age limit prescribed for the office and there is no bar to a person being appointed Advocate-General after the age of 62 years or to his continuing in office after attaining the age of 65 years. He is remunerated partly by a fixed salary and partly in the form of fees for appearing in certain categories of cases. Subject to certain restrictions he is permitted to appear for or to advise parties other than the government. He is given a fixed monthly allowance, in addition to his salary, for the maintenance of an office. Though not a member of the state legislature, he is empowered to attend it when called upon to explain certain legal technicalities. He has the right to speak and take part in the proceedings of the state legislature. However, he attends all meetings of Select Committees on bills introduced in either house of legislature and such other committees as he may be directed to attend.

This being a statutory appointment, he performs all such functions as are enjoined on him by law. He is the highest legal adviser to the state government and appears on its behalf in almost all important cases in the Supreme Court and the High Court and also in a subordinate court, whenever asked by the government. He is also the public prosecutor in all cases coming up before the High Court in exercise of its original criminal jurisdiction. Secondly, his legislative function is to examine all bills drafted by the departments. In the third place, for administrative purposes, he enjoys the status of the head of a department. He is in overall charge of the state law officers at the High Court and supervises the work of government advocate, his deputies and assistants. For administrative purposes he maintains his own office and staff at the headquarters of the High Court.

**Board of Revenue :** The Board of Revenue was initially conceived during the regime of the East India Company as an agency to help the Company's government in detailed work in the fields of revenue and ad-

ministration. The Britishers had discovered "a synthesis between the collection of revenue and the general administration".<sup>20</sup> The first Board of Revenue was set up in Bengal in 1786. Madras soon followed suit. In course of time this organization came to be set up in most of other provinces. Thus, to-day we find a Board of Revenue in all states except Andhra Pradesh, Gujarat and Maharashtra (which have Revenue Tribunals) and Haryana, Himachal Pradesh, Jammu and Kashmir and Punjab which have one or more financial commissioners instead of a Board.

The Board of Revenue is an unique institution and has the following distinctive characteristics :

- (i) It is perhaps one of the earliest governmental agencies set up by the Britishers in this country.
- (ii) The Board has a statutory base, that is, it is created by an act and is a body corporate.
- (iii) This organisation consists of a group of members who divide among themselves the subjects to be dealt with but as a joint body, they have collective responsibility.
- (iv) It forms a link between the state government and the regional and district administration.
- (v) It has held a peculiar position of semi-independence of the government.
- (vi) Unlike a unifunctional department, it performs a multiplicity of functions and is thus connected with a number of departments.
- (vii) It is prestigious body and its advice to government was highly valued in the past and even to-day the position remains largely unchanged in Tamil Nadu.

"The Board of Revenue is as unique in its constitution and composition as in its evolution. It represents a classic deviation from the general pattern of executive departments. This may be attributed to its peculiar synthesis of administrative, advisory, and quasi-judicial functions. It is responsible for earning and supervising more than eighty per cent of state revenues and the machinery charged with them. It manages the affairs of personnel numbering more than 1,25,000. It tenders advice to the government on administrative policy matters. It is the highest revenue court in the state. If its functions, particularly advisory and quasi-judicial, have entailed its authors to provide it with statutory foundation, the latter has conceded it a position not known to any executive agency".<sup>21</sup>

20. *Proceedings of the Conference on Revenue Boards and Divisional Commissioners* held at Bhubaneswar by the Indian Institute of Public Administration in April 1961, p. 6.

21. Umapathy, N., *The Board of Revenue in Andhra Pradesh*, Hyderabad, 1976, p. 25.

We will now, by way of illustration take up the Board of Revenue in Andhra Pradesh and briefly describe its composition and functions. The Board being the creation of an enactment, its composition, powers and functions are governed by laws and executive orders. The Board consists of five members including the First Member who is the senior-most and presides over the meetings of the Board. All other members are equal in status. The members of the Board are selected out of senior Indian Administrative Service officers and are placed in the super-time scale of pay (Rs. 2500-2750) except the First Member who draws a salary of Rs. 3000 per month. The Board members enjoy a status equal to that of the Chief Secretary. There is no fixed tenure for the members.

In the interest of convenient transaction of business by the Board, there is distribution of business among the members. All subjects falling within the jurisdiction of the Board have been divided into 8 categories as follows :

- (i) Subjects reserved for disposal by full Board, e.g., acts and bills, creation of districts, divisions and taluks, fundamental changes in policy, etc.
- (ii) Subjects reserved for disposal by the Collective Board (minimum three members) e.g., licences for the use of lands and buildings, exemption of land revenue, etc.
- (iii) Subjects reserved for disposal by two members, e.g., *Jama-bandi* reports, conduct of gazetted officers other than Indian Administrative Service officers, selection of persons for appointment as *tahsildars*, etc.
- (iv) Subjects reserved for disposal by first member (commissioner of land revenue and tribal welfare).
- (v) Subjects reserved for disposal by second member (commissioner of survey and settlements).
- (vi) Subjects reserved for disposal by third member (commissioner for commercial taxes).
- (vii) Subjects reserved for disposal by the fourth member (commissioner for excise, civil supplies and relief).
- (viii) Subjects reserved for disposal by the fifth member (commissioner of irrigation and ayacut development).

It should be noted that in whatever way orders are given, they are treated as the orders of the Board. It is also clear from the above that the Board is a functional organization comprised of five commissioners, each in-charge of a specific portfolio.

The Board derives its authority from a number of statutes and executive orders issued from time to time. These executive orders many times delegate administrative and financial powers to the Board. Its

functions may be divided under three broad categories—quasi-judicial, administrative and advisory. The Board acts as an appellate court under a number of revenue and miscellaneous legal enactments. The appellate functions relate to appeals or petitions filed against orders passed by revenue authorities like the collector and the commissioner. “The administrative functions of the Board consist of four broad components : (i) executive direction, (ii) supervision, (iii) co-ordination, and (iv) personnel management”.<sup>22</sup>

The Board exercises supervision over collection of land revenue, *taccavi* loans and irrigation dues, land records administration, etc. It issues directives in matters like the implementation of the programme for land assignments and administration of the estates taken over. As regards co-ordination, the very nature of its composition and way of working emphasises its co-ordinating role. In the field of personnel, the Board is in-charge of selection and appointment of certain officials like *tahsildars* and *naib tahsildars*, their placement, transfer and promotion. Lastly, the Board advises the state government in all matters of revenue policy and supplies material required for bringing about new legislation and making changes in the old laws connected with revenue administration. Sometimes the government seeks its assistance in investigating certain problems ; at other times it may use it as a fact-finding agency.

A brief mention may now be made of the Uttar Pradesh pattern where since 1947-48 the Board has been divided into two distinct wings—judicial located at Allahabad and the administrative at Lucknow. The Allahabad wing has three members who are exclusively engaged in judicial work. They are assisted in their work by a registrar. The Lucknow wing comprises three members : member (taxation), member (land reforms) and member (administration) who is designated as chairman of the Board. The member in-charge of administration is mainly engaged in inspectorial and supervisory work over subordinate revenue officers.

As mentioned above, Maharashtra has no Board of Revenue ; instead it has a Revenue Tribunal established under the Bombay Revenue Tribunal Act of 1957. The Tribunal consists of the President and 14 members. These members are appointed by the state government subject to certain qualifications laid down by the Maharashtra Land Revenue (Revenue Tribunal) Rules, 1967. Their term of office and conditions of service are laid down by the government. The headquarters of the Tribunal are at Bombay but Nagpur, Poona and Aurangabad are the other places where it generally sits outside Bombay. The Tribunal may sit singly or in benches. “The Tribunal has jurisdiction

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22. *Ibid.*, p. 74.

to hear appeals against orders of officers not below the rank of Collector under certain provisions of the law relating to land revenue, tenancy, the abolition of special tenures, *jagirs*, *inams*, *watans*, etc., and fixation of ceilings on holdings of agricultural lands. The Tribunal has jurisdiction to entertain applications for revision from orders or decisions of officers not below the rank of Collector in appeal against orders or decision of subordinate authorities. . . . . Where the Tribunal has jurisdiction no other officer or authority has jurisdiction to entertain appeals or applications for revision".<sup>23</sup> It also has the powers of a civil court in certain matters. No appeal lies to the government against any order passed by the Tribunal.

However, as in the case of the divisional commissioners, the evolution of the Board has been accompanied by ill omen. The question of change in the functions and status of the Board came up before the Decentralization Commission in 1907, and after the ushering in of the Montford reforms in 1921, one of the first resolutions passed by the elected Legislative Council of Uttar Pradesh was to recommend the abolition of the Board. Numerous changes have been made in the composition and functions of the Revenue Board in Uttar Pradesh ever since, particularly after independence. In recent years the Administrative Reforms Committee of Andhra Pradesh (1964-65) noted that "there has been persistent criticism both in the Legislature and outside that the Board is a relic of the past, that it has outlived its utility and that it is today a source of delay and vexation to all concerned." It further observed that "under the present altered conditions, there is no advantage in having a Board of Revenue" and that "the functions which it is discharging could as well be performed by constituting a few separate Heads of Departments." The Administrative Reforms Commission Study Team on State Level Administration (1968) examined the question of the continuance of the Board as well as the divisional commissioners and recommended "that where both the Board of Revenue and the Divisional Commissioners are functioning, the Board should be abolished. Where only the Board of Revenue is functioning, it should be abolished and Divisional Commissioners appointed". The Commission itself in its report on State Administration (November, 1969) recommended that "where Boards of Revenue decide revenue appeals, the appellate work may be transferred to Revenue Tribunals consisting of a judicial officer qualified to be a judge of the High Court and a senior revenue officer. In small States, the administrative and advisory work of the Board of Revenue may be taken over by the Secretariat. In a large State, where there is no separate Head of Department in-charge of land revenue and allied matters, the States may decide. . . .

23. *Organisation of Government in Maharashtra*, Bombay, 1965, pp. 376-77.

whether the administrative and advisory functions relating to tax administration, land revenue and allied matters should be entrusted to a Board or should be left over to the Secretariat itself." Such criticism of the Board did have its effect and the Andhra Pradesh Government decided in October 1976 to abolish the Board of Revenue, and effect was given to this decision in February, 1977. In place of the Board a number of commissioners have been appointed like the commissioner for land revenue, commissioner for excise, commissioner for commercial taxes, etc.

**State Public Service Commissions:** The case for establishing a Public Service Commission in India was well brought out by the Royal Commission on the Superior Civil Service under the chairmanship of Viscount Lee when in its report in 1924 it made the following observations :

"Wherever democratic institutions exist, experience has shown that to secure an efficient Civil Service it is essential to protect it as far as possible from political or personal influence and to give it that position of stability and security which is vital to its successful working as the impartial and efficient instrument, by which Government of whatever political complexion may give effect to their policies. In countries where this principle has been neglected, and where the 'spoils system' has taken its place, an inefficient and disorganized Civil Service has been the inevitable result and corruption has been rampant. In America a Civil Service Commission has been constituted to control recruitment of the Services.....Canada, Australia and South Africa now possess Public or Civil Service Acts, regulating the position and control of the Public Service Commission to which the duty of administering the Act is entrusted. It was this need which the framers of the Government of India Act had in mind when they made provision in Section 96-C for the establishment of a Public Service Commission".<sup>24</sup>

Following the recommendations of the Lee Commission, a Central Public Service Commission was established in India in 1926. The recommendation of the Commission to set up similar commissions in the provinces was not given effect and the Central Public Service Commission had to make recruitment to the provincial services. It was the Act of 1935 which in Section 264 provided for the establishment of a Public Service Commission for each province or for a group of two or more provinces. With the coming into force of this Act on April 1, 1937. Public Service Commissions were set up in many provinces. At the same time some provinces like Bihar, Central Provinces and Berar

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24. Zaheer, M. & Gupta, J., *The Organization of the Government of Uttar Pradesh*, Delhi, 1970, p. 73.

and Orissa were given a joint Public Service Commission. Articles 315 to 323 of Part XIV of the new Constitution have continued the earlier arrangement. In this connection it is noteworthy that unlike Britain and the United States of America, where the Civil Service Commissions are the mere creations of the respective legislature, in India the Public Service Commissions have constitutional basis and are thus in a stronger position.

Like its predecessor the Government of India Act of 1935, Article 315, Section (1) of the new Constitution also provides for a Public Service Commission in each state. The next Section provides that "two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of these States, Parliament may by law provide for the appointment of a Joint State Public Service Commission to serve the needs of those States." Section (4) of the same Article provides "The Public Service Commission for the Union, if requested so to do by the Governor..... of a State, may with the approval of the President, agree to serve all or any of the needs of the State." In brief, the position is that either a state may have its own Commission or two or more states may have a Joint Commission or a state may request the Union Public Service Commission to serve its needs. To-day each state has its own Public Service Commission and the Union Public Service Commission helps the union territories in recruitment to their services.

There is no uniformity as regards the number of members constituting the Commissions in different states. Thus the state of Uttar Pradesh has a Chairman and seven other members while Assam has only two members in addition to the Chairman. The Chairman and members of the Commission are appointed by the Governor, of course, with the advice of the Cabinet. The Constitution provides that as far as may be, at least half the number of members have to be persons who have held office for at least ten years under the government of India or a state government. This provision has been inserted obviously to guarantee the presence on the Commission of sufficient official experience. In actual practice, it has been found that there has been, in general, a preponderance of official element in the composition of the Commissions. A member holds office for a term of six years or until the attainment of the age of sixty years, whichever is earlier. The conditions of service of the members are more or less the same as those of the Union Public Service Commission except that their salary varies from state to state. The expenses of the State Public Service Commissions are charged on the Consolidated Fund of the state.



In order to ensure the independence of the Commission, the Constitution debars the Chairman and members from reappointment to the same office, nor can they undertake any further employment under the union or the state government except the chairmanship of a State Public Service Commission or the chairmanship or membership of the Union Public Service Commission. Secondly, Article 317 provides that the Chairman or a member of a Commission can be removed from office by order of the President on the ground of misbehaviour only after the Supreme Court, on a reference being made to it by the President, has on enquiry recommended such removal. A Chairman/member would be deemed guilty of misbehaviour, if he becomes interested in any government contract or agreement or participates in any way in its profit or in any monetary benefit arising from it otherwise than as a member. Article 317 also provides that the President may by order remove the Chairman or any other member, if he is adjudged as an insolvent or engages during his term of office in any paid employment outside the duties of his office or is in his opinion infirm of body or mind. Lastly, the conditions of the service of the member cannot be varied to his disadvantage after his appointment and his salary and other emoluments are not votable by the state legislature concerned.

As prescribed in Article 320, the functions of the Commission fall under two categories—administrative and advisory. Administrative functions include the holding of examinations for appointments to the state services. Such examinations may be written or by interview or both. The matters regarding which consultation by the state government is mandatory are—

- (i) matters relating to methods of recruitment to civil services and civil posts ;
- (ii) principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions and transfers ;
- (iii) all disciplinary matters affecting a person serving under the government of the state in a civil capacity including memorials or petitions relating to such matters ;
- (iv) any claim by or in respect of any person who is serving or has served under the state government in a civil capacity, that the costs incurred by him in defending legal proceedings instituted against him in respect of his official acts ;  
and
- (v) any claim for the award of a pension in respect of injuries sustained by government servants in the discharge of their

## official duties.

The Governor can, however, make regulations specifying the matters in which either generally or in any particular circumstances, it shall not be necessary for the government to consult the Commission. Such regulations must be laid before each house of the state legislature and are subject to such modifications as may be made by the legislature. Thus, regulations have been made in Maharashtra removing the jurisdiction of the Commission (i) in any matter affecting a member of an All India Service, (ii) regarding appointments to certain specified posts such as Secretaries, additional/joint secretaries and posts of a special character where normal methods of appointment on a competitive basis are inappropriate or where political considerations may be involved, (iii) regarding judicial appointments which under the Constitution are required to be made in consultation with the High Court, (iv) regarding appointments as well as disciplinary measures in respect of persons appointed by the state government, such as heads of departments, with a few exceptions, and (v) regarding the imposition of minor penalties on the holders of posts which are within the purview of the Commission.

Article 321 empowers the state legislature to extend the powers of the Public Service Commission by making an act for the purpose. This provision has been utilized by the Maharashtra government to extend the powers of the Commission to the staff of the secretariat of the state legislature and certain categories of employees of the Bombay Municipal Corporation. In addition to the above functions, the Maharashtra Public Service Commission is responsible, by special arrangements, for the conduct of departmental examinations for officers of the state government, language examinations for such officers and departmental examinations for certain employees of local bodies. It also makes arrangements for the examinations of the Union Public Service Commission at the Bombay centre.

In Uttar Pradesh as well certain categories of posts under the *nagar mahapalikas* (municipal corporations) and *zila parishads* have been brought within the purview of the Commission.

In performing its tasks the Public Service Commission takes the assistance of heads of departments and other government officials as well as outside experts at the interview of candidates and it also employs suitable persons as examiners, supervisors, and invigilators at the examinations conducted by it.

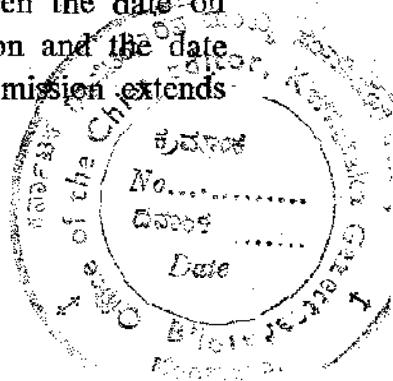
The relations of the Commission with the various departments of government are co-ordinated through the Chief Minister and the Chief Secretary, but in its day-to-day work and in the discharge of its statutory responsibilities, it deals directly with the different departments of

the state government and the various heads of departments.

Article 323 enjoins upon the Commission to submit an annual report of its work to the Governor who is required to lay it before each house of the state legislature with a memorandum explaining the cases, if any, where the advice of the Commission was not accepted and the reasons for such non-acceptance. The provision regarding the explanatory memorandum, however, does not cover the additional functions of the Commission regarding appointments for municipal/local authorities.

An evaluation of the working of these Commissions throws up for consideration certain points as follows :

- (i) The functions of the Commission are limited to two matters as shown above and it by no means acts as the "personnel arm of the Chief executive". In this respect its role differs from that of the Civil Service Commissions in the United Kingdom and the United States of America.
- (ii) Criticism of the government has often been made on the ground that the proviso to clause (3) of Article 320 has been sometimes abused and many state governments have taken resort to the practice of removing certain specified posts from the purview of the Commission. The annual reports of the Commissions have at times cited instances of governments making temporary or officiating appointments initially for a period of less than a year but continuing them for many years on that basis. This practice not only violates the spirit of regulations but is also unfair to the personnel concerned who many times are not selected by the Commission ultimately.
- (iii) The Commission is an independent statutory body and its recommendations carry weight, but sometimes the government concerned does not accept its recommendations. Such cases, however, are not frequent. For example, the union government rejected only 22 such recommendations between 1950 and 1971. However, it has been observed that the state governments do not give as much importance to the Commissions as does the union government, and the proportion of rejections is, therefore, larger in the case of states.
- (iv) There is a general complaint that the procedure of recruitment through the Commission is subject to enormous delays. In some cases, the interval between the date on which an indent is sent to the Commission and the date when candidates are selected by the Commission extends



to more than a year. Such delays cause lot of problems. In the first place, the candidates recommended for appointment may secure alternative appointments in the meanwhile and may not be available. The Commission is then requested to recommend the next available candidate and if no such candidate is available, to re-advertise the post. Secondly, the delay also gives rise to the complication that the candidate appointed on a temporary basis pending recruitment through the Commission continues in the appointment, and when ultimately he is replaced by the candidate selected by the Commission, he has to his credit a reasonably long service and, therefore, has a sense of grievance that he is required to leave the post after such long service.

**Vigilance Commission :** One of the universally recognized attributes of sound administration is integrity which, generally speaking, means "soundness of moral principle and character; uprightness; honesty". However, human experience of governmental machinery since ages has been that, in the words of Kautilya (the famous author of *Arthshashtra*), "just as it is impossible not to taste honey that finds itself at the tip of the tongue, so it is impossible for a government official not to eat up, at least, a bit of king's revenue". The disease of corruption, thus, has been endemic in public administration. In the words of the First Five Year Plan the "influence of corruption is insidious. It not only inflicts wrongs which are difficult to redress, but it undermines the structure of administration and the confidence of the public in the administration".<sup>25</sup> Unfortunately, independent India inherited corruption as one of its legacies from the British rulers and its widespread scope has attracted considerable attention since 1947. In the Indian context corruption has been defined in legal terms by Section 161 of the Indian Penal Code. But, "in its widest connotation, corruption includes improper or selfish exercise of power and influence attached to a public office or the special position one occupies in public office."<sup>26</sup>

The Second World War immensely increased the scope and depth of corruption throughout the world, and even those countries, where the standard of integrity in administration is claimed to be high, have also been concerned with this problem and have made institutional arrangements for the protection of the citizen against arbitrariness, indiscretion, inefficiency, indifference and corruption on the part of public officials. Thus Denmark, following the Swedish example, set

25. *The First Five Year Plan*, Planning Commission, New Delhi, 1952, p. 115.

26. *Report of the Committee on Prevention of Corruption (Santhanam Committee)* New Delhi, 1962, p. 5.

up the institution of Ombudsman in 1955. Norway followed suit in 1962. In the Commonwealth, New Zealand (1962) and the United Kingdom (1967) have established the office of the Parliamentary Commissioner to deal with acts of maladministration of defined categories. The new government of free India was not found amiss in this matter and took remedial measures in this direction. The Prevention of Corruption Act became law in 1947. A number of committees/commissions were set up to inquire into the malaise of corruption and make recommendations to eradicate it—the Tek Chand Committee (1949), the Railways Corruption Inquiry Committee (Kripalani Committee 1953) and the Vivian Bose Commission (1956). In the meanwhile, the Prevention of Corruption Act of 1947 was suitably amended in 1955 to make it more stringent. The same year the Vigilance Division was established in the Ministry of Home Affairs and vigilance units in ministries/departments came into existence. A year earlier the Organization and Methods Division had been set up in the Home Ministry to improve efficiency in administration and reduce the scope for complaints against the administration. In addition, a Grievance Commissioner was also appointed in the meanwhile to deal with citizen's grievances. In 1962 the union government appointed Committee on the Prevention of Corruption, consisting of six members of Parliament and two senior officers under the chairmanship of K. Santhanam and as follow-up of its recommendations, set up the Central Vigilance Commission in 1964.

Most of the state governments have followed suit. Andhra Pradesh, Assam, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan and West Bengal set up Vigilance Commissions in 1964 based largely on the central model. Bihar, instead, set up an Anti-Corruption Board the same year. Madras also established the Directorate of Vigilance and Anti-Corruption early in 1964 to be replaced by the Vigilance Commission in November, 1965. However, in 1975 there were certain states still without Vigilance Commissions, namely Himachal Pradesh, Meghalaya, Manipur and Tripura.

In Madhya Pradesh various types of agencies were created to deal with corruption, namely, the Anti-Corruption Department, Divisional Complaints Boards, District Complaints Committees, the Commissioner for Inquiry, and Organization and Methods Units in the state secretariat and other agencies. Then came the most important step of the appointment of a vigilance commissioner in 1964. At the same time, Divisional Vigilance Boards were set up at the headquarters of each division consisting of the divisional revenue commissioner, the deputy inspector-general of police of the range concerned and the vigilance officer who was the convenor of the Board. For this purpose non-

officials were appointed divisional vigilance officers in each division. At the district level district vigilance officers were appointed and the office was filled by selected assistant collectors or deputy collectors. Maharashtra too established the State Vigilance Commission at the same time. It consisted of a single official known as the state vigilance commissioner having a term of five years or until the attainment of the age of 65, whichever was earlier. The appointment was made by the Governor by warrant under his hand and seal and he could not be removed from office except in the manner provided for a member of the Public Service Commission. The functions of the Commission were : (i) to enquire or investigate into complaints of corruption, misconduct, lack of integrity or other kinds of malpractice or misdemeanour or the exercise of discretionary powers for improper or corrupt purposes on the part of a state civil servant. However, ministers, the speaker of the state legislative assembly, judges of the high court and subordinate courts, the staff of the judicial department, elected officials of *zilla parishads* and their employees were excluded from its jurisdiction. On the basis of its investigation the Commission advised the concerned departments whether or not the erring government servant should be prosecuted ; and (ii) to coordinate the work of various departments in all matters concerning the maintenance of integrity in administration and to advise them on these matters. Like the Public Service Commission, the Vigilance Commission also was required to submit an annual report on its working to the legislature. The activities of the Commission were temporarily suspended after the demise of its first vigilance commissioner in June 1967. Thereafter the office of the Commission continued for some time with a skeleton staff till the creation of an alternative machinery for the redress of the citizens' grievances against public servants in terms of the State Lokayukta and Up-Lokayuktas Act, 1971.

We will now discuss at some length the position in Uttar Pradesh which has set up a rather elaborate vigilance establishment. The state government set up a Vigilance Commission on July 8, 1964 with headquarters at Lucknow. The Commission has two wings—an investigating wing known as the Uttar Pradesh Vigilance Establishment under a director of vigilance and a trial wing known as the Administrative Tribunal, both directly and collectively responsible to the state government. The Commission works under the administrative control of the Vigilance Department set up in the same year. The Commission consists of three members, two of whom are members of the Administrative Tribunal and the third is the director of vigilance. The president of the Tribunal is also the chairman of the Commission. The general responsibility of the Commission is to formulate proposals for

prevention and control of corruption. In pursuance of this objective it performs the following functions :

- (i) to advise government regarding change in procedure and practice with a view to eliminating chances of corruption ;
- (ii) to collect such statistics and other data as may be useful for the discharge of its functions;
- (iii) to advise government in respect of methods and procedures for redress of citizens' grievances ;
- (iv) to exercise general control and supervision over the vigilance and anti-corruption work of various departments, offices and undertakings ; and
- (v) to call for reports, returns and statements from departments, offices and undertakings under its control and to obtain information from them about action taken on its recommendations.

It should be noted that the Commission does not deal with complaints against members of the legislature and members of government, that is, ministers. The Commission submits an annual report to the government about its activities and, in particular, draws its attention to its recommendations which have not been accepted or acted upon. Like the report of the State Public Service Commission, its report is laid before the state legislature with a memorandum stating, in respect of recommendations which have not been acted upon or accepted, the reasons for non-acceptance or for not taking action. As a general rule, the Commission's recommendations are accepted by the government.

Coming to the two wings of the Commission, the investigating wing was set up under the Vigilance Establishment Act, 1965, which provides for the constitution, superintendence and administration of a special force called the Vigilance Establishment. The officer-in-charge is the director who exercises all the powers of a head of department and those of the inspector-general of police as regards ordinary police force. The director has an elaborate establishment to assist him. It can investigate into offences punishable under various sections of the Indian Penal Code and certain other acts. Its duties include : (i) informing government of matters coming to its notice regarding corruption, bribery, misconduct and malpractices against public servants ; (ii) collecting necessary intelligence in respect of possible sources of corruption in public servants ; and (iii) investigating such cases of corruption as are referred to it by the Vigilance Department. The establishment makes preliminary enquiries into complaints of corruption against government servants in general and gazetted officers in particular, and submits a detailed report embodying its

conclusions to the Vigilance Department.

The trial wing of the Commission called Administrative Tribunal consists of two members, one of whom is an officer of adequate seniority to be the head of a department or the commissioner of a division and the other a judicial officer qualified for appointment as a judge of the High Court. The rules, as amended in 1969, provide for one or more such tribunals. One of the members of the tribunal is nominated by the government as its presiding officer. The tribunal deals with cases in respect of corruption ; failure to discharge duties properly ; irremediable general inefficiency in a public servant of more than ten years standing ; personal immorality ; and wilful or flagrant violation of government conduct rules. Cases are referred to the tribunal by the Vigilance Department. The proceedings are held in camera and neither the prosecution nor the defence has a right to be represented by counsel. In conducting enquiries the tribunal is guided by rules of equity and natural justice and is not bound by formal rules relating to procedure and evidence. The tribunal formulates its recommendations regarding the punishments to be awarded to the erring public servant. It is for the state government to implement the recommendations of the tribunal, which is a mere advisory body. Again, while awarding punishments recommended by tribunal in respect of public servants, the government need not consult the Public Service Commission. In December 1975 the Uttar Pradesh Government set up the Public Services Enquiry Tribunal to deal with corruption in the civil service.

The same year the government of Jammu and Kashmir established the Anti-Corruption Commission which is also a plural body, but has been vested with greater powers than its counterpart in Uttar Pradesh. Thus, it has the power to make its own investigations and its recommendations are binding on the state government.

**Search for an Ombudsman :** Unfortunately, none of the devices tried in various states was able to make any noticeable impact on the problem of combating corruption and redressing citizens' grievances. The reasons for their ineffectiveness were many and varied. For example in Madhya Pradesh, "the Anti-Corruption Department, being a part of the police organization, failed to inspire confidence or to earn a reputation for competence or fairness. The Complaints Board and its counterparts at the district level, by the nature of their composition, found it difficult to function collectively and not having any agency of their own for investigation, became more of a channel of transmission of complaints to the departmental authorities. The Vigilance Commission, not having a statutory basis, or legal power to collect evidence, and being only an advisory body, had its limitations. While some feel



that the Vigilance Commission concerned itself far too much with trivial matters, others consider that the experiment was not given a fair trial and that it was hamstrung by official reluctance, lack of co-operation and indifference."<sup>27</sup> This led to a search for a new and more effective solution of the problem. Ever since 1963 widespread support for the establishment of an Ombudsman type of institution had been expressed in the Parliament, in the press and by reputed jurists and eminent public men. The Santhanam Committee had recommended in 1962 the setting up of such an institution more or less patterned on the office of the Parliamentary Commissioner in New Zealand. The Rajasthan Administrative Reforms Committee, in its report (1963) also recommended the appointment of an Ombudsman for that state. This matter was taken up for serious and detailed consideration by the Central Administrative Reforms Commission appointed early in 1966. The Commission was of the view "that the special circumstances relating to our country can be fully met by providing for two special institutions. . . . There should be one authority dealing with complaints against the administrative acts of Ministers or Secretaries to Government at the Centre and in the States. There should be another authority in each State and at the Centre for dealing with complaints against the administrative acts of other officials. All these authorities should be independent of the executive as well as the legislature and the judiciary."<sup>28</sup> The first one was to be called the Lokpal and the second one Lokayukta. The union government accepted the recommendation of the Commission with some modification and introduced the Lokpal and Lokayukta Bill in the Lok Sabha on May 9, 1968. But for one reason or the other the bill could never be enacted. However, the states of Bihar, Maharashtra and Rajasthan appointed Lokayuktas between 1971 and 1973. In 1972 the Madhya Pradesh Administrative Reforms Commission, in its report, recommended the setting up of a high power authority to be called the Madhya Pradesh Prashashan Prahari Mandal, to be charged with the responsibility of aiding and advising the state government in its task of maintaining "integrity and capacity in the administration." However, this recommendation has not been implemented so far.

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27. *Madhya Pradesh Administrative Reforms Commission Report on Vigilance Organisation and Redress of Citizen's Grievances*, Bhopal, 1972, pp. 9-10.

28. *The Interim Report of the Administrative Reforms Commission on Problems of Redress of Citizen's Grievances*, New Delhi, 1966, p. 18.

#### IV. State Services and their Training

The efficiency of administration depends largely on the quality of the personnel engaged in it. Recruitment of the right type of personnel is, therefore, of great importance to ensure good, honest and efficient administration. Laying down of proper qualifications for different services and posts, selective recruitment and appropriate training form the basis of a sound personnel system.

“A prominent feature of the personnel system to-day is the rapid rate of growth of the staff employed under Government. This is true as much of the State Governments as of the Central Government. There has been a proliferation of personnel not only in the field organisations, but also at the level of State Secretariats and the Directorates. The Study Team points out that in one of the States the number of Secretaries, Deputy Secretaries and Under Secretaries in the Secretariat increased from 14 in 1947 to 93 in 1965. The number of other staff increased from 320 in 1948 to the abnormal figure of 2,226 in 1965. By and large, the same position obtains in other States as well. The number of employees in all the States, which was 39.33 lakhs in 1960, had increased to 54.16 lakhs in a period of five years, thus registering an increase of about 37 per cent. At the end of 1968, the number of such employees was 56.02 lakhs. . . . . The expenditure on salaries and allowances has accounted as much as 55 per cent of the total revenue expenditure in all the States.”<sup>29</sup> This number has further gone up and varies from state to state. Obviously, Uttar Pradesh had the largest number, over 6,00,000 employees with Assam in the lowest rung with a little more than a lakh. The total number of government servants in Madhya Pradesh in 1976 stood at 5,45,697 including 87,155 contingency employees.

The term ‘State Civil Service’ may be defined as services and posts the recruitment to and conditions of which are regulated by the Acts of the appropriate state legislature or, until such legislation has been passed, by rules made by the Governor of the state concerned (vide Article 309). No state legislature has yet passed a law regulating the recruitment and conditions of service of its employees. The state civil services do not include services under local authorities, rural and urban. The state government thus exercises powers to make rules providing for the making of first appointment, methods of recruitment, number and character of posts and conditions of service in respect of the state and subordinate services. It is the final authority in respect of matters connected with such services and no appeal or representation lies to any other authority outside the state. The state services, in brief,

29. *Administrative Reforms Commission Report on State Administration*, New Delhi, 1969, p. 73.

consist of such services as the state government may, from time to time, declare by notification in the official gazette to be included in that category. This topic may be studied under the following three heads, namely (i) the classification or structure ; (ii) the recruitment ; and (iii) the training.

**Classification or Structure of Services :** "The orderly and adequate fulfilment of the multifarious responsibilities of the State Government necessitates the employment of thousands upon thousands of public servants of various grades and skills. These include personnel engaged for specific works whose salaries are charged to the works and who consequently are not treated as regular Government servants, personnel employed on a casual basis and paid from contingencies and part-time and honorary officers. There is, however, a large body of State Government servants who are permanent or who hold posts which in course of time are made permanent. The number of State Government servants would be 2,00,000 (the number now stands at nearly 3,00,000). From administrators and professional experts to unskilled labourers, almost every conceivable calling is represented in this vast body of public servants."<sup>30</sup>

Though there is considerable uniformity in conditions of service for public servants, there is need for providing a gradation of skills and equipment, educational as well as technical, for the performance of duties of varying complexity and responsibility. Again, it is necessary on administrative grounds to group posts according to the departments to which they belong and the qualifications required for holders of the posts. Thus, there are separate services for each of the major departments, and each of these services is divided into two or more grades. There are also services which cater to the requirements of more than one department or which, though under the control of a particular department for administrative purposes, provide specialized personnel for other departments as well, for example, State Accounts Service. In addition there used to be a cadre of specialized services which is fast dying out. Among the few survivors is the post of superintendent, printing and stationery. Then, there are posts in certain departments which are too few to be constituted into a separate service and also posts in various departments which do not fit into the general framework of the separate services constituted for those departments. All such posts are grouped under the State General Service, Class I and II. Illustrations of such posts in Maharashtra are gazetted posts in the Social Welfare, Printing, Labour, Factory and Boiler Departments, the post of administrator general and official trustees, etc. Another way of classifying the services and posts under the state government on the

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30. *Report on Reorganisation of Maharashtra Administration*, Vol. I, Bombay, 1971, p. 325

basis of status and rank is the distinction between the gazetted and non-gazetted services posts. A gazetted officer is usually one who holds charge of an office; his duties are mostly supervisory or directory; and his appointment, leave, transfer or posting is notified in the gazette. However, there are certain posts within non-gazetted category whose appointments are notified for special purposes in the gazette by the heads of departments, but which are not recognized as having the status of gazetted posts. Yet another method of classifying state services is their division into four categories : Class I, Class II, Class III and Class IV. Gazetted posts include All India Services and Class I and Class II state services along with a number of isolated posts with equivalent status which do not form part of any fixed cadre. Non-gazetted posts are divided into Class III and Class IV services.

**All-India Services :** These services are common to the union and the states and they serve both the central and the state governments. These services have been constituted under Article 312 of the Constitution. The two original services under this category created in 1946 are the Indian Administrative Services and the Indian Police Service. The Indian Administrative Service has been constituted in place of the Indian Civil Service, excluding the judicial branch of that Service, and serving members of the Indian Civil Service are deemed to belong to the Indian Administrative Service for purpose of posting. Special privileges enjoyed by the Indian Civil Service like higher retirement age and the claim to payment of the pension in British pounds have been recently terminated. The Indian Police Service is similarly the offspring of the old Indian Police. Recently a few more such services have been created, namely, the Indian Service of Engineers, the Indian Forest Service and the Indian Medical Service. These services are recruited on an all-India basis through the Union Public Service Commission as a result of a competitive examination. Their conditions of service are governed by the rules made by the central government. But while serving under a state government, they come under the administrative control of the state government, that is to say, their postings, transfers and other ancillary matters are under the control of the state government which can even impose minor penalties after consultation with the Union Public Service Commission. The members, however, have a right of appeal or representation to the central government against any orders adversely affecting their service conditions. Major penalties can be imposed only by the central government. The Service is constituted of fixed cadres for each state divided into senior posts under the state government, senior posts under the central government filled by the deputation of officers borne on the state cadre, a deputation reserve meant to cover appointments to posts outside the prescribed cadre, a leave reserve, a training reserve and junior posts. There is a separate

cadre for union territories. Depending upon requirements, a central deputation quota is provided in each All India Service. In the case of the Indian Administrative Service and the Indian Police Service, such quota is calculated at the rate of 40 per cent of the senior posts under all the state governments ; and for the Indian Forest Service, at the rate of 8 per cent. The table below gives the authorized strength, the central deputation quota and the number of officers actually on deputation to the central government in respect of each Service as on 1-1-1971<sup>31</sup> :

TABLE V  
Strength of All India Services

Service	Authorized Strength	Central Deputation Quota	Number on Deputation
Indian Administrative Service . . . . .	3203	632	502
Indian Police Service . . . . .	1790	359	426
Indian Forest Service . . . . .	1097	57	66

In addition to direct recruitment to these services, there is a provision for recruitment by promotion or selection from amongst members of the state services. Appointments to the Indian Administrative Service by promotion and selection are not to exceed 25 per cent of the number of senior duty posts borne on the cadre and not more than 15 per cent of the posts available for promotion and selection may be filled by selection (the percentage has now been raised to 33-1/3 per cent). Promotion vacancies are filled by the central government on the basis of a select list of members of the State Civil Service who have served as deputy collectors and who are considered fit for promotion in consultation with the Union Public Service Commission. Appointments by selection are made out of lists similarly prepared consisting of officers in the state services who hold posts equivalent in importance and responsibility to those of the deputy collector and who are outstanding in merit and ability. A similar provision exists for promotion in the Indian Police Service. Appointments are made by promotion from the State Police Service of officers who have served for not less than eight years as deputy superintendent of police. Select lists are maintained for this purpose.

The senior posts under the state government included in the cadre of the I.A.S. have been specifically named and, except for temporary periods, they cannot be filled except by members of this Service. They

31. *Report of the Third Central Pay Commission*, Vol. I, New Delhi, 1973, p. 15.

include the posts of Chief Secretary, Secretaries to government in many cases, divisional commissioners, members of the Board of Revenue, collectors and many heads of departments. It should be noted that in the case of certain technical departments like engineering departments, the head of department belongs to that technical service. However, there are cases where the members of this Service (I.A.S.) have been posted as heads of many technical departments like forest, education, agriculture, etc. The junior posts under the state government included in the cadre of this Service are not specified but they are generally posts of assistant collectors/commissioners and under secretaries to government.

**State Class I Services :** Class I services are generally constituted for posts which are equivalent in status and responsibility to those qualified as senior posts in the cadres of All India Services. These services were created as a follow-up of the recommendations of the Lee Commission (1924) which recommended the gradual abolition of All India Services, which were to be replaced by Class I services. A number of such services were, therefore, set up between 1924 and 1947, as replacement of All India Services. In addition, certain new services were constituted as the state governments extended the scope of their activities to new fields like industries, civil supplies, co-operation, fisheries, sales tax, etc. Almost every department has its own Class I service. As in the case of All India and Central Services, Class I posts also do not carry uniform scale of pay and the pay scale in fact differs from department to department. As at the centre, there also obtain two scales of pay in this class, junior and senior (as in the case of central and All India services) or regular grade and selection grade. For example in Madhya Pradesh, deputy collectors in the scale of Rs. 425-1050 reaching the stage of Rs. 800 per month are declared to be in Class I. In the case of other services such stage is reached at Rs. 900 a month. As an illustration of difference in pay scale, we find that in Madhya Pradesh the State Accounts Service has a pay scale of Rs. 900-1360 while professors in government colleges get a grade of Rs. 1100-1500. Similarly, teaching posts in medical and engineering colleges in Class I have special pay scales. There is also provision for a selection grade in various state services. For instance, the selection grade for deputy collectors in Madhya Pradesh is Rs. 1050-1450. Then, there are still higher posts of principals, heads of offices and heads of departments for whom higher grades are prescribed, though even here there is no uniformity of pay scales. By and large, appointments to Class I posts are made by promotion from Class II posts and there exists a fixed quota of such promotion posts in each department. In some cases these posts are filled by direct recruitment through the State Public Service Commission by means of interviews.

**State Class II Services :** Class II services are constituted for posts which are of lower status and responsibility than those in Class I service but which are nevertheless considered important enough to require that the power of making appointments to them should be vested in the state government and that they should be included in the category of gazetted posts. The origin of the Provincial Services goes back to the recommendation of the Royal Commission on Public Services (1886-87). Its recommendation to create such services was approved by the Secretary of State for India and in 1892 the Government of India authorized the local governments to establish their provincial services. Each department has its own Class II service but the pride of place goes to the State Civil/Executive/Administrative Service. Its predecessor, the old Provincial Civil Service, occupied a position of importance only next to that of the Indian Civil Service. As in the case of Class I services, there is no uniform scale of pay for this class of service as well. In Madhya Pradesh, for example, there are two categories in Class II posts. Category I includes services like State Civil Service (deputy collector) and State Accounts Service with a pay scale of Rs. 425-1050, while category II consists of services like State Police Service (Rs. 425-900), sales tax officer (Rs. 425-1000) and employment officer (Rs. 400-720). Thus, there are not only two categories with different scales of pay but even in category II, there is no uniformity in pay scales. Recruitment to these services is made partly by examination and partly by selection, in both cases through the State Public Service Commission. Thus, the State Public Service Commission holds every year a combined competitive examination to select candidates for State Civil Service, State Accounts Service, State Police Service, Sales Tax Officer, Assistant Registrar Co-operative Societies and Employment Officer. This examination is conducted on the model of the combined competitive examination for Indian Administrative Service and Allied Services held by the Union Public Service Commission. Then there are posts in Class II like lecturers in government colleges, assistant medical officers, inspectors of schools and the like, the selection for which is done by the Commission by means of interviews at which specialists in the subject concerned and departmental representatives concerned are invited to participate. As regards recruitment to judicial services (civil judges) in some states like Uttar Pradesh the Public Service Commission conducts an open competitive examination, while in other states like Madhya Pradesh recruitment is done on the basis of interviews conducted by the Public Service Commission. Besides direct recruitment, there is a provision for recruitment by promotion from below, that is, Class III posts, and usually a quota is fixed for such promotion. Promotions are made on the basis of the recommendation by the departmental promotion committees in consultation with the State

### Public Service Commission.

**Class III Services :** There are Class III services for each department consisting of various subordinate/executive and ministerial posts. The executive category includes officers like naib-tahsildars, deputy/assistant inspectors of schools, sub-inspectors of police, teachers of secondary schools, etc. In this category also fall posts superior to these, though non-gazetted, viz., tahsildars, excise inspectors, sales tax inspectors, co-operative inspectors, etc., ministerial or clerical services include clerks, stenographers, assistants, assistant superintendents, head-clerks and superintendents. Recruitment to these services is made partly by open competitive examination and partly by selection. For example, in Madhya Pradesh, the annual combined competitive examination for the State Services includes Class III services like Subordinate Civil Service, co-operative inspector/extension officer, sales tax inspector, excise sub-inspector, transport sub-inspector and sub-registrar. Recruitment to other posts is made either by departmental heads or in some cases by district heads by some kind of local recruitment, as in the case of recruitment to the post of sub-inspectors of police in many states. This kind of recruitment is made either on the basis of a sort of written-cum-oral examination or just by interviews. There is provision for promotions within this class on quite a liberal scale. Thus, except in Maharashtra, the posts of tahsildars are filled only by promotion from naib or deputy tahsildars. But promotion from Class III to Class II are more limited. Ordinarily, promotion is made on the basis of seniority-cum-merit as a result of the recommendation by the departmental promotion committee.

**Class IV Services :** This class consists of peons, daftaris, messengers, orderlies, attendants, watchmen, cooks, 'khalasis', ward servants, laboratory servants, etc. A common characteristic of these posts is that by and large they include work that is unskilled or semi-skilled and is manual in nature. Previously, their terms of service were less favourable in regard to leave and pension. But now these disabilities have been removed and their salaries, allowances and other conditions of service have been vastly improved. The scope of promotion from Class IV to Class III service is rather remote, though of late there are cases of promotion of peons to the posts of clerks and typists provided they have acquired necessary level of education and skill. As in the case of other classes of service, there is no uniformity in the pay scales of posts comprising this class. Recruitment to these posts is made by district officers or other officers on a local basis.

**Recruitment :** Recruitment to each class of posts is made in accordance with the requirements set forth in the recruitment rules prescribed for it. The rules prescribe whether the post should be filled by promotion from a lower cadre, by direct recruitment or by transfer from



another service. The mode of intake at various levels varies from one department to another and also within the same department. Where there is a provision to fill the post partly by direct recruitment and partly by promotion, the rules prescribe the ratio in which vacancies may be filled by the two methods. The rules also lay down the age limits, qualifications and experience required of candidates applying for direct recruitment. To take the example of Maharashtra, we find, as will be borne out by the following table, that the ratio for promotion and direct recruitment vary from department to department<sup>32</sup> :

TABLE VI

Service	Promotion	Direct Recruitment
Deputy Collectors . . . . .	50%	50%
Mamlatdars . . . . .	50%	50%
Deputy Superintendents of Police . . . . .	70%	30%
Engineers, Classes I and II . . . . .	25%	75%
Co-operative Service Class I . . . . .	75%	25%
Co-operative Service Class II . . . . .	50%	50%
Medical Service, Class I . . . . .	50%	50%
Medical Service, Class II . . . . .	50%	50%

Attention may be drawn at this stage to certain features of this system. First, there are several offices of heads of departments where direct recruitment is made only at the lowest level and almost all higher posts are filled by promotion. Secondly, there are several posts for which no such promotion ratios have been fixed. Thirdly, it is found that in many cases posts filled by promotion are in excess of the prescribed ratio. Lastly, while promotions in the same class service are freely available, movement from one service to another service is rare.

The broad dimensions of policy regarding recruitment to public posts have already been set in the Constitution. Article 16 stipulates that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. The accompanying Article 15 also stipulates that no citizen shall be discriminated against or be ineligible for any public appointment on ground only of religion, race, sex, caste, descent, place of birth, residence or any of them. However, the Parliament has the power to stipulate any requirement as to residence within the state as a condition of eligibility for appointment to any class of employment or to an office under the government and to make reservations in favour of

32. *Report of the Administrative Reorganization Committee of the Maharashtra Government, Bombay, 1968, p. 57.*

any backward class of citizens. In actual practice, the spirit of these Articles has not been followed. For example, as a result of certain constitutional amendments, reservation of posts in almost all services including promotion has been made in favour of scheduled castes/scheduled tribes and backward classes. Similarly, the principle of giving preference to "sons of the soil" has invaded almost all job opportunities even though the Public Employment (Requirement as to Residence) Act, passed by the Parliament in 1957, has expressly prohibited discrimination on the ground of residence or domicile in the state. It should be recalled that in our country there is only one uniform citizenship for the entire land, and the states do not have their own separate citizenship. Legal or not, discrimination on the basis of residence is freely practised and what may be termed as the "localization" of public services is fast taking place with resultant damage to the quality of the personnel.

Two other points need mention here. Under the terms of the Constitution (Article 320 (3)), the State Public Service Commission is empowered to advise the state government in all matters relating to methods of recruitment to civil services and for civil posts. Secondly, service under government is generally not a matter of contract but a tenure subject to the pleasure of the Governor/President (Article 310 (1)). However, the doctrine of pleasure operates under certain limitations (Article 311), according to which (i) no member of the civil service "shall be dismissed or removed by an authority subordinate to that by which he was appointed, and (ii) "no such person.....shall be dismissed or removed or reduced in rank except after an enquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such enquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed."

**Training :** Staff training may be defined as "the systematic and special education of staff (either as individuals or groups) to fit them better for particular work in an organisation, or to develop their potential for other (and perhaps more responsible) work. It has a direct effect on the efficiency of the individual worker, and on the efficiency of the organisation as a whole. It has also an indirect effect in communicating a sense of purpose and, through this, improving morale and self-discipline. Staff training grows in importance as the wider social, economic and political purposes of the State Services grow more complex, and as their activities increase. The day has long since passed when officers could learn all they need to know by working along-side their more experienced colleagues. And indeed training by experience

is often a slow process. It is sensible to speed the process up in a rational and intensive way especially for those occupations where there is (or will be) a perceptible shortage of experienced staff.<sup>33</sup> The problems of administration are every day getting more and more complex and complicated requiring experienced and in many cases specialized personnel to deal with them. In consequence, the civil service is becoming more and more professionalized. Fulton Report has observed that "in the more professional Civil Service of the future, it will not be enough for civil servants to be skilled in the techniques of administration, they must also have a thorough knowledge of the subject matter of their field of administration and keep up to date in it."<sup>34</sup>

To begin with, a distinction must be made between education and training. Education may be defined as the gradual maturing of the mind and gaining of general knowledge. It comprises "the complete upbringing of the individual from the childhood, the formation of character and of habits and manners, and of mental and physical attitude."<sup>35</sup> Training, on the other hand, has to do with specific work in a specific organization and builds on the prior educational attainments of individuals or groups. W. G. Torpey has defined it as "the process of developing skills, habits, knowledge, and aptitudes in employees for the purpose of increasing the effectiveness of employees in their present government positions as well as preparing for future government positions."<sup>36</sup>

The traditional type of training obtaining in pre-independence India was "on-the-job training", even though there existed police training schools in various provinces where the police officers were "drilled and trained in duties which were somewhat military in character." Philip Woodruff, in his famous book *The Founders and the Guardians* has drawn a graphic picture of such training. In the words of Ashok Chanda, "the best training in any Service is provided by the actual doing of the job for which the Service exists." However, it is now agreed on all hands that "training on the job" should be supplemented with institutional training. Chanda has called it "basic" training, others have called it "foundational" training. It was Chanda who suggested to the Prime Minister in 1955 "that an Academy of Administration should be established to bring together in a common training establishment all the officers of the superior services." The Government of

33. *Report of the Royal Commission of Inquiry on the State Services in New Zealand*, Wellington, 1962, p. 240.
34. *Report of the Committee on the Civil Service* (1966-68), Vol. I, London, 1968, p. 35.
35. Tickner E.J., *Modern Staff Training*, London, 1952, p. 9.
36. Torpey, W.G., *Public Personnel Management*, New York, 1953, p. 154.

India accepted this suggestion and the Home Minister in his statement before Parliament in April 1958 announced that "training in foundational and fundamental subjects should be given to all those who are recruited for senior grades of services." The result was the setting up at Mussoorie of the National Academy of Administration, renamed in 1972 as the Lal Bahadur Shastri Academy of Administration. Such foundational courses have both 'general' and 'special' content.

Following the lead given by the union government, most of the state governments have set up their own academy/institute/college/school to impart training to their employees. One of the very best institutions of such type is Harish Chandra Mathur State Institute of Public Administration at Jaipur, and we will now give some details of the working of this institution. The Rajasthan government was perhaps the first state to give due attention to the need for training its employees. On November 14, 1957 an Officers' Training School was founded at Jodhpur to provide training to members of the newly constituted Rajasthan Administrative Service. It was soon discovered that members of the Indian Administrative Service who were previously being sent for their professional training to Uttar Pradesh, could also be imparted training in the newly opened Officers' Training School. Therefore, from 1959 the training of the Indian Administrative Service Officers also began to be conducted at this School. In 1961 the Accounts Training School was merged with the Officers' Training School at Jodhpur. In 1966 the Commercial Taxes School, Jaipur was also merged with the Jodhpur School. A number of new training programmes for senior administrators were introduced on the recommendations the State Committee on Training set up in 1961. These programmes were designed to enable the administrators to keep themselves abreast of latest developments in their chosen areas of specialization in public administration. The Officers' Training School moved from Jodhpur to Jaipur in 1963. In 1966 it moved to its own campus in a newly constructed building. In 1969 the School was named as the Harish Chandra Mathur State Institute of Public Administration to commemorate a distinguished administrator and parliamentarian.

The aim of the Institute is to contribute to a continuing improvement in Rajasthan administration so that it is able to fulfil the people's aspirations for development at an accelerated pace. To this end the Institute strives to—

- (i) design and conduct training courses appropriate to the specific identified needs of the administrators and the organizations they serve;
- (ii) assist the departments and agencies in finding solutions to several of their baffling organizational problems ;

- (iii) serve as a forum for the interchange of ideas and experiences among scholars and practitioners of public administration; and
- (iv) undertake research on problems of direct relevance to government agencies and disseminate widely through its publications knowledge of current developments in the vast field of public administration.

Training consciousness has grown rapidly in Rajasthan and the Institute is under constant pressure to organize programmes of training for the middle and higher level civil servants belonging to almost all services, generalist as well as technical. Training programmes conducted at the Institute can be broadly grouped as follows :

**Foundational Courses :** These have been designed to familiarise all new entrants to the government service as well as those promoted from lower to higher ranks with the way government operates in the present-day context. These courses are meant for both technical and general state services. Duration of these courses is roughly two months.

**Professional Courses :** After the foundational courses the new entrants to the service undergo the professional training course which prepares them for the job which they are expected to handle after this training. These courses are organized for new entrants to the Indian Administrative Service, Rajasthan Administrative Service, Rajasthan Accounts Service, Rajasthan Commercial Taxes Service and Accountants. The programme includes practical training which takes officers actually into the field to give them first hand real life administrative experience. Duration of these courses which varies from service to service is usually long—from six months to a year.

**Refresher Courses :** Officers in the mid-career need to be trained to enable them to shoulder the responsibilities of newer, more important assignments as they go up the ladder. Refresher courses are designed to cater to the needs of such personnel. These are usually short-duration courses.

**Programmes in Management Techniques :** These programmes are aimed at improving the efficiency of the executives in the government organizations and the public sector undertakings by exposing them to the latest management techniques. Senior officers from both the generalist and technical services participate in these training programmes which mostly are short-duration courses.

**Programmes in Development Administration :** The training programmes in this area have lately been specially introduced to meet the growing requirements of the staff working in various development projects. They are attended by senior and middle level officers from both the generalist and technical services. Duration of these courses is

usually short. Programmes being now developed are getting highly participative. Several training techniques are employed taking into account the nature of the course content and the level of the participants. For very senior people only seminars and workshops are organized. In other programmes also emphasis now is on increasingly involving the participants in discussions of the subject matter. Case studies are used. Officers are also given the chance of visiting the projects and offices to understand the problems on the spot. The Institute possesses audiovisual and other electronic equipment.

Since most courses are meant for officers actually engaged in important development assignments who cannot be away from their duty for long periods of time, the duration of courses is kept to the minimum without diluting their content. Training programmes for the coming year designed in consultation with the concerned departments and agencies are announced sufficiently in advance. The Institute issues at the beginning of every year its annual training programmes brochure.

The Institute has its own teaching and training faculty which is a mix of academicians and administrators. Some posts of professors and associate professors have been recently created and filled. The Institute pays particular attention to the staff development. In addition to its own staff the Institute invites guest speakers from other institutes, universities and the government departments.

In addition to training, the Institute also has a research programme directed at the areas of direct relevance to government work. Of late, it has also taken up publication work. Its journal, *Prashasika*, has already earned a good name. In addition, it is also bringing out a biennial journal *Development Policy and Administration Review*.

Other states have set up their own institutions to impart training to their employees. For Example, Maharashtra has its Administrative Staff College at Bombay and Madhya Pradesh its Lal Bahadur Shastri Academy of Public Administration at Bhopal. While the Maharashtra Administrative Staff College is a developed institution following more or less similar programmes as at Jaipur, the Madhya Pradesh Academy is comparatively less developed. In addition to this Academy, Madhya Pradesh has a Police Training College at Sagar imparting training to sub-inspectors of police. It also has six training schools to train police constables. There are also training schools for training forest guards and deputy rangers of forests. In brief, the pattern appears to be for each state to have a central training institution and a number of other training schools/colleges for training employees of different services and grades. Maharashtra, too, in addition to having an Administrative Staff College at Bombay, has a network of training institutions catering to the needs of officials at various levels belonging to different depart-

ments of the state government. To take the example of the departments of revenue and police, we find an elaborate arrangement for training the officials of different grades. Thus, the revenue department makes arrangements for the training of deputy collectors, *mamlatdars*, *naib-tahsildars*, circle inspectors, inspectors, *talatis*, village *panchayat* secretaries, etc. In the same way, the police department arranges the training of sub-inspectors, head constables, constables, mechanics, motor launch and dinghy drivers, etc.

In the field of local self-government, there has developed, since the establishment of *panchayati raj*, an elaborate system of training *gram-sevaks* (village level workers), block development officers, social education organizers, workers in tribal development blocks and members of *panchayats*, *panchayat samitis* and *zila parishads*. A number of institutions have been set up throughout the country to carry out this task. Both the central government and the state governments have helped in the matter. In brief with a view to developing proper understanding of the basic objectives underlying the community development and *panchayati raj* programmes, training is given at composite training centres under the administrative control of various state governments to officials and non-officials connected with these programmes. The National Institute of Community Development, Hyderabad, which is an autonomous body, functions as an apex institute for providing training in the philosophy and aims of community development. It also functions as a clearing house of information on community development and *panchayati raj*. The institute has three wings—study, research and instruction. The study wing offers orientation courses to key personnel from various state governments—administrative, technical and non-official. The research wing undertakes investigation of current problems through its own staff and through universities. The instruction wing conducts courses for instructors as also for district *panchayat* officers and sub-divisional officers. Various other schemes are in operation to provide training to the rural youth through short duration camps, people's representatives in *panchayati raj* institutions and village leaders through 'sammelans' and school teachers through orientation courses. Arrangements have also been made to impart training to municipal services in the field of urban government. Initiative in this matter came from the Health Ministry at New Delhi. It established in 1966 a Centre for Training and Research in Municipal Administration under the auspices of the Indian Institute of Public Administration at New Delhi. But it was soon found that one centre could not cater to the needs of the entire country. Therefore, the Health Ministry, in consultation with the concerned state governments, established during 1967-68 four

ownership and operation of industries and services. In consequence, a new type of enterprise has come into existence in the economic regional centres at Bombay, Calcutta, Hyderabad and Lucknow. The existing institutional facilities were availed for this purpose, "both with an eye for economy and for mobilising local cooperation." At Bombay the existing organisation of the All India Institute of Local Self-Government was utilised, while at Calcutta the regional centre was established at the Institute of Social Welfare and Business Management. At Hyderabad and Lucknow, the departments of Public Administration in these universities were entrusted with the organization of regional centres.

Despite the elaborate arrangements described above, it cannot be maintained that all states in the union have been able to make adequate arrangements for training their employees or that all the state governments have shown equal and adequate interest or paid earnest attention to this problem. The need of the hour is for each state to set up a central personnel agency to look after the various aspects of the personnel problem particularly the staff development aspect. As the functions of government get more and more complex the need for creating a staff of suitable calibre and aptitude becomes more and more obvious. It is hoped that the state governments, particularly those which are backward in this field, will realise their responsibility in this field.

#### **V. Statutory Autonomous Bodies and Public Corporation in States**

For purpose of administration, governmental business in every state is organized into departments which are, indeed, the traditional form of dividing and conducting governmental operations. However, along with the departments/ministries there exist certain other types of agencies created by statutes, namely, councils, boards, commissions and corporations. Since the end of the Second World War increasing and extensive use has been made of these devices to perform the new functions undertaken by governments. In India as well there has been a proliferation of new agencies and organizations since independence. Numerous boards, commissions and corporations have been established both by the union and the state governments for performing functions like regulating trade, commerce, transport and communication, conducting examinations, providing services like electric supply, housing, transport, etc.; and rendering financial assistance. Increasing intervention by the state in economic field, however, has been more than regulatory. It has a positive content by way of



field, known as state or public enterprise or undertaking. In the words of Khera, "By state undertakings is meant the industrial, commercial and economic activity carried on by the central government or by a state government or jointly by the central government and a state government, . . . . . so long as it is managed by a self-contained management."<sup>37</sup> A Speaker of the Lok Sabha defined a public undertaking as "an organisation endowed with a legal personality and set up by or under the provisions of a statute for undertaking on behalf of the Government of India an enterprise of industrial, commercial or financial nature or special service in the public interest and possessing a large measure of administrative and financial autonomy."<sup>38</sup> This definition also includes the undertakings of the state governments. "Such enterprises range from transport systems (railways, roadways, air and shipping enterprises), generation and distribution of power, irrigation system, supply of water for industry and domestic consumption, mining and processing of coal, iron and other minerals, banking and insurance to industrial enterprises like integrated steel plants, machine tools, fertilisers and chemicals, manufacture of aircraft, of locomotives and of transport equipment, etc."<sup>39</sup>

It is difficult to formulate any definite criterion determining the sphere of operation which legitimately belongs to a statutory board, commission, council, company or corporation. However, a few reasons for the establishment of such agencies may well be surmized. In the first place, whenever it is found necessary to relieve the central/state government of responsibility for control over the day-to-day conduct of a regulatory function or the provision of a service or the management of business enterprise, a separate authority is created for the purpose. Secondly, a separate statutory authority is called for if it is considered desirable to entrust a regulatory function to representatives of those most closely affected, as in the case of councils for control over members of certain professions. Thirdly, this device can provide representation to interests concerned in the provision of a particular service or commodity, thus getting the benefit of their viewpoints which may not be possible in a departmental organization. Fourthly, at times such bodies perform more than administrative functions, namely, quasi-judicial and quasi-legislative functions, as in case of independent regulatory commissions in the United States of America and certain commissions and tribunals in

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37. Khera, S.S., *Government in Business*, Bombay, 1963, p. 94.

38. *Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha*, New Delhi, 1962, p. 68.

39. Gupta, K.R., *Issues in Public Enterprises*, New Delhi, 1975, pp. 3-4.

our country. Lastly, a separate agency may be considered desirable for the conduct of activities on the basis of business considerations, as in the case of state enterprises. We will discuss this topic under two broad heads.

**Public Corporation :** There is no one ideal form of organising state enterprises. In general, three main forms of organisation, each with significant variations, are now utilized for the administration of public enterprises, namely, departmental undertakings, government companies and public or government corporations. The departmental form is the oldest and traditional device of running enterprises and even to-day railways, posts and telegraphs and defence industries in India are managed under this form. It provides for the maximum degree of control by government. The joint-stock company form has been used widely in our country in respect of manufacturing and banking activities in the public sector. Both the central and the state governments seem to favour it. The Indian Companies Act recognizes two forms of companies, private limited and public limited. This form possesses the necessary freedom in finance and autonomy in administration and at the same time permits adequate control by the government. Public corporations have been described by W. A. Robson as "the most important constitutional innovation" of this century. A public corporation may be defined as "a legal entity created by the Government but exterior to the government organisation, hence financially independent, for carrying on specific activities prescribed in the law creating it."<sup>40</sup> *The Report of Administrative Reforms Commission Study Team on Public Sector Undertakings* (June 1967) has thus summarized the characteristics of this form of organisation :

- (i) It is wholly owned by the State.
- (ii) It is created by a special law defining its objects, powers and privileges, and prescribing the form of management and its relationship with government departments.
- (iii) It is a body corporate and can use and be used, enter into contracts and acquire property in its own name.
- (iv) Except for appropriations to provide capital or to cover losses, it is usually independently financed and obtains funds by borrowing either from the government or, in some cases, from the public and through revenues derived from the sale of goods and services, and has the authority to use and re-use its revenues.
- (v) It is ordinarily not subject to the budget, accounting and

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40. *Ibid.*, p. 25.

audit laws and procedures applicable to government departments.

- (vi) Excluding the officers taken from government departments on deputation, the employees of public corporations are not civil servants, and are not governed by government regulations in respect of conditions of service.

Public corporation, as a form of organising public undertakings, has been in vogue in many countries during recent years. Thus, both in Britain and France, nationalized industries, by and large, have been given the form of public corporations. The same is largely true of Canada and the United States of America. Nearer home in Sri Lanka as well the public corporation pattern holds the field. In our own country, the first Industrial Policy Resolution, 1948 had envisaged that the "management of State Enterprise will, as a rule, be through the medium of public corporations." This categorical statement of policy was not modified in the second Industrial Policy Resolution of 1956 nor has any change taken place since then. Nevertheless, the government has not made general use of the medium of public corporations. Instead, it has shown a distinct preference for the company form. The United Nations Seminar at Rangoon (1954), a later United Nations Seminar at New Delhi (1959) and the Estimates Committee (Second Lok Sabha) Eighth Report (1960), all recommended that all wholly state-owned public undertakings should generally be in the form of statutory corporations. The central government, however, did not accept these recommendations on the ground that the "company form was advantageous in that it allowed the flexibility and autonomy necessary for the successful operation of commercial enterprises and also provided for parliamentary control. . . . .under the. . . . .provisions of the Companies Act." The Krishna Menon Committee Report of 1961 kept the whole question open by observing that "Government consider that the form of management of the undertakings should be determined by the requirements of each case." The relative utility of each of the three forms of organising public enterprises was considered by the Administrative Reforms Commission which recommended: (i) the form of a statutory corporation should in general be adopted for public sector projects in the industrial and manufacturing field; (ii) for projects in which there is a measure of private participation, the company form of organisation may be adopted; (iii) promotional and development agencies should, as far as possible, be run as statutory corporations or as departmental undertakings; (iv) for undertakings falling within the category of public utilities and services, public corporation is a more suitable form; (v) undertakings which are pre-

dominantly trading concerns or which are set up to improve and stabilise particular areas of business may have the company form of organisation. The Government of India's decision on these recommendations was : "For certain enterprises providing public utilities which are primarily intended to develop the basic infrastructure facilities, the statutory corporation form of management may be preferable. For other enterprises including those operating in the monopolistic field but where the commercial aspect is predominant, the present form of a company may allow more flexibility. The government, therefore, does not consider that the form of statutory corporation should in general be adopted for public enterprises." However, the central government has passed many Acts nationalising existing enterprises and converting them into public corporations such as Electricity Supply Act (1948), Industrial Finance Corporation Act (1948), Damodar Valley Corporation Act (1948), Employees' State Insurance Corporation Act (1948), Road Transport Corporation Act (1950), State Financial Corporation Act (1951), Air Corporations Act (1953), Life Insurance Corporation Act (1956).

State governments too have followed the central lead and have resorted to different forms of organisation for managing their public undertakings. Thus, we find four types of undertakings in states : departmental undertakings, companies, co-operative undertakings and public corporations. We will give in the following table state-wise list of government companies and public corporations :

TABLE VII

State	Government Companies	Public Corporations
Andhra Pradesh.	Industrial Development Corporation.	State Electricity Board.
	Small Scale Industrial Development Corporation.	State Road Transport Corporation.
	Mining Corporation Ltd.	
	Tungabhadra Steel Products Ltd.	State Financial Corporation.
	The Nizam Sugar Factory Ltd.	Ware-housing Corporation.
Haryana.	The Singareni Collieries Ltd.	Agro-Industries Corporation.
	State Industrial Development Corporation.	Haryana Financial Corporation
	State Small Industries & Export Corporation.	State Electricity Board.
	Haryana Dairy Development Corporation.	State Transport Corporation.
Madhya Pradesh.	State Laghu Udyog Nigam.	State Electricity Board.
	State Mining Corporation Ltd.	State Road Transport Corporation.
	State Audoyogik Vikas Nigam Ltd.	State Ware-housing Corporation.
		State Financial Corporation. State Housing Board.

State	Government Companies	Public Corporations
Maharashtra.	State Small Scale Industries Development Corporation. State Textile Corporation.  Manganese Ore (India) Ltd. B.E.S.T. of the Bombay Municipal Corporation. State Farming Corporation Ltd. Vidarbha Development Corporation Ltd.	State Housing Board. State Electricity Board. State Road Transport Corporation. State Board for Export Promotion.  State Labour Welfare Board.  State Ware-housing Corporation.
Orissa.	The Industrial Development Corporation. The Orissa Mining Corporation. The Orissa Transport Corporation. The Orissa Small Industries Corporation Ltd.	The State Ware-housing Corporation. The State Electricity Board. The Orissa Construction Corporation. The Orissa Forest Corporation. The Orissa Fisheries Corporation.
Punjab.	The Land Development & Seed Corporation Ltd. The Punjab Dairy Development Corporation Ltd. State Ware-housing Corporation Ltd. State Tube-well Corporation Ltd.	State Small Industries Corporation. State Financial Corporation.  State Land Development & Finance Corporation.  State Electricity Board.  State Transport Corporation.
Rajasthan.	State Industrial & Mineral Development Corporation. State Agro-Industries Corporation. State Hotels Corporation. State Small Scale Industries Corporation. The Ganganagar Sugar Mills.	State Road Transport Corporation. State Ware-housing Corporation. State Electricity Board. Rajasthan Housing Board. Rajasthan Financial Corporation.
Uttar Pradesh.	Small Industries Corporation Ltd. State Industrial Corporation Ltd. State Textile Corporation Ltd.  State Sugar Corporation Ltd.  State Agro-Industries Corporation Ltd.	State Financial Corporation.  State Electricity Board.  State Housing & Development Board. State Ware-housing Corporation.

A study of the form in which public enterprises have been organised in different states shows that state governments have not necessarily followed the public corporation pattern; in fact, they have, more often, followed the company form of organisation. Another fact that emerges from a look at the above table is that the nomenclature 'corporation' is confusing and can be used both for a govern-

ment company and a statutory corporation. In the third place, we find that most of the state governments have their own Electricity Boards and State Road Corporations organised as statutory public corporations. We will now study three aspects of the working of these corporations : boards of management, extent of autonomy and accountability.

**Boards of Management :** The quality of the working of a public enterprise largely depends on the kind of Board managing it. In the words of Gorwala, "Whatever the form, without suitable men at the highest level of management, the Governing Board or the Board of Directors, the likelihood of success is very little."<sup>41</sup> The management of a public undertaking, therefore, is entrusted to a governing board. In the case of a government company, it is called a board of directors as in private companies, while in the case of public corporations, it may be called board of governors or just a board. Broadly speaking, there are three types of boards—policy-making board, functional board and mixed board, and each of these forms may be found suitable under different circumstances. The members of the policy-making board are part-time, except the chief executive who may be a full-time chairman or a managing director. None of the members of such board is responsible for specified functions as an executive head. It does not concern itself with operational matters ; its functions are confined to general policy-making and supervision. The functional board, on the other hand, has members who are full-time and have specific responsibility for different subjects. They are specialists in their areas. The best example of such a board is the Railway Board. The mixed board has both full-time and part-time members. It is a mixture of the first two categories. The board of the Indian Oil Corporation is a good example of such a board. Preferences on which kind of board to choose differ widely. Government too have adopted different types of boards for different undertakings engaged, more or less, in the same kind of activity, but on the whole, preference has been given to the policy-making board. Taking the example of the State Electricity Board, an enterprise common to all the states and perhaps the largest in size and investment, we find marked differences in the composition of their governing boards. For instance, the Madhya Pradesh Electricity Board can be classified as largely a functional board. It has a membership of seven—chairman (a member of the Indian Administrative Service), member (finance), member (*technical and development*), member (river valley), member (*ex-officio*), member (*ex-officio*), and member-

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41. Gorwala, A.D., *Report on the Efficient Conduct of State Enterprises*, New Delhi, 1951, p. 19.

secretary (chief engineer). Of these, the chairman is appointed by the state government for an unspecified term, the two ex-officio members are secretaries to government in finance and electricity departments respectively and the remaining four members are in the service of the Board. On the other hand, in the case of some other states like Andhra Pradesh and Maharashtra, there are some non-official members nominated by the government to sit on the board. In general, the principal features of these boards are : (i) membership varies between three and eleven, (ii) there are two categories of members on these boards—official and non-official. The first category includes technical officers serving in the boards and generalist administrators who are generally ex-officio members. The second category comprises members of the state legislature, former members of Parliament, practising advocates and business executives. But it is found that the official element being in a majority dominates the boards (iii) members of the board are nominated by the state government except in the case of *ex-officio* members who are government officers ; (iv) there is no uniformity in respect of the chairman of the boards. Thus, while the chairman of some corporations are non-officials, in the case of others they are government officers on deputation. The powers and duties of the chairmen also vary from one corporation to the other ; and though autonomous bodies, they tend to follow the rules, procedures and practices of the government.

The wide range of activities of a public corporation include the appointment of the chief executive and the principal officers; the programmes of current and future output; plans for development and reorganization; major projects for new equipment; relations with Ministers on matters of policy ; the consideration of serious criticism by Parliament, consumers or the public and the action to be taken ; the result of negotiations with, or demands by trade unions on important matters ; general policy concerning finance, capital expenditure, prices, surpluses and deficits; the policy of the undertaking in staff matters, including questions of wages, incentives, morale, and consultation with employees; serious conflicts of interest or policy with other public corporations or with private interests; the allocation and the management of reserve funds; the action to reduce operating deficits; the adoption of important new inventions, process or improvements; policy on research and development, training and education.<sup>42</sup>

**Autonomy of Public Corporations :** The principal benefits of the public corporation, as a form of organisation, are said to be freedom

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42. Robson, W.A., *Nationalised Industry and Public Ownership*, London, 1962, p. 212.

from undue governmental control and regulation and the high degree of flexibility in personnel and financial matters. Indeed the *raison d'être* of preferring the statutory corporation form of organisation is said to be the autonomy it enjoys. However, in actual practice, such autonomy has been whittled down by governmental interference. The various state governments too have followed the example set by the central government and various types and degrees of interference in the affairs of the corporations have virtually reduced their autonomy to a formal facade.

**Public Accountability and Control :** No one has challenged the need for corporations to be accountable to Parliament for their working and the consequent need for control over them. One of the insoluble problems in this field is how to reconcile autonomy of public corporations with their accountability to Parliament. "Public enterprises are owned by the State. . . . they are created by investments from the funds of the Exchequer, and must, therefore, be subjected to the accountability to which all activities financed from public revenue must be subjected. There are other reasons too for insisting that public enterprises should function within the four corners of public accountability. More often than not, public undertakings are set up in nationalized sectors of industry, and therefore, function in an environment that provides the advantages of full or partial monopoly. Parliament, Government and the public must, therefore, be satisfied that they are being run efficiently, that conditions of monopoly do not lead to the exploitation of the consumer or deterioration in the quality of goods and services".<sup>43</sup> In a democracy public accountability involves parliamentary supervision and control over these enterprises. The responsible ministers are the chief instruments to exercise such control. The various forms of ministerial control can be summed up as follows :

- (1) To make appointments to the boards of public corporations, that is, members, chairman, managing director, etc., and, under certain circumstances, to remove from office any member of the board. The government has also the right to supersede the board and to appoint a new board. The government can also depute one or two of their officers to attend any meeting of the board, but they do not have voting right.
- (ii) To give directions of a general nature on matters like capital investment, personnel policies, development programmes and other matters affecting national interest.

43. Report of the Study Team (Administrative Reforms Commission) on Public Sector Undertakings, New Delhi, 1967, p. 45.



The government can also issue specific directives. Such directives must be carried out.

- (iii) To frame rules and prescribe procedures to be followed in various matters.
- (iv) To ensure that the enterprise is being run efficiently as a business concern and to institute an enquiry into its working if found necessary.
- (v) To approve programmes of reorganization or development involving substantial capital outlay to be financed from the exchequer and to approve the capital budget of the corporation before presenting it to parliament.
- (vi) To obtain information from the corporation. Every statutory corporation is required under enactment to submit an annual report on its activities, policy and programmes to the government.

As regards parliamentary control over public corporations, it is generally agreed that it should not extend to matters of day-to-day administration. Giving guidelines in this matter the Speaker of the Lok Sabha observed in 1953, "... the House is entitled to have all information that is reasonably necessary and just to judge whether the administration of a particular corporation, which is autonomous, is being carried on properly or not. But it ought not to enter into details so as to interfere with the autonomy of the particular corporation."<sup>44</sup> The main instruments that Parliament uses to supervise and control the working of public enterprises are ; questions and interpellation of the responsible minister; debates on various occasions including budget debates ; discussion on annual and other reports ; and examination by parliamentary committees. Important of such committees are the parliamentary Public Accounts Committee and in particular the Parliamentary Committee on Public Undertakings set up in 1963. The state legislatures too have their own Public Accounts Committees and many of them have also established their own Committees on public enterprises or undertakings. For instance, the Orissa Legislative Assembly constituted its Committee on Public Undertakings on 9th October, 1964, but it actually started functioning from 1st April, 1965. The committee consists of seven members of the Assembly chosen according to the principle of proportional representation by means of single transferable vote. The functions of the committee are

- (i) to examine the reports and accounts of the public undertakings specified in the schedule attached to the resolution constituting the committee ;
- (ii) to examine the reports, if any, of the Comptroller and

44. *House of the People Debates*, Part I, November 16, 1953, Col. 18.

- Auditor-General on public undertakings in Orissa ;
- (iii) to examine whether the affairs of the public undertakings in the state are being managed in accordance with sound business principles, and prudent commercial practices ; and
  - (iv) to perform such other functions vested in the Public Accounts and Estimates Committee of the state legislature as may be allotted to the Committee by the Speaker of the Assembly.

However, the following matters are beyond the jurisdiction of the Committee :

- (i) Matters involving major government policy with regard to public undertakings.
- (ii) Matters of day-to-day administration.
- (iii) Matters for whose consideration specific machinery is established by any special statute under which a particular public enterprise is established.

The committee calls for information from the concerned departments, sends questionnaires, conducts study tours, takes evidence from officials, discusses with ministers, records its proceedings, frames conclusions and recommendations, prepares the draft report, makes factual verification of the report, prepares the final report and presents it to the government. Soon after the presentation of the report, the government is required to furnish a statement showing their views on the recommendations of the committee and the action taken on them. The replies of the government and the official comments on the report are then circulated among the members of the committee. On the basis of the comments of the committee, the report is finally prepared by the government indicating the extent and nature of its acceptance of the recommendations of the committee. This report is then presented to the assembly for discussion.

**Autonomous Bodies other than Public Corporations :** The scope and activities of the Government have increased considerably which has led to the creation of autonomous organizations such as government companies, departmental undertakings, statutory corporations, universities, research and training institutions, etc.

Besides, there are 'professional councils' which exercise control over members of the medical, dental, nursing, pharmaceutical and veterinary professions. In the case of medical profession in Maharashtra these bodies are : The Maharashtra (Bombay Area) Medical Council and the Vidarbha Medical Council, the Maharashtra Board of Ayurvedic and Unani Systems of Medicine, and the Board of Homoeopathic and Biochemic Systems of Medicine. There are similar councils for nursing, pharmaceutical and veterinary professions. A common

feature of these boards/councils is the maintenance of registers of persons entitled to practise their respective professions and the exercise of disciplinary control over persons in the register, including the power to remove their names from the register for misconduct. In some cases these bodies are given the powers of civil courts in the conduct of disciplinary proceedings. These bodies are partly elected and partly nominated by the state government, and, in some cases, representation is given to the appropriate university faculties. The state government has varying powers of supervision and control over these bodies. Similar bodies exist in other states, though there are differences regarding the composition of these bodies.

Another type of statutory body which is coming into vogue is the administrative tribunal. The phenomenal increase in the functions of government in recent years has led to concentration of enormous powers in the hands of the executive branch of government. These powers include both subordinate law-making powers and quasi-judicial authority. This gives rise to more litigations and restrictions on the liberty of the individual. In a welfare socialist state the impingement of authority on the common citizen becomes pervasive leading to frequent disputes between individuals and authority. The ordinary law courts being too heavily burdened with their own civil, criminal and revenue work and their procedures being too cumbersome and time-consuming, the statutes frequently provide for the settlement of such disputes by specially created administrative tribunals, which are manned by persons familiar with the subject-matter under dispute. An important function of such tribunals is to bring about reconciliation between claims of individual rights and demands of public good.

## VI. Local Self-Government—Rural and Urban

In this section we first attempt a survey of the evolution of local self-government in the country and then give a brief account of the composition, functions and working first of the rural local government—*panchayati raj*—and then of the urban local government as found at the present time.

**Evolution of local self-government :** India has been known to be a land of village *panchayats* since times immemorial. These ancient village communities have been immortalized by Sir Charles Metcalfe, a leading civilian in the service of the East India Company, who, writing in 1830, described these communities as "little republics having nearly everything they want within themselves; and almost independent of foreign relations; they seem to last where nothing else

lasts . . . . . This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered; and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence."<sup>45</sup> However, the pre-1947 local self-governmental institutions in India were the creations of the British rule and the post-independence institutions have been largely built on them. The origin of the municipal institutions in India can be traced back to the orders of the Court of Directors of the East India Company directing the formation of a corporation consisting of European and Indian members for the city of Madras for the purposes of raising local taxation. The first municipal corporation of India thus came into being in 1688. Calcutta and Bombay were given similar types of corporations in 1720 and 1793 respectively. Outside the presidency towns, efforts were made to establish urban local bodies after 1842. As regards the rural self-governmental bodies, the ancient village system was known to be popular and efficient, at least in the Bombay and Madras presidencies. But during the 19th century, notwithstanding the statutory recognition of *panchayats* as petty courts in Bombay and Madras, they received insufficient encouragement from district authorities. However, the Resolution of Lord Lawrence in 1864 admitted that "the people of this country are perfectly capable of administering their own local affairs . . . every view of duty and policy should induce us to leave as much as possible of the business of the country to be done by the people." A further step in the direction of local self-government was taken in 1870, when Lord Mayo's government in their Resolution of the same year dealing with decentralization of finance, referred to the necessity of taking further steps to bring local interest and supervision to bear on the management of funds devoted to sanitation, public works, etc. New municipal acts were consequently passed between 1671 and 1874. These acts incidentally extended the elective principle to municipal bodies. It would, however, appear that the dominant motive in this fresh attempt to develop local institutions was to relieve the burden on imperial finances by levying local rates and taxes.

The next important step in the same direction was taken during the viceroyalty of Lord Ripon who has been rightly called "the father of local self-government in India." In 1882 his government issued the famous Resolution which continued to influence the development of local government till 1947. The most significant feature of the new policy was the remarkable shift in the approach to the problem. In the

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45. Quoted in Elphinstone's *History of India*, London, 1905, p. 68.

words of the Resolution : "It is not primarily with a view to improvement in administration that this measure is put forward and supported; it is desirable as an instrument of political and popular education." In pursuance of this policy the Resolution advocated the establishment of a network of local self-government institutions with special emphasis on the necessity for meeting the hitherto neglected requirements of the rural areas, the reduction of the official element in the local bodies to not more than a third of the whole, the exercise of control from within and not from without, a larger measure of financial decentralization and adoption of election as a means of constituting local bodies wherever possible. In consequence, a series of acts regarding municipal bodies and a variety of enactments regarding rural areas were passed. Unfortunately, neither the central government nor the provincial governments faithfully carried out the policy of Ripon.

The next important stage was reached in 1915 when the Government of India issued an important Resolution enunciating their policy of progressive reforms of local bodies. Soon thereafter, Montagu, the Secretary of State for India, issued his famous declaration of August 20, 1917 promising "the progressive realisation of responsible government in India" and the central government followed it up in 1918 with another Resolution affirming the necessity of removing all unnecessary official control over local institutions, making them as representative as possible and giving them powers that were real. The Montagu-Chelmsford Report on Indian constitutional reforms (1918) examined the existing system of local government and came to conclusion that throughout the educative principle has been subordinated to the desire for immediate results. It suggested that there should be vested as far as possible complete popular control in local bodies and the greatest possible independence for them from outside control. Executive action was taken in 1920 to implement these principles when the franchise was lowered.

Under the Government of India Act of 1919, local self-government became a 'provincial' and 'transferred' subject under a responsible Indian Minister. During the period of dyarchy (1921-37), all the provincial governments displayed great zeal for the progress of local government and many acts were passed with that end in view. The general trend of these acts were practically similar. In general, they aimed at lowering the franchise and increasing the elected element to the extent of making it the arbiter of policy in local affairs. Laws were also passed in various provinces for the growth of village *panchayats*. On the whole, the attempt was to lessen the official control, to make the local bodies representative of the people and to endow them with adequate authority.

The principal feature of the Government of India Act, 1935 was the grant of provincial autonomy. With the inauguration of 1935 reforms on April 1, 1937 and the assumption of office by popular ministries, there was a marked move in the direction of democratizing local bodies and strengthening them. But nothing substantial could be achieved due to the short-lived tenure of such ministries (1937--39) which resigned in November 1939 due to the differences with the Government of India on the conduct of the Second World War. The termination of the war in 1945 and the subsequent ending of political deadlock in 1946 was followed by general elections which led to Indian National Congress once again assuming office in majority of the provinces. This time again the tenure was short-lived because on August 15, 1947 a new Constitution came into operation.

On the eve of independence, different provinces had more or less a common pattern of local government. For example, in Madhya Pradesh (then known as the Central Provinces and Berar), local bodies of different kinds functioned. In towns and cities there were municipalities. In small towns there were notified area committees and in yet smaller towns, which were only semi-urban areas, there existed sanitation *panchayats*. In rural areas there were found district councils in all the districts and in some of the important sub-divisions. Then there were local boards in all *tahsils*, which had no independent powers or duties and merely exercised delegated authority and depended on the allotment of funds from the district councils. But there also existed side by side a few independent local boards in some areas which had independent sources of revenue and independent authority to administer their own affairs. Finally, there were the *gram panchayats* in villages with no independent sources of revenue and hamstrung by the control of the district councils. It should be noted that some provinces like the United Provinces did not have the institution of local boards at the *tahsil* level.

A period of three years elapsed between the ushering in of independence and the inauguration of the new Constitution on January 26, 1950. During this short period many provincial governments embarked upon a policy of giving a new basis to their local government and restructuring it. The Madhya Pradesh government took an important lead in this direction. This government made drastic changes in the entire set-up of local self government institutions in the state with the two-fold objective of bringing about a measure of uniformity in such bodies and liberalising their powers and authority with a view to making them really self-governing. The first two cities of the state, viz., Nagpur and Jabalpur were given municipal corporations. All other cities were brought under the Central Provinces and Berar

Municipalities (Amendment) Act, 1947. Notified area committees were abolished. In rural areas a revolutionary change was introduced. Sanitation *panchayats* were abolished and so were local boards and district councils, and in their place was introduced the radical *janapada* set-up in 1948. The *janapada* scheme may be said to be the precursor of the *panchayati raj* scheme embodied in the Balwant Ray Mehta Study Team Report of 1957 and in many ways it anticipated the latter. It may not be out of place here to describe the principal features of this radical set-up :

- (i) The creation of a new level of administration in the *tahsil*, that is to say, to make the *tahsil* the basic unit of administration instead of the district. This was a bold step in the direction of decentralized democracy. It was felt that the benefits of democratic government in a welfare state could not be fully realised unless problems which were not central or state in their incidence were decided at the place and by the persons where and by whom the incidence was deeply felt. The state government, therefore, decided to shift the centre of gravity of administration from the district to the *tahsil*. In consequence, district and local boards were abolished and *janapada sabhas* created in their place. The whole state was divided into 96 *janapadas* whose areas coincided with the old *tahsils*, and the aim was to make them self-contained units of democratic administration.
- (ii) The integration of local administration with the state administration. The administrative system prevailing in the districts might well be called a system of administrative dualism. On the one hand, there were district officials administering certain subjects on behalf of the state government; on the other hand, there were local bodies administering certain specified subjects in the same area and in relation to the same subject matter, with the result that there was neither uniformity nor unity of purpose in administration. The new scheme sought to demolish this wasteful and unwholesome dualism by bringing about an integration between the two parallel agencies. Accordingly, the additional deputy commissioner and district magistrate was made the chief executive officer of the *Janapada* and the *tahsildar* was made the deputy chief executive officer and secretary in each *janapada sabha*. Simultaneously, other local officers, specially those in-charge of technical departments were to work as secretaries to the

various standing committees of the *sabha*.

- (iii) As the *janapada sabhas* were not financially and otherwise in a position to recruit competent personnel, the scheme provided that the *janapada* administration be carried on almost wholly by officers of the state government posted in that area. This provision, for the first time in the history of administration of local bodies, guaranteed an efficient personnel to local bodies.
- (iv) A distinction was made between policy-making and policy-execution functions by entrusting the former functions to the elected *sabhas* and the latter to nominated civil servants. This followed the pattern of the City Manager Plan in the United States of America or nearer home the model obtaining in the municipal corporations in the country itself.

The *janapada* scheme, as initially planned, was to be introduced in three stages. The first step was taken on July 1, 1948, when it was introduced in the integrated princely states and on August 15 when the district councils and local boards were abolished all over the state and *janapada sabhas* established in their place. After two years of the working of the new set-up, the government decided to go ahead with the second stage of the scheme, and on July 1, 1950 the *janapada-cum-tahsil* administration was set up with a view to making *janapada* a self-contained unit of administration. At the third and ultimate stage, the intention was to abolish the districts and deputy commissioners and group a suitable number of *janapadas* into divisions. Unfortunately for the scheme, soon after the introduction of the second stage, its sponsor went out of ministerial office and the newly planted delicate plant began to miss the caressing hand of its father and the scheme fell on evil days. The Rural Local Self-Government Committee appointed by the state government, in its report of 1959, recommended the abolition of the *janapada* set-up and its substitution by the three-tier *panchayati raj*. In the words of the Balwant Ray Mehta Report, the "scheme has had a trial for over eight years and the results are admittedly disappointing."

The new Constitution has made a distribution of powers, authority and responsibility between the union and the states. There is no further distribution of powers as between the states and local bodies, which are just the creatures of state legislatures and have no independent and separate status of their own. Entry 5 in the seventh schedule includes "Local government that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government of village administration. In addition, Article 40 of the Chapter on Directive Principles of State Policy enjoins upon



the state to "take steps to organise village *panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of local government".

**Community Development and National Extension Services :** In pursuance of the directive principles of state policy, the emphasis in district administration has come to be placed overwhelmingly on developmental administration. District administration, thus, has become an agency of change towards a new social order and has to respond to the needs and aspirations of the people. With this end in view the Planning Commission in the First Five-Year Plan, 1951 made proposals for setting up a rural extension service and the manner in which it should be organised for securing integrated development. The Fiscal Commission of 1949 had earlier recommended the launching of a national extension service movement covering the entire country. Both these concepts were inextricably intertwined. Community development was described as the method and rural extension as the agency through which the transformation of the social and economic life of villages was to be initiated. The historic community development programme was launched on Gandhiji's birth-day, October 2, 1952. Two essential elements of the new programme were : (i) all-round development of people in rural areas, which meant that the new programme was a multi-purpose one with several dimensions in the social, economic, educational and cultural fields; and (ii) people's participation. The essence of the programme was that the initiative must come from the people themselves. It was to be a people's programme with governmental participation and not a governmental programme with people's participation. This objective is sought to be achieved through the fullest development of available human and material resources on an area basis and thereby raise the rural community to higher levels of living. The highest priority in the programme is accorded to agriculture, the mainstay of about 70 per cent of the rural population. Other important sectors, include improvement of communications, health, sanitation, housing, education, rural employment, welfare of women and children and cottage and small-scale industries.

The entire concept of community development was conceived by the union government and, to begin with, the administration of the programme was entrusted to a newly created agency called the Community Projects Administration located in the Planning Commission. Soon afterwards, this agency was raised to the status of a separate and independent Ministry of Community Development in September, 1956. In January 1966 this ministry was merged into the Ministry of Food and Agriculture, renamed as Ministry of Food, Agriculture, Community Development and Co-operation. This continued to be the position till

1974 when in October of that year co-operation was taken out of the Agriculture Ministry and made a part of the reconstituted Ministry of Industry and Co-operation. Then main functions of the Department of Community Development are to lay down policy relating to this programme and formulate the plan of expenditure to be incurred in the blocks. To advise the central government on the twin programmes of community development and *panchayati raj*, a joint consultation council was constituted in 1971. The responsibility for the execution of the programme, however, lies with state governments. A development commissioner is in charge of the community development programme in every state. In some states e.g., Uttar Pradesh, however, there is an integrated department of agricultural production and rural development under the agriculture production commissioner, who is in charge of agriculture in its wider sense, including community development, *panchayati raj* and cooperation. The development commissioner has threefold functions : (i) he maintains a two-way relationship with the centre; (ii) he provides the co-ordination point for harnessing, relating and guiding all technical services of the state government and to ensure that each training centre and each block is properly supervised and staffed; and (iii) he maintains administrative relationship with the collector and the *zila parishad* in planning, co-ordinating, executing and evaluating the work of community development blocks in the district. In addition, the state government have set up a body known as the State Development Committee consisting of the Chief Minister as the chairman, the Ministers for development departments as members and the development commissioner as the secretary. At the district level, *zila parishad* is responsible for the co-ordination and implementation of the programme. At the block level, the *panchayat samiti* is responsible for the programme. The administrative personnel, consisting of a block development officer and eight extension officers who are experts in different fields such as agriculture, cooperation and animal husbandry, work under the direction of the *samiti*. At the village level, while the *panchayat* is in overall control of the programme helped by associate organizations, the *gram sevak* acts as a multi-purpose extension agent having about ten villages in his charge.

It is realised from the very beginning that the collector, as the senior-most officer in the district, was the most suitable officer for taking over the responsibility of the district development programme. Thus, in Rajasthan, the Chief Minister declared at the very beginning of this programme in 1952 that the collector was to be the coordinating authority for this task. Later orders made it clear that the collector was to oversee the development programme of the district. In Jammu and Kashmir, the collector/deputy commissioner has been given the

status of development commissioner. In almost every state the collector was helped by an advisory body known as the District Advisory Committee (Madhya Pradesh) or District Development Committee (Assam). These committees consisted of the officers of different development departments as well as the non-official representatives of the people under the chairmanship of the collector. These committees brought the official and the non-official elements together for the purpose of discussing development programme and reviewing their implementation.

Two other steps were taken in the direction of successful execution of development programmes. Firstly, a new territorial unit known as the block was created. Each block was to be the unit for development. When the programme was inaugurated on October 24, 1952, it was planned to establish in the first stage 52 rural community projects each covering approximately 300 villages with a population of about 2,00,000 and an area of 1,50,000 acres. A project area was divided into three development blocks. The first block was scheduled for more intensive development, while the second and third blocks in each project were to be developed only if and when funds and personnel were available. Secondly, in October 1953, the National Extension Service was introduced with a view to extending the coverage of assistance to a greater number of rural communities. Under this arrangement a national extension service block consisted of an average of 100 villages with a population of 65,000, identical with the community project blocks, but less funds and staff were allotted to such blocks. The two programmes, namely, the community development and the national extension service had identical aims. The latter was a permanent organization which was to cover the entire country in course of time. It provided the administrative set-up and minimum financial provision for development. The blocks in which results had been achieved through maximum popular participation were subsequently selected for intensive development for a period of three years under what was called the community development programme.

Initially, a community development block covered an area of about 1,300 sq. km. with about 300 villages and a population of about 2,00,000. The pattern has been revised from April 1, 1958. A block now covers an area of about 620 sq. km. with about 110 villages and a population of about 92,000. A block has two active stages of operation, stage I of five years followed by stage II of another five years. At the end of ten years, the block enters post-stage II phase. On April 2, 1974, out of 4,177 blocks for which state-wise break-up was available, 22 were in stage I, 498 in stage II and 3,657 in post-stage II phase. For implementing the programme in the blocks, there

is a schematic budget provision of Rs. 12 lakhs for stage I and Rs. 5 lakhs for stage II. Supply of funds for the blocks remained the responsibility of the central government till the end of the Third Plan (1966). But from the beginning of the Fourth Plan the financial arrangements became the responsibility of the states. As on April 2, 1974 the number of such blocks was 5,123 covering about 5,66,800 villages having a population of 4,712 lakhs approximately.

**Panchayati Raj :** An evaluation of the working of the community development and national extension service programmes revealed that they had not succeeded much in activizing the people nor in winning their participation. The people continued to look upon these programmes as government programmes. An important landmark in the development of these institutions was the appointment by the Committee on Plan Projects of the Planning Commission of a Study Team under the chairmanship of Balwant Ray Mehta in January 1957 to review the working of the community development programme and also to examine the question of reorganization of district administration by providing for the association of popular organizations between the village and the state levels. The Study Team submitted its report in November of the same year. Summing up its evaluation of the working of rural development programmes, the Team observed : "Admittedly, one of the least successful aspects of the C.D. and N.E.S. work is its attempt to evoke popular initiative. We have found that few of the local bodies at a level higher than the village panchayat have shown any enthusiasm or interest in this work, and even the panchayats have not come into the field to any appreciable extent. An attempt has been made to harness local initiative through the formation of *ad hoc* bodies mostly with nominated personnel and invariably advisory in character. These bodies have so far given no indication of durable strength nor the leadership necessary to provide the motive force for continuing the improvement of economic and social condition in rural areas. So long as we do not discover or create a representative and democratic institution which will supply the 'local interest, supervision and care necessary to ensure that expenditure of money upon local objects confirms with the needs and wishes of the locality', invest it with adequate powers and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development."<sup>46</sup>

To achieve the above objective, the Study Team recommended "democratic decentralisation" with a three-tier structure of local bodies, namely, the directly elected *panchayat* at the village level, the *Pan-*

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46. *Report of the Team for the Study of Community Projects and National Extension Service*, Vol. I, New Delhi, 1957, p.5.

*chayat samiti* at the block level and the *zila parishad* at the district level. These democratic bodies were to be organically linked at village, block and district levels. Above the directly elected village *panchayats*, the Team envisaged a *panchayat samiti* indirectly elected by the *panchas* and all *panchayats* grouped together in convenient units and electing persons from among themselves to be members of the *samitis*. The *zila parishad* was to consist of all the presidents of *panchayat samitis*, all the members of the state legislature and Parliament in the district and the district level officers of the medical, public health, engineering, agriculture, veterinary, education, backward classes welfare, public works and other development departments. The Team conceived the *panchayats* and *panchayat samitis* as executive bodies and the *zila parishad* as a co-ordinating and supervisory body with the collector as the chairman. The Team also envisaged the possibility of devolution of powers to the district body, though it regarded the *samiti* as the most appropriate means of decentralization of power in a democracy. The Team recommended that these bodies should be entrusted with all planning and developmental activities in the district. These recommendations were accepted by the National Development Council in January 1959. The Council agreed that there should be no insistence on a single rigid pattern and left it to the states to work out a pattern suited to their requirements. It, however, recommended the following basic principles for acceptance by all states :

- (i) There should be a three-tier structure from the village to the district level, each tier linked to the other.
- (ii) There should be adequate transfer of power and responsibilities to these bodies.
- (iii) Keeping in view the transfer of power and responsibilities, adequate resources should be placed at their disposal.
- (iv) All development programmes at each level should be entrusted to these bodies.
- (v) The system ultimately evolved should be such that further devolution of powers will be facilitated.

*Panchayati raj* was first introduced in Rajasthan when the Prime Minister inaugurated it on October 2, 1959. Andhra Pradesh too introduced the new system at more or less the same time. It has since spread over the bulk of the country. A few states like Meghalaya, Nagaland and 23 out of 31 districts in Bihar had not adopted the new system till the end of 1975. In addition, some states like Madhya Pradesh have not yet set up *zila parishad* and thus have only a two-tier system. As regards union territories, the institution of village *panchayats* exists in all of them except Lakshadweep, Mizoram and Pondicherry (1975). Arunachal Pradesh has a three-

tier system. There were, till the end of 1975, 2,19,829 village *panchayats*, 3,863 *panchayat samitis* and 201 *zila parishads* in the country. However, there is a wide variation as between one state and the other even on basic matters like the number, nature and contents of the three-tier structure of *panchayati raj*. In fact, different states have interpreted and applied the recommendations of the Mehta Team in the light of conditions prevailing in their own territories. Thus, at the one extreme, there is a two-tier structure of *panchayati raj* in Tamil Nadu. In that state there exists at the lowest level a *panchayat* for every viable village. Above it is a *panchayat* union at the block level consisting of presidents of *panchayats* with provision for co-option of members representing special interests and participation of legislators. There is no *zila parishad* at the district level. Instead, there exists a District Development Council consisting of chairmen of *panchayat* union councils, chairmen of municipalities, legislators and officers of different development departments with the collector as the *ex-officio* chairman. On the other hand, the *panchayati raj* in West Bengal is a four-tier system. At the lowest level are the *gram panchayats*, the jurisdiction of each of which extends over a few villages. Above them are the *anchal panchayats* whose territorial jurisdiction coincides more or less with the jurisdiction of the former Union Boards. Above them stands the *anchalik parishad* whose jurisdiction is coterminous with the National Service Block. At the district level the *zila parishad* has been established in place of the previous District Board. In the case of Assam, though there are three tiers yet there is no body comparable to *zila parishad* at the district level. Thus, there is the *gaon panchayat* at the village level, the *anchalik panchayat* at the block level and the *mahkum parishad* at the sub-division level.

Similarly, a wide variation exists between different states on the relative position of the *panchayat samiti* and the *zila parishad*. For example, both Gujarat and Maharashtra have made *zila parishads* the strongest of the three tiers. Unlike the model of a district institution with purely supervisory and co-ordinating functions as envisaged by the Mehta Team, it was considered desirable to establish a strong popular body at the district level which could be entrusted the duties, responsibilities and resources of all the previously existing bodies at district level and to further entrust such a body with other administrative responsibilities at that level. The *zila parishad* in Maharashtra, thus, is a body consisting of 40 to 60 councillors directly elected by the people in addition to *ex-officio* members with an elected president and has a term of five years which is coterminous with the tenure of the legislative assembly in the state. To this body are entrusted

all planning and execution of development tasks. The *panchayat samiti* is only executive and administrative agency of the *parishad* to perform functions delegated to it by the *parishad*. The president of the *zila parishad* is an important political personality in the district and has been described at times as "the District Chief Minister". He gets a monthly salary plus car allowance. The *parishad* has a full-fledged administrative structure to serve it under the charge of the chief executive officer, a senior member of the Indian Administrative Service.

As against the Maharashtra pattern, there exists the Rajasthan model in which the pride of place goes to the *panchayat samiti* at the block level, which is a powerful unit in terms of the Mehta Team's recommendations and is entrusted with the task of rural development. The *zila parishad*, on the other hand, is a co-ordinating and supervisory body. Secondly, unlike Maharashtra, the *zila parishad* in Rajasthan is an indirectly elected body with a tenure of only three years. In some states, for instance, Haryana, Punjab and Mysore, the *zila parishad* is in the main an advisory and co-ordinating body though it also exercises ancillary functions of supervisory nature over the *panchayati samitis*. In some other states like Gujarat, Uttar Pradesh and West Bengal, the *zila parishad* exercises various administrative functions besides providing co-ordination and advice.

We will now bring out in some detail the differences between the Maharashtra and Andhra Pradesh models. The fundamental difference between the two models is that while the former has envisaged *zila parishad* as the most powerful of the three tiers, the latter has given prominent place to the middle tier, the *panchayat samiti*. "In Maharashtra the *zila parishad* represents for all practical purposes, district government with *panchayat samitis* and village *panchayats* as its territorial executive divisions and sub-divisions. On the contrary, in Andhra Pradesh the *zila parishad*, except in certain specified respects, was designed as a co-ordinating, supervising and advisory agency, largely operating in between the State Government and *panchayat samitis*."<sup>47</sup> Let us now compare the two models in terms of their composition and functions. In Maharashtra the *zila parishads* consist of four types of members : elected councillors, 40 to 60 in number, chosen by direct election on the basis of adult franchise from single member constituencies; *ex-officio*, that is, chairmen of all *panchayat samitis* in the district; five associate members chosen by the state government from the chairmen of Federal Co-operative Societies; and two co-opted women members in case no woman member is elected

47. Muttalib, M.A., *Development Administration in Rural Government*, Hyderabad, 1973, p. 24.

as councillor. The president and the vice-president of the *parishad* are elected by the elected councillors from amongst themselves. The tenure of the *parishad* is five years. On the other hand, in Andhra Pradesh the *zila parishad* is composed of two classes of membership : *ex-officio* comprising the presidents of *panchayat samitis*, members of the houses of state and central legislatures drawn from the district and the collector; and co-opted members representing the weaker sections of society chosen through election by the first category of members with the collector in the chair. The chairman and the vice chairman of the *parishad* are elected by the councillors from among the non-official members. The term of the *parishad* here too is five years. As regards the powers of the *parishad* in Maharashtra, these are enumerated in three lists : by the Act the *zila parishad* list includes 123 items grouped under 18 subjects of activities; *panchayat samiti*, list comprises 74 items under 16 similar subjects; and the concurrent list detailing subjects common to both bodies.

The state government may, however, omit or amend any entry from the First and Second Schedules with the previous approval of the state legislature. The activities listed in the First Schedule are those which can be undertaken for the district as a whole, while the activities listed in the Second Schedule can be carried out in each block. Both the schedules contain subjects relating to agriculture, animal husbandry, forests, social welfare, education, medicine, public health, buildings and communication, engineering, co-operation, publicity, community development, social education and rural housing. The *zila parishad* can carry out any other work or measure which is likely to promote the interest, well-being and convenience of the public. The *parishad* has rule-making power in respect of subjects entrusted to it; administrative functions regarding sanctioning, executing and maintaining works and development schemes, general supervision and control over the *parishad* authorities; civil functions like promotion of health, safety, education and well-being of the citizens, and financial functions like framing annual budget estimates imposing, subject to government orders, various types of taxes, fees and stamp duties. In Andhra Pradesh, the *zila parishad* consolidates plans in respect of all the blocks in the district and co-ordinates the activities of the *samitis*. It examines and approves their budget. It may establish, maintain or expand secondary, vocational and industrial schools. It also advises the state government in all matters relating to development programmes. The *parishad* also functions as an advisory and supervisory body over the *samitis*. In addition, it performs functions of a *samiti* in areas where *samitis* have not been constituted.



For purposes of administration, the chief executive officer in Maharashtra is the head of the *zila parishad* administration. He is a senior officer of the Indian Administrative Service and is appointed by the government to this post. In Andhra Pradesh the collector of the district plays a very important role in *panchayati raj* administration. In Uttar Pradesh the additional district magistrate (Planning) or the district planning officer is the chief executive officer of the *parishad*. The block in each state is headed by an officer called the block development officer (BDO). He is a generalist administrator and his main role is to co-ordinate the activities of extension officers in diverse fields of rural development. He also supervises the work of extension officers and of village level workers. He is the captain of the administrative team at the block level. He has sometimes been described as "a miniature collector so far as the development administration at samiti level is concerned". The multi-purpose village level worker (VLW) or *gram sewak* is the last link in the administrative chain. He has about ten villages in his charge. There are variations in his role from state to state. Thus, in Maharashtra he is responsible for the secretariat work of the village *panchayat*, being its *ex-officio* secretary in addition to his duties regarding development. In Uttar Pradesh he is more intensely concerned with agricultural production and family planning.

**Role of the Collector in Panchayati Raj:** After 1947 the collector was called upon to play a prominent role in the implementation of development programmes relating to health, prosperity and happiness of the people. The year 1952 witnessed the introduction of the Community Development programme and the next year of the National Extension Service programmes which spread throughout the country in subsequent years. For the successful implementation of these programmes it was found essential to harness into service the traditional prestige and position of the collector. This completely changed the emphasis of the duties of the collector. From regulatory activities the emphasis now shifted to development activities. The introduction of the *panchayati raj* in 1959 added new dimensions to developmental activities. The Balwant Ray Mehta Team recommended that the collector should be closely associated with the functioning of the new institutions. It envisaged his role as the captain of the team of officers of development departments in the district and recommended that he should be made fully responsible for securing necessary co-ordination into the preparation and execution of district plans. The Team also suggested that the collector should function as the chairman of the *zila parishad*. However, in actual legislation passed in the various states, the role assigned to him has varied considerably.

One can discern three distinct models of *panchayati raj* from this point of view. At the one extreme comes Andhra Pradesh where the collector's involvement in *panchayati raj* is manifold. At the district level he is a member of the *zila parishad* and the chairman of all its Standing Committees. He is also the chairman of the District Co-ordination Committee which consists of the district officials connected with *panchayati raj* and the block development officers. Its main task is to review the work done and iron out difficulties in the implementation of programmes. His responsibilities at the block level are no less important. He is required to make inspection of *samiti's* programmes and is empowered to suspend such resolutions of the *samitis* as are contrary to the laws and are likely to disturb the peace in the area. The collector has also been given prominent role in the village *panchayat* affairs. He has been delegated wide powers of supervision and control over *panchayats*. He can cancel the resolutions of *panchayats* under certain circumstances and direct a *panchayat* to execute any specified work. Supersession and dissolution of a *panchayat* is also done by him. In addition, he has administrative control over the block development officer, the secretary of the *zila parishad* and the district *panchayat* officer. In Tamil Nadu, even more than in Andhra Pradesh, the collector is the king-pin of development activities. He is the chairman of the District Development Council and the personal assistant to the collector (planning and development) is the secretary of this Council. In this state the government has decided to utilize the traditional authority and prestige of the collector for furthering development programmes. At the other extreme falls the Maharashtra model where, as in Madhya Pradesh and West Bengal, the collector has been kept outside the *zila parishad*. In Maharashtra all development activities along with the District Development Board have been transferred to the chief executive officer of the *zila parishad*. Thus all development activities and all officers connected with development work are now under the administrative control of the chief executive officer. The collector has nothing to do with the working of the *zila parishad* and is not even a member of it. In the third category come states like Assam, Gujarat, Punjab and Rajasthan. In these states the collector is a member of the *zila parishad* but without the right to vote. Legislation in these states postulates that the collector should be associated with the *zila parishad* in an advisory capacity and does not envisage any active involvement of the collector with the decision-making process. However, in Rajasthan, the collector has not been completely dissociated with development work. The Rajasthan Panchayat Samitis and Zila Parishad Act has designated the collector as the district development officer and the order of August

1961 has made him responsible for overseeing the development programmes of the district. The same order has designated all the officers of the various development departments posted at the district level as development officers and placed them under the administrative control of the collector. In this capacity his main functions are : (i) to co-ordinate the work of various development departments ; (ii) to examine that the amounts placed at the disposal of a *panchayat samiti* are being properly utilized, the minimum standard of services maintained in institutions run by *panchayat samitis* and that the *vikas adhikari* and his team are fully playing their role as extension staff ; (iii) to make a report to the *zila parishad* on the working of development departments ; and (iv) to watch and report to the state government as to whether priorities fixed in the plans are being adhered to and the general pattern of work is in conformity with the policies laid down by the state/central government.

**Supervision, Control and Assistance :** One important point that distinguishes the rural from urban local government is the importance attached and the attention given to rural local bodies after independence, while comparatively inadequate attention has been paid to the governance of urban local bodies. Almost all political parties have increasingly laid greater emphasis on rural development as compared to urban development. The present ruling Janata party has openly declared its policy of concentrating on rural development. Moreover, the Gandhian ideal *gram swaraj* has always had an appeal to the masses as well as the leaders. In this respect as well the Janata governments are committed to the establishment of *gram swaraj*. The economic and social compulsions of the Indian situation also point in the same direction. No wonder, then, if significant steps have been taken to raise the status of local bodies in the rural sphere since 1947. Thus, the *Janapada* Scheme embodied in the Central Provinces and Berar Local Government Act of 1948 was an innovation of the first order and may well be called the precursor of the *panchayati raj*. The Scheme aimed at converting the state into a "republic of *Janapadas*". The new Constitution of 1950 also includes Article 40 which calls upon the states to "take steps to organise village panchayats and to endow them with such powers and authority as may be necessary to enable them to function as units of self-government." Gandhian influence is obvious behind this provision. This Article was given concrete shape by the report of the Study Team for Community Development and National Extension Service (popularly known as the Balwant Ray Mehta Study Team Report) recommending a three-tier system of rural local self-government, thus, ushering in *panchayati raj* all over the country.

It should also be borne in mind that both the state and union

governments have been more generous in giving financial and technical assistance to the *panchayati raj* institutions than in the case of urban local bodies. For example, we find that in Maharashtra, where *zila parishads* have been entrusted with executive responsibilities, lot of money is given to them by the state government in the form of grants—land revenue grant, equalization grant, purposive grant, establishment grant, deficit adjustment grant, plan grant, block grant, etc., in addition to the loans given to them. The union government too gives lots of grants for the purposes of community development and other planned projects. In the field of technical assistance, one of the novel features thrown up by the establishment of the *panchayati raj* institutions in rural areas is the new field relationship between the staff of various technical departments and the *panchayat samitis* and *zila parishads*. Under this system, the senior field officers of various technical departments, namely, agriculture, animal husbandry, public works, engineering, health, education etc., have become advisors to the various local bodies in their respective fields.

Another novel feature of the *panchayati raj* set-up is the organic relationship between the three tiers, thereby giving the higher tier the responsibility for the proper working of the next lower tier. In other words, the *panchayat samiti* can inspect the working of panchayats within its jurisdiction and the *zila parishad* of the *panchayat samitis* under it.

The *panchayati raj* institutions, being the creation of the state government, are naturally subject to its control and supervision. The forms of control are the usual ones and are common with those obtaining in the case of urban local bodies. These forms are : inspection, audit, grants-in-aid, suspension of members, dissolution and supersession of elected bodies. There is also found a little unusual provision of surcharge to be paid by the members by way of penalty for loss or waste of funds. In the words of the Punjab Panchayat Samitis and Zila Parishads Act of 1961, "every person shall be liable for the loss, waste or mis-application of any money or other property belonging to a Panchayat Samiti or Zila Parishad if such loss, waste and mis-application is a direct consequence of his neglect or mis-conduct while a member.....and any such person may be surcharged with the amount or such money or the value of such property by the Deputy Commissioner."<sup>48</sup> Similar provisions exist in the case of the legislations of other states.

"State Governments have retained control over local bodies. They lay-down the general policy regarding Local Self-Government for it is the State Acts which constitute local bodies, define their functions and

48. Shukla, J.D., *Op.Cit.*, pp. 279-80.

powers, provide them sources of finance, authorise them to employ staff, and generally frame rules regarding the conduct of business." Outside control is exercised either by government or its officers, usually the directors of local authorities or divisional commissioners and district magistrates. This control is of two types : one is the general control of a drastic nature; the other is of routine type. If a Board or Committee persists in making defaults in the performance of its duties or abuses its powers, the state government has power to dissolve the Board or the Committee, to supersede it for a prescribed period and reconstitute a Board or a Committee or appoint an administrator. Apart from the Board or the Committee, if any member abuses his position or contravenes any rules made by government governing the conduct of such member (*e.g.*, no member of a Board or Committee will have any interest in a contract given by such Board or Committee), government may remove such member from the Board or Committee. The government has also powers to remove the President of a Board or Committee for various reasons including persistent failure on behalf of the President in the performance of his duties. The government or the 'prescribed authority' or the divisional commissioner or the district magistrate may suspend a resolution of the Board or Committee and its execution if in the opinion of such officer or authority such a resolution is not in public interest. This is the power of veto. There is also the power of certificate *i.e.*, state government, 'prescribed authority' divisional commissioner or district magistrate may perform a duty of the Board or Committee if the latter fails to do it and may charge the cost of the work to the fund of the Board or Committee. Apart from this in case of emergencies, divisional commissioners and district magistrates may execute any work which a Board or Committee is empowered to do, but which should be done immediately. The expenses will be charged to the fund of the Board or Committee. Other general powers are those of inspection and supervision, calling for documents and taking them into custody, entering into local bodies, and inspecting their work.

**Urban Government:** Strange though it may seem, ancient India which was famous for its 'village republics', was also a land of big and well administered cities and towns. The excavations of Harappa and Mohanjodaro have brought out the remains of well-run cities. Kautilaya, in his treatise on public administration, *Arthashastra*, has given a graphic description of the city of Pataliputra, the capital of the great Mauryas, and its administration. Megasthenes, the Greek ambassador to the court of Chandragupta Maurya, has also left a description of the city of Pataliputra. The cities continued to flourish under the Muslim rule and reached the peak of their glory under the Mughals

whose emperor Shah Jahan built a planned city called Shahjahanabad (modern old Delhi) which attracted tourists from all over the civilized world. The Britishers also developed cities like Bombay, Calcutta and Madras. This trend towards growing urbanization has continued unabated since 1947. "The latter half of the twentieth century has witnessed a marked shift of population from rural to urban areas. In 1951, one out of every seven Indians lived in urban areas. This proportion had gone up to one out of every five Indians by the 1971 Census. One-fifth of India's population—nearly 109 millions—lives in urban areas according to the latest census figures, precise percentage of urban dwellers being 19.87. This compares with 17.89 per cent in 1961. In brief, from 10.85 per cent in 1901, the urban population at present is nearly 20 per cent. At this rate, by 1981, one Indian out of every four may be expected to live in towns. The urban population of India has recorded a decennial growth rate of 37.83 per cent during 1961-71 as against the general growth rate of 24.63 per cent of total population and 21.78 per cent of the rural population. The trend towards the growing urbanisation in the country is thus unmistakable, and the total number of places recognised as urban in 1971 is 2,921 as against 2,700 in 1961. This accelerated growth of rate in urban population is the natural consequence of modernisation and industrialisation to which we are committed. Search for security of life and property, greater employment opportunities, better amenities of life and just glamour are the main factors responsible for this exodus from rural to urban areas."<sup>49</sup> This growing urbanisation has affected not only economic structure of the country but also its social and cultural profiles.

We have described earlier in this section the system of rural government. We will now outline the system of urban government, which is the other portion of the system of local government in India. The municipal or city administration comprehends within its fold urban local bodies of various types and sizes. "These units stand on their own, without any link between one local body and another."<sup>50</sup> The urban local bodies in India may be classified as follows :

TABLE VIII

Description	Number	Year
Municipal Corporations . . . . .	34	May 1975
Municipal Councils . . . . .	1493	1971
Notified Area Committees . . . . .	302	1971
Town Area Committees . . . . .	385	1971
Cantonment Boards . . . . .	62	January 1975

49. Avasthi, A., *Municipal Administration in India*, Agra, 1972, p. 519.

50. *Report of the Rural-Urban Relationship Committee*, Vol., I, New Delhi, 1966, p. 54.

It is noteworthy that there is no uniformity in the types of local bodies found in different states. While municipal councils exist in all states, there is variation about other types. Thus, while Rajasthan has only one type of urban local body, viz., the municipal council, Uttar Pradesh has all types mentioned above. Of course, cantonment boards exist in all military areas throughout the country. It should be noted that the term corporation, municipality, town area and notified area are mere territorial concepts. It is the council which as a body enjoys the corporate status and acts in that capacity.

We will now give a brief description of each one of these types :

**Municipal Corporations** : In 1947, there were only three corporations in the metropolitan cities of Bombay, Calcutta and Madras. By 1975 the number had risen to 34. "Some States such as Assam, Jammu and Kashmir, Orissa, Punjab and Rajasthan have no Corporations. Among the Union Territories, Delhi alone has a Corporation."<sup>51</sup> There is a great variation in the area, population, status and the political, commercial and industrial importance of corporations. However, they have, more or less, a common administrative set-up. It is interesting to note that the demand for converting municipal councils into corporations has been on the increase in recent years as this institution "carries a larger degree of prestige, pride, power and autonomy". A corporation is established in the Union Territory by an Act of Parliament, and in the territory of a state by an Act of the state legislature. In some cases an Act is passed for each corporation such as in Delhi or there may be one common Act for a number of corporations. For example, an omnibus Act passed in 1956 covers all the corporations of Madhya Pradesh.

The corporations are headed by elected Mayors. The administration of the city vests in an elected council and the powers of the corporation are exercised by three authorities : General Council, Standing Committees and the Municipal Commissioner/Chief Executive Officer. The councillors are elected directly by the people usually for a term of four years. The councillors elect a certain number of aldermen, who enjoy the same powers and functions as the councillors but have a longer term and enjoy a little more dignity. The council including councillors and aldermen elect each year a president and a vice-president known as the Mayor and the Deputy Mayor. The Mayor is primarily an ornamental figure and a mere formal head of the corporation. His only active function is to preside over the meetings of the Council. The Council is the deliberative organ of the corporation. It makes bye-laws, passes the budget, appoints committees and most of

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51. *Ibid.*, p.56.

the officers and exercises a general supervision over the working of the corporation. The Standing Committees are elected by the Council and carry out most of the work of administration including taxation, finance and preparation of budget, engineering works, health and education services. The executive powers of the corporation are vested in the municipal commissioner who is appointed by the state government and is usually a senior member of the Indian Administrative Service. This officer stands at the head of the administrative organisation, prescribes the duties of various officers and supervises their work. The power of sanctioning estimates and contracts vests in the three authorities upto specified amounts. The functions of the municipal corporation include public safety, health, education and other conveniences of the citizens as well as construction and maintenance of water works and sewerage, streets and bridges, parks and recreation grounds, markets and shopping centres and so on. To perform their multifarious functions, corporations have been vested with authority to raise taxes. There are certain taxes which the corporation must impose, for example, the Delhi Corporation must levy property tax, a tax on vehicles and animals, a tax on advertisements with some limitations, a duty on the transfer of property and a tax on buildings. In addition, it may levy an education cess, a tax on professions, trades, callings and employments, a betterment tax on the increase in urban land values, a tax on boats, tolls, a local rate on land revenues and a tax on the sale and consumption of electricity. The other major source of revenue is the various types of grants given by the government concerned. Another source of income for the corporation is profits earned by municipal enterprises, such as, the Delhi Electricity Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewerage Undertaking. Then there are miscellaneous items of revenue like rents, income from property, fines, donations, etc.

**Municipal Councils :** All other towns and cities have municipalities established under the Acts of state legislature and in the case of union territories by the Parliament. Two points deserve notice in this connection. First, municipal councils are known by different names in different parts of the country, *e.g.*, city municipality, municipal committee, municipal board, borough municipality, municipality, etc. Secondly, there is a general similarity in the organization of these bodies all over the country. A municipal council differs from a municipal corporation not only in having a smaller area under its jurisdiction and fewer functions and financial powers but also in an important organizational matter. Unlike the corporation, the separation of the deliberative or legislative and executive or implementing wings has not been fully



carried out in the case of municipal councils. In many cases the legislative wing takes decisions on administrative matters as well.

As in the case of the corporation, municipalities too have three authorities : the Council and its Committees, Chairman/President and the Chief Executive Officer/Chief Municipal Officer. The Council consists of members specified in the Act or bye-laws made under the Act. This number differs from one municipality to the other depending upon its area and population. In the case of Madhya Pradesh municipalities have been grouped into classes A, B and C; and in Andhra Pradesh into five categories on the basis of income. The same is true of Rajasthan where there exist six categories. The members of the Council are elected by the voters directly on the basis of adult franchise. The tenure of these Councils differs from state to state ranging between three to five years. The Council decides all questions of policy and important details of administration. The powers of passing the budget, imposing taxes, voting expenditure and making rules and regulations vest in this body. The Municipal Council, however, mostly functions through committees which exercise delegated powers or make recommendations to the Council. The head of the municipality, known as the President/Chairman, is elected by the Council. In Maharashtra, however, a system of direct election of Presidents by the people was introduced in 1974. A similar system was tried in Madhya Pradesh and Uttar Pradesh for sometime and then given up. The Chairman/President enjoys a tenure coterminous with that of the Council except in Karnataka where his term is only two years. He has the usual powers and discharges the usual functions of a presiding officer. But in many states he is also vested with executive powers, like making of appointments to certain categories of posts, executing contracts and exercising supervision and control. The day-to-day work of the municipality is carried on by an executive officer, drawn sometimes from state civil service or a state-wide cadre of municipal officers. In many states, however, the municipal councils continue to appoint their own executive officers and other officials. A municipality performs two types of functions, compulsory or obligatory and discretionary or optional. The Council has to undertake and make reasonable provision for matters coming under obligatory duties. Matters included in this list are the usual civil functions which can be grouped under the four heads of public safety, public convenience, public health and public instruction. The Madhya Pradesh Municipalities Act of 1961 includes 22 items under this category. Discretionary functions are those which municipalities may undertake at their option. The Madhya Pradesh Act includes 35 items in this list like provision of parks, gardens, libraries, museums, hospitals, dispensaries, secondary

and higher education, reclaiming unhealthy localities, setting up of dairies, undertaking municipal enterprises, establishing and running lodging houses, restaurants, canteens, constructing houses, etc. In addition, the state government may require its help and assistance in certain matters in times of distress or crisis. The Council also manages its property and institutions. Each municipal council has a municipal fund placed to its credit. This fund is constituted of the income derived from various sources. The first and major source of revenue is the income from taxes levied by it like house tax, tax on professions, trades, animals and vehicles, pilgrim tax, terminal tax, octroi on goods and animals brought within the municipality for use, sale or consumption, rates like water rate and lighting rate, tolls on roads and ferries and fees from cattle registration, markets and for carrying certain trades. Of all these taxes, property tax and octroi constitute the most important sources of income. Another important source of income is grant-in-aid by the state government. Such grants may be in the nature of block grants or specific grants. Municipal bodies are also authorized to borrow money. They can also run their own enterprises.

**Notified Area Committees :** If, in the opinion of the state government, improved arrangements are required within a specified local area which it is not expedient to constitute as a municipality, it may, by notification, declare such local area to be a "notified area". Since it is created by a notification, it is called notified area. Such areas may also be created for newly developing towns or areas where industries have been or are being established. The state government also constitutes a committee called Notified Area Committee to administer such area. The committee exercises all the powers of the municipal council but its members are not elected but nominated by the government along with its chairman. The government has power to vest the committee with powers exercisable under any other Act. Such committees exist in nine states—Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Madhya Pradesh, Punjab and Uttar Pradesh.

**Town Area Committee :** It is a semi-municipal authority which is constituted for small towns. Such committees are governed by separate Act of the state legislature. The members of the committee are partly elected and partly nominated ; they can also be wholly elected or wholly nominated. The ambit of their activity is limited to few subjects like conservancy, street lighting, drainage and roads. Such committees exist in seven states : Assam, Himachal Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Uttar Pradesh and West Bengal. Some state governments are converting town area committees into institutions more akin to rural bodies. The state of Gujarat has substituted *nagar panchayats* for town area committees and town *panchayats* have been

created in the states of Tamil Nadu and Karnataka. The states of Andhra Pradesh and Madhya Pradesh have lately merged many small town committees into the *panchayati raj*.<sup>52</sup> The Rural-Urban Relationship Committee (1966) recommended that other state governments should follow this practice to avoid multiplicity in the pattern of local units.

**Cantonment Boards :** Urban areas where troops are stationed are known as cantonments. Cantonment boards have been set up in such areas to provide civic amenities and welfare services to the people living there. These are autonomous bodies subject to supervision and control by the General Officer Commanding in-charge of the Command and the central government (Ministry of Defence). The number of elected and nominated members is kept equal in these boards varying from 1 to 7 although according to statutory provisions the number of nominated members may exceed the elected members by one. These boards have the power of taxation which is their main source of revenue. The budget estimates prepared by the boards are scrutinized and sanctioned by the General Officer Commanding in-charge of the Command. The tenure of these boards is three years. The executive officer is the executive head of the board. He is appointed by the central government and belongs to the central cadre set-up for the purpose.

**Special Agencies or Functional Local Bodies :** Municipal administration, like all public administration, may be based on 'area' or 'function'. Municipal bodies described above are area based, that is, these bodies are multi-purpose agencies within the prescribed area performing varied functions within the law. In addition there exist agencies within the same area performing certain special functions. These are known as "single purpose" or "special purpose" agencies. Such agencies are found all over the world, particularly in the United States of America. As the name indicates, a special agency is organized for the provision of a 'special' function. Hence, a special agency is usually a unifunctional unit, providing only one service to the people residing within its boundaries. "Occasionally, two or three related functions are provided. . . . Great variety in organizational patterns characterize these governmental units".<sup>53</sup>

In India, it was more than a hundred years ago that Sanitary Commissions were set up in Bengal, Bombay and Madras in 1864 charged with the responsibility of town improvement. These Commissions were later converted into Improvement Trusts and more recently in many

52. *Ibid.*, p. 55.

53. Maddock, R.W. and Fuquay, R.F., *State and Local Government*, New York, 1965, pp. 449-50.

large cities they have been converted into Development Boards/Authorities. Such special functional bodies are usually set up for specific purposes like water supply, sewage, town improvement, housing, education, etc. One or two features of such agencies are noteworthy. First, the jurisdiction of these agencies need not always be coterminous with the prescribed area of the municipal unit. It can well spread over a larger area covering more than one municipality. For example, Delhi had a joint Water Sewerage Board (set up in 1920 and continued till 1958) which had jurisdiction over the Delhi Municipal Committee, the New Delhi Municipal Committee and the Delhi Notified Area Committee. In the second place, such agencies are not created by the municipal bodies but by the state government by legislation. Thus they are equal in status to the municipal body.

**Supervision, Control and Assistance :** State control over local bodies is necessary and exercised in every country in varying degree due to the following factors :

- (i) Local authorities are legal creations of the state.
- (ii) They govern only a tiny part of the state and in the interest of the uniform development of all the areas, co-ordination by the state government becomes essential.
- (iii) The local authorities cannot command so much technical skill as the state or union government and have only limited experience. The government, on the other hand, has in its employment a permanent body of professional experts who can bring to the notice of the local authorities improved methods of doing things successfully tried elsewhere.
- (iv) Financial assistance, in whatever form it may be, implies control. Local bodies of all kinds depend a lot on the grants of the government which obviously must have power to ensure that the money so granted is properly and usefully utilized.

Thus, the object of state supervision and control is to increase the efficiency of local government units. While supervision and control must secure the proper performance of the duties entrusted to local authorities, it must at the same time concern itself with educational and technical support and training services to their staff. In other words, it should not acquire a negative content so as to restrict the initiative, discretion or assumption of responsibility on the part of local bodies but should be given a positive content helping the local authorities to avoid pitfalls and mistakes, strengthening their self-confidence and enabling them to assume growing responsibilities. We shall now proceed to discuss in brief the position as it obtains in India at the state and the union levels under two heads : nature and content of supervision and

control ; and organisation for such supervision and control.

**Control by State Government—Nature and Extent :** State control as exercised over local bodies in India in the widest sense assumes three forms : legislative, judicial and administrative. The state legislature controls them by making, amending and repealing the laws concerning them. The judiciary controls them by interpreting laws and judging their validity. Both types of control come into play only occasionally, the former when a local authority is to be created or powers granted to it and the latter when a local authority commits an *ultra vires* act. It is the administrative control which is exercised at every step. The nature of administrative supervision and control exercised by the state departments connected with local government affairs in various states includes steps which are indirect and less rigorous, such as, advice and information, giving directions, obtaining periodical reports and returns, review of local action, conditional grants-in-aid and also direct steps which are more binding in effect. These include prior approval of any local action taken, inspection, suspension and annulment of decisions, removal of chairmen and councillors, supersession and dissolution of councils and taking over administration in case of default. The more extreme forms of control should, however, be exercised rarely, for their long-term effect can be damaging to public confidence in local authorities which is essential to their success. Unfortunately, in our country the state governments have resorted to these direct forms quite frequently. For example, out of six municipal corporations and 182 municipal councils in Madhya Pradesh, all the six corporations and 64 municipal councils were under the direct administration of the state government as on January 31, 1977, and the picture is not different in other states. Such drastic action on the part of the state government was aptly described by the Indian Statutory Commission (1930) in these words : "Where spur and rein is needed the Government has been given the use of a pole-axe".

**Organisation for Supervision and Control :** State supervision and control can be organised in either of the two ways—centralized or decentralized, in other words, the use of a single state agency over local affairs or the use of functional relationships. England, France and other European countries and Canada have followed the practice of centralizing control over urban local bodies in a single agency. A well-trained and effective inspectorate is the characteristic feature of control over local bodies in England, where there are inspectors of local bodies in the fields of education, highway, fire brigade and the like, establishing direct links between the local authorities and the departments of central government. On the contrary, the United States of America has followed the system of decentralized supervision and control. Techni-

cal assistance and advice rather than supervision and control are the ideas sought for in that country.

The state governments can play their role effectively only when they have proper machinery to promote, advise, guide and supervise local authorities with the right attitude. Since the control and promotion of local government requires detailed and expert work, the existence of such professionally staffed machinery cannot be over emphasised. The state government's instrument of control is primarily the collector and then the divisional commissioner. But there obtains functional control as well. For example, the inspectors of the Education Department inspect the municipal schools as well and the examiner of local funds audits municipal accounts. Above all, the state government itself exercises certain important powers, namely, dissolution and supersession of municipal councils. It is pertinent to point out here that the principal duties of these officers lie in different direction, the supervision and guidance of local bodies being only a secondary job for them. In consequence, they do not evince sufficient interest in the problems affecting local bodies.

At the state level, there are separate administrative departments in the secretariat to deal with local government affairs (in some cases there are even separate departments of urban or municipal administration). However, in some states urban local government/municipal affairs form part of a large department or are combined with other departments under a common Secretary. These departments have overall control over local authorities, provide for financial support, inspection, control and audit and are generally responsible for efficient functioning of local government institutions. Unlike other administrative departments, however, the local-self-government departments have no field agencies in the majority of states with proper staff at various levels which can closely and properly guide and assist the local bodies in their problems. The state governments have taken positive steps to build up proper relationship in case of rural local bodies, where government officials are continuously associated with the different levels of rural local bodies to advise and technically assist and supervise their work. It is a happy augury that of late steps have been taken to evolve a proper machinery in many states, and by 1971 Andhra Pradesh, Gujarat, Haryana (it was abolished later), Kerala, Maharashtra, Punjab and Rajasthan had set up Directorate of Municipal Administration. In some states like Bihar, Tamil Nadu and West Bengal there exists Inspectorate of Local Bodies. The Inspectorate in Tamil Nadu consists of inspectors at district headquarters. In West Bengal there are three inspectors of local bodies appointed by the state government to inspect the local bodies and investigate into specific matters referred to them

by the divisional commissioner. Along with the directorate functional relationship exists between various departments like education, health, housing, medical and public works and the local bodies. These departments render technical advice and services.

**Relationship between Central Government and Municipal Bodies :**

It is true that local government is a creation of the state government which, as a parent, enjoys a special relationship with the municipal bodies. It is equally a fact that, constitutionally speaking, the central government has no relationships with cities and towns *per se*. However the needs of development have led the national government to forge links between its own administrative apparatus and that of the municipalities. Unlike the state government, the central government does not exercise supervision and control over municipal bodies. Instead, its role is one of standard-setting, co-ordination of local government programmes and policies, assistance for major and important financial and technical projects, conducting research into different problems on national basis, inspiring, investigating, guiding, assisting and strengthening municipal administration to perform the various local functions as effectively as possible. The central assistance has taken the following forms :

(i) **Financial Assistance :** In this respect the aid from the

central government has been growing from year to year. The financial pattern, however, varies from scheme to scheme. While for certain schemes the central aid takes the form of 100 per cent subsidy, for others it comes as matching assistance, that is 50 per cent from central government and 50 per cent from the state government. In some other schemes the central government also advances a percentage of expenditure as loan in addition to a fixed proportion as subsidy. Schemes for which the centre has given financial assistance include urban water supply and drainage, slum clearance and slum improvement, housing plans and master plans, urban community development, training and research institutes, municipal trading, improvement of roads, etc.

(ii) **Technical Assistance :** The Ministry of Health has or-

ganised several studies, through high-powered expert committees, in various matters, notably, water supply and sanitation, urban land policy, training of municipal personnel, augmenting the financial resources of urban local bodies, problems of hill towns, town planning, etc.

(iii) **Training and Research :** The Ministry of Health and

Family Planning and Urban Development set up in 1968 a training institution at the national level known as the Centre for Training and Research in Municipal Administration at New Delhi under the auspices of the Indian Institute of Public Administration. In addition the Ministry has also set up regional institutes at Bombay, Calcutta, Hyderabad and Lucknow. These institutes including the national centre provide for the training of municipal personnel, orientation programmes for municipal councillors and research in urban problems. In some cases they also perform a sort of consultancy function for municipal bodies.

At the union level, the subject of local self government is dealt with mainly by three ministries. The Ministry of Health is responsible for the administration of urban bodies. The Department of Community Development in the Agriculture Ministry looks after the rural local bodies. The Cantonment boards are controlled by the Ministry of Defence. In addition, the Ministry of Home Affairs comes into the picture as far as union territories are concerned. In course of time certain agencies and organisations have come to be established to deal with problems of urban government as follows :

**1. The Central Council of Local Self-Government :** This Council was established under Article 263 of the Constitution by an order of the President in September 1954. The Council is an advisory body and its principal duties are

- (i) to consider and recommend broad lines of activity relating to local self-government in all its aspects ;
- (ii) to make proposals for legislation in fields of activity relating to local self-government matters ;
- (iii) to examine the whole field of possible co-operation on a wide basis in regard to local self-government matters and to draw up a common programme of action ;
- (iv) to make recommendations to the central government regarding the allocation of available financial assistance to local bodies and to review periodically the work accomplished in different areas with central assistance.

**2. Town and Country Planning Organisation :** It has been set up as a subordinate unit of the Ministry of Health at New Delhi. It makes available technical assistance and guidance to the state governments on various aspects of the country and town planning, such as, legislation, regional planning, preparation of master plans, etc. This organisation is also responsible for preparation of master plans for union territories.



3. **Conference of State Ministers for Town Planning :** With rapid urbanization, the question of town and country planning has assumed importance. As the subject has direct bearing on the administration and jurisdiction of local bodies, this conference is held jointly with the meeting of the Central Council of Local Self-Government.

4. **Conference of Municipal Commissioners :** In order to help in developing uniform policy and pattern, the Ministry of Health considered it advantageous to call a separate conference in which all mayors and municipal commissioners are represented. The first conference was held in 1959 and is since being held every year.

5. **Conference of States Ministers for Local Self-Government :** The first such conference was convened by the Health Ministry in August 1948. The object was to provide a forum where those responsible for this important area of administration all over India could meet together periodically to exchange ideas and discuss problems of common concern. The conference has since then been meeting every year.

## VII. UNION TERRITORIES

Article 366 (30) of the Constitution defines a union territory as "any Union territory specified in the First Schedule and includes any other territory comprised within the territory of India but not specified in that Schedule." The present nine union territories have varied sources of origin. Thus, Delhi and Andaman and Nicobar Islands were included in the list of what were called, before 1950, Chief Commissioners' Provinces (Ajmer-Merwara, Andaman and Nicobar Islands, Coorg, Delhi and Panth Piploda). Under the new Constitution, these provinces were included in categories C (Ajmer, Coorg and Delhi) and D (Andaman and Nicobar Islands). The Constitution (Seventh Amendment) Act, 1956 abolished the four-fold classification of states into A, B, C and D and instead divided all the units constituting the union of India into two categories—states and union territories. Andaman and Nicobar Islands and Delhi were included in the new category of union territories forthwith. The Laccadive, Minicoy and Amindivi Islands, which previously had formed parts of the Madras state, were renamed Lakshadweep and made union territory the same year. Pondicherry (including Karikal and Mahe) was acquired as a result of negotiations with the French government and Goa (including Daman and Diu) was acquired in 1962. Dadra and Nagar Haveli were absorbed in the adjoining state of Gujarat earlier in 1961. Chandigarh was taken out of Punjab and converted, under the Punjab

Reorganization Act, 1966, into a union territory to resolve the conflicting claims of the neighbouring states of Haryana and Punjab to its possession. In 1972 Arunachal Pradesh and Mizoram were carved out of the state of Assam and given a separate political status as union territories to satisfy the aspirations of their inhabitants for a separate homeland. The following Table gives the area and population of the 9 union territories as on 1971 :

Union Territories	Area (Sq. km.)	Population (in 1971)
1. Andaman and Nicobar Islands	8,293	1,15,133
2. Arunachal Pradesh	83,578	4,67,511
3. Chandigarh	114	2,57,251
4. Dadra and Nagar Haveli	491	74,170
5. Delhi	1,485	40,65,698
6. Goa, Daman and Diu	3,813	8,57,771
7. Lakshadweep	32	31,810
8. Mizoram	21,087	3,32,390
9. Pondicherry	480	4,71,707

**Form of Government :** The union territories do not have the same constitutional status as the states in the Indian union. For various reasons—historical, political, strategic, etc.—these territories cannot be joined to adjoining states and are centrally administered. It is relevant to point out here that centrally administered areas are not peculiar to our country. Countries with a federal form of government, like Australia and the United States of America, have some federally administered areas. The constitutional position is that the union government is the real repository of authority and is responsible for the administration of these territories. According to Article 239, "Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such an extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify". Such designation varies from territory to territory. Thus, Andaman and Nicobar Islands and Chandigarh have Chief Commissioners; Arunachal Pradesh, Delhi, Goa, Mizoram and Pondicherry have Lieutenant Governors; and Dadra and Nagar Haveli and Lakshadweep have Administrators. Secondly, the power of Parliament to legislate for such territories is not limited to matters in the union and concurrent lists; it may legislate on any subject under Article 264(4). In the third place, the Article 240(4) of Constitution empowers the President to make regulations for the peace, progress and good government of such union territories as do not have a legislature, that is to say, Andaman and Nicobar Islands, Chandigarh, Delhi, Lakshadweep and Dadra and Nagar Haveli. These regulations have the same force and effect as an Act of Parlia-

ment.

Three different patterns of government in these territories can be discerned : (i) rule by the President through an Administrator/Chief Commissioner ; (ii) representative government through a legislative assembly and Council of Ministers ; and the Delhi pattern. We will now briefly describe the first two patterns and explain the Delhi pattern a little more in detail.

**Administrator/Chief Commissioner Pattern :** In this pattern the President exercises executive authority through an Administrator/Chief Commissioner and legislates by regulations. There is no provision for a legislative assembly and a council of ministers. However, to associate public opinion with their administration, provision has been made for the establishment of two types of Advisory Committees. There are Advisory Committees associated with the Home Minister in respect of union territories in this category. The committees are consulted in regard to general questions of policy, legislative proposals, budgeting matters, development plans and other matters of importance. There is also a similar committee in each of these territories associated with its Administrator and its functions are, more or less, the same as the Home Minister's Advisory Committee, except that in Chandigarh, the Capital Projects Committee serves this purpose. In this group of territories Chandigarh occupies a distinctive position. It is perhaps the only city in India which is the capital headquarters of two states, Haryana and Punjab, as also the headquarters of the union territory itself. There is an Advisory Committee to help the Chief Commissioner in administering the territory. It consists of five members—the Chief Commissioner, the vice-chancellor of Punjab University, the member of Parliament representing Chandigarh and two non-officials nominated by the Home Ministry. The Home Minister of the union government presides over this committee. This committee in a way performs the functions of a legislative body. It meets at least once in six months. All legislative proposals concerning Chandigarh and the annual budget of the territory are put before the committee for its observations and comments. It also gives its opinion on all matters of policy concerning the union territory.

**Legislature-cum-Cabinet Pattern :** This pattern of administration applies to four out of nine union territories, namely, Arunachal Pradesh, Goa, Mizoram and Pondicherry. It is based on the provisions of the Government of Union Territories Act, 1963. It provides for a diluted sort of responsible government. Through the creation of legislatures and councils of ministers, this Act seeks to devolve a considerable measure of political and administrative responsibility upon these territories. This does not, however, detract from the

overall constitutional responsibilities of the President and Parliament. In the executive sphere the will of the President or the central government prevails ; in the legislative field the Acts of Parliament prevail over repugnant clauses in the union territory legislation. In brief, there are two "foci of power"—one resting with the central government and the other with the union territory government. In other words, there is a sort of diarchical structure provided for these territories. "There are two sets of rules which impinge on the relations of the Central Government with the Territorial Administration. The first set of rules prescribes the types of cases which shall be submitted by the Administrator to the Central Government before initiating action or issue of orders. The second set of rules prescribes the types of cases which must be submitted by Ministers to the Administrator through the Chief Minister. Through the first set of rules, the Central Government can exercise control over a fairly extensive field of administration. The same result is achieved through the second set of rules, as the Administrator, an agent of the Central Government, has powers to differ with his Council of Ministers and refer the disputed matter to the Centre for decision."<sup>54</sup>

We will now briefly describe the governmental set-up in these territories under two heads : the Legislative Assembly and the Executive.

**The Legislative Assembly :** Article 239A of the Constitution authorizes the Parliament to "create for any of the Union territories (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or (b) a Council of Ministers or both with such constitution, powers and functions, in each case, as may be specified in the law." It was under this provision that the Parliament enacted the Government of the Union Territories Act in 1963 which established in some union territories legislatures and council of ministers with powers and functions, more or less, akin to their counterparts in the states. Thus, there is a Legislative Assembly for each union territory in this group. The Act fixes the number of members at 30. These members are elected, as in other states, directly by the people. In addition, the central government may nominate to the assembly not more than three persons who should not be government servants. Each assembly elects a Speaker and a Deputy Speaker. The term of the assembly is five years. The assembly can make laws on all matters enumerated in the state list or concurrent list. Every bill passed by the legislature has to receive the assent of the President before it can become law.

**Executive :** The administration in each territory is headed by a

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54. *Report of the Study Team on Administration of Union Territories and NEFA (Administrative Reforms Commission)*, Vol. I, 1968, New Delhi, p.26.

Lieutenant Governor (appointed by the President) aided and advised by a Council of Ministers with a Chief Minister at its head, the number differing from one territory to the other. For instance, in 1975, Arunachal Pradesh had a Chief Minister and four other Ministers ; Goa had a Chief Minister and two other Ministers ; Mizoram had a Chief Minister, four Ministers of cabinet rank and two Deputy Ministers ; and Pondicherry was under presidential rule. The Chief Minister is appointed by the President, and not by the Lieutenant Governor, and other Ministers are appointed by the President on the advice of the Chief Minister. The Ministers hold office during the pleasure of the President. The Council of Ministers, as in other states, is collectively responsible to the legislative assembly. The President makes rules for the allocation of business to the Ministers and for more convenient transaction of business. The important point to note is that although a Council of Ministers has been created, its status is different from that of its counterparts in the states. Its advice is not binding on the Administrator (Lieutenant Governor) who, in cases of difference of opinion with his Ministers, can refer the disputed matter to the President for decision. Pending a decision, in urgent matters, he can give directions or enforce such action as he considers necessary. In addition, the central government, if they so desire, can intervene in the working of Council of Ministers through its agent, the Lieutenant Governor. Thus, it is clear that the pattern of parliamentary government in the union territories differs considerably and substantially from that obtaining in the states. The Ministers in union territories are under dual control. The Administrator is not a constitutional and formal head like the Governor in a state ; he is a real head with power to over-ride the decisions of the Ministers. Secondly, Ministers are under the control of the central government, that is, these territories do not enjoy the autonomy of a federating state. It should never be forgotten that these territories are the direct responsibility of the central government to govern and they have introduced a measure of parliamentary government to associate the people with government.

**Union Territory of Delhi :** At the time of independence Delhi was a Chief Commissioner's province. On the January 26, 1950, it became a Part C state. After the passing of the Government of Part C States Act in 1951, Delhi, like the other principal states in that category, was administered by a regularly constituted ministry responsible to the elected state legislature comprising 48 members. The executive head of the state was the Chief Commissioner appointed by the central government, who was aided and advised by a Council of Ministers with a Chief Minister at its head. However, it was far from being a responsible parliamentary government as in Part A & B states. It could be best

described as a form of dyarchy representing an attempt to reconcile central control over the national capital with autonomy at the state level. The ambit of powers delegated to Part C states was narrow and restricted. In the case of Delhi it was subjected to some additional special limitations. The subjects specifically excluded from the purview of the state legislature included law and order, local self-governmental institutions, the Delhi Improvement Trust and other statutory boards regulating certain public utility services in Delhi and New Delhi. These statutory boards were the Delhi Joint Water and Sewage Board, the Delhi Road Transport Authority and the Delhi State Electricity Board.

The States Reorganisation Commission (1953-55) recommended that Delhi "cannot be made part of a full fledged constituent unit of the Indian Union."<sup>55</sup> Therefore, under the States Reorganisation Act of 1956, Delhi ceased to be a separate state with its own legislature and Council of Ministers and became a union territory administered by the central government through an Administrator. As a follow-up of another recommendation of the States Reorganisation Commission, the Municipal Corporation of Delhi was established on April 7, 1958 with jurisdiction over the entire area of the union territory excluding the New Delhi Municipal Committee and the Delhi Cantonment. The three statutory bodies were converted into the undertakings of the Municipal Corporation and the Delhi Improvement Trust was replaced by the Delhi Development Authority set up on December 30, 1957. The next important change in the administrative set-up of Delhi took place in 1966, when the Parliament enacted the Delhi Administration Act of that year setting up a Metropolitan Council and raised the post of the Chief Commissioner to the status of a Lieutenant Governor. The year 1971 witnessed another change, when the Corporation was relieved of the responsibilities in respect of the Delhi Transport Undertaking which was replaced by the autonomous Delhi Transport Corporation. We will now briefly describe the existing set-up.

**Delhi Metropolitan Council :** The Council consists of 61 members of whom 56 are elected directly from territorial constituencies and 5 are nominated by the central government and are non-officials. The term of the Council is five years. The Council elects a Chairman and a Deputy Chairman from among its members. The members of the Council receive such salaries and allowances as are determined by the President. Although it resembles a legislature, it does not have any legislative powers. It is only entitled to discuss and make recom-

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55. *Report of the States Reorganisation Commission, 1955, New Delhi, para. 584.*

recommendations on following matters :

- (a) Proposals for undertaking legislation regarding matters enumerated in the state list or concurrent list in the Seventh Schedule of the Constitution in so far as such matter is applicable to union territories.
- (b) Proposal for extension to Delhi of any enactment in force in a state relating to any matter enumerated in the above lists.
- (c) Proposals for legislation referred to it by the Lieutenant Governor.
- (d) Estimated receipts and expenditure pertaining to Delhi to be credited to and made available from the Consolidated Fund of India.
- (e) Matters of administration involving general policy and schemes of development.
- (f) Any other matter referred to it by the Lieutenant Governor. The recommendations of the Metropolitan Council, after consideration by the Executive Council, are forwarded by the Chief Executive to the central Government along with the views expressed on them by the Executive Council.

**Lieutenant Governor :** Under the Delhi Administration Act, 1966, the executive authority of the union territory is exercised by the President of India through an Administrator appointed by him and designated as the Lieutenant Governor. He, like the Governor in other states, summons, prorogues and with, the approval of the President, dissolves the Metropolitan Council. He may attend and address any meeting of this Council. He is, however, by no means a formal and constitutional head. Subject to the authority of the President whose agent he is, he acts as the real head of the territory and enjoys certain discretionary authority. The Act of 1966 provides that in respect of law and order, including organisation and discipline of the police, services, land and buildings and all matters relating to the appointment of members and the President of the New Delhi Municipal Committee, their number and term of office, etc., the Administrator shall function in his discretion, that is, without consulting the Executive Council. By this provision the functions and responsibilities of the Administrator have been grouped in the two categories—'reserved' with respect to which he can function in his discretion and the 'transferred' with regard to which he normally functions with the aid and advice of the executive councillors.

**Executive Council :** There is an Executive Council consisting of not more than four members, one of whom is designed as the Chief Executive Councillor and the others as executive councillors, to aid

and advise the Lieutenant Governor in his functions. The members are appointed by the President and not by the Lieutenant Governor. The Council has the appearance of a Council of Ministers but is not responsible to the Metropolitan Council. As shown in the above paragraph, its jurisdiction is limited to the 'transferred' portion of the subjects. Even in this field, in case of difference of opinion between the Council and the Chief Executive, the matter is referred to the President for decision. Pending such decision, the Lieutenant Governor is empowered in urgent cases to issue necessary directives or take immediate action. In respect of New Delhi, it is laid down that any decision of the Executive Council is subject to the concurrence of the Administrator. In case of difference of opinion in this field, the Administrator can take a decision in his discretion.

**The Delhi Municipal Corporation :** Four erstwhile municipal committees of Delhi, South Delhi, West Delhi and Shahdara ; five notified area committees of civil lines, Red Fort, Mehrauli, Najafgarh and Narela and Delhi District Board were merged in the new Municipal Corporation of Delhi. About half of the area of the New Delhi Municipal Committee was also transferred to the jurisdiction of the new Corporation. Thus, the territorial jurisdiction of the Corporation coincides, with the exception of some areas, with that of the Delhi Administration but their fields of activity are different. The main organs of the Corporation are :

- (i) Corporation Council
- (ii) Statutory Committees
- (iii) Mayor
- (iv) Municipal Commissioner.

**Corporation Council :** It consists of 100 members elected directly by the people on the basis of adult franchise in single-member constituencies but 13 seats are reserved for the scheduled castes. In addition to the councillors, there are six aldermen who are elected by the councillors in accordance with the system of proportional representation by means of single transferable vote. The term of office of the councillors and aldermen is four years with provision for extension by one year. The functions of the Corporation comprise making rules and bye-laws, giving directions, making certain appointments, budgeting, exercising financial control, investigation of vigilance cases and discussion of civic issues.

**Mayor and Deputy Mayor :** The Mayor and the Deputy Mayor are elected at the first meeting of the Corporation every year from amongst its own members. The Mayor is a mere presiding officer with no executive authority vested in him. However, the office is one of dignity and prestige and the Mayor can exercise considerable



influence over administration. The Deputy Mayor, as his title itself suggests, deputises for the Mayor in his absence.

**Statutory Committees :** The Corporation performs its various functions with the help of statutory and ad-hoc committees. In addition, the entire area of the Corporation has been divided into eight zones where most of the work is carried on with the help of zonal committees. There are at present five statutory committees : Standing Committee, the Delhi Electricity Supply Committee, the Delhi Water Supply and Sewage Disposal Committee, the Rural Area Committee, and the Education Committee. Of these the Standing Committee is the most important and powerful and has been called "the centre of gravity" in the Corporation set-up. This Committee consists of 14 members elected by the councillors and aldermen from amongst themselves at the first meeting of the Corporation after each election. One-half of the members retire at the expiry of one year from the date of its constitution but are re-eligible for election. The Committee elects one of its members to be the Chairman and another as Deputy Chairman. This Committee has considerable authority. It is authorized to appoint officers and other employees whose minimum salary is less than Rs. 500/-. Its approval is required before the Municipal Commissioner admits or compromises any claim against the Corporation. Its consent is necessary before any resolution or the budget estimate can be passed. It also shares with the Corporation its powers in regard to the final approval of budget estimates. With the passage of time, the Standing Committee has succeeded in maximising its formal and informal powers, its relationship with other committees and authorities and its prestige with outside governmental institutions.

**Municipal Commissioner :** The distinctive feature of the corporation set-up throughout the country is a distinction between the deliberative and the administrative wings. The administration of Delhi Corporation is divided into three main distinct branches or wings, each directly under the Corporation through the concerned statutory committee : General Administration, the Delhi Water Supply and Sewage Disposal Undertaking and the Delhi Electric Supply Undertaking. The first two units are headed by the municipal commissioner and the last by the general manager. These units have their own services, account and budget.

The commissioner is appointed by the union government for a term of five years, but there is provision for extending this term not exceeding one year at a time. The appointing authority, namely, the central government can remove him from office for incompetence, negligence or misconduct. The Corporation as well is authorized to ask for his removal by a resolution passed by a majority of not less than three-fifths of the total number of its members. In such a case the central government has

to act on its request. Under law the executive authority for the purpose of carrying out the provisions of the Act is vested in him. He is also the head of the services of the Corporation and is responsible for the conduct, integrity and efficiency of all municipal employees. The commissioner (as in 1971) is assisted by five deputy commissioners in-charge of water, slums, taxes, establishment and general administration respectively. In addition, there is the general manager of the Delhi Electric Supply Undertaking to assist him. However, the municipal commissioner of Delhi has to work under certain handicaps. In the first place, there is the overlapping and distinct lack of jurisdiction between the Delhi Administration and the Corporation. This poses special problems for the commissioner, the like of which are not found in any other metropolitan corporation. Secondly, he has to reckon with statutory undertakings whose autonomy puts severe restrictions on his executive powers.

**Functions of the Corporation :** The Corporation Act of 1957 has made a detailed provision of functions on the lines of the Bombay Municipal Corporation Act. The duties and functions of the Corporation are divided into two categories—obligatory or compulsory and discretionary or optional. The first category includes all the functions generally associated with municipal government, namely, matters concerned with public safety, public health, public convenience and public instruction. In addition, it has also the duty of establishment, maintenance and management of undertakings like electric supply and the running of transport services. Delhi being a big and growing metropolis, the discharge of obligatory duties by itself places onerous burden on the Corporation.

**Finance :** The revenues of Corporation are derived from four sources : taxation, government grants, loans, and miscellaneous, the last item including income from rents, fees, fines and others. The taxes, it is empowered to levy, fall under two heads, obligatory and discretionary. The first category includes property tax, tax on animals and vehicles, theatre tax, tax on advertisements other than advertisements published in newspapers, duty on the transfer of property and tax on buildings. Discretionary taxes include education cess, tax on professions, trades, callings and employment, betterment tax, tax on boats, tolls, local rate on land revenues and tax on the consumption and sale of electricity. If the Corporation wishes to levy any tax coming in the second category, it has to pass a resolution "defining the maximum rate of the tax to be levied, the class or classes of persons or the description or descriptions of articles and properties to be taxed, the system of assessment to be adopted and the exemptions, if any, to be granted." After such a resolution has been passed by the

Corporation, it has to go to the union government for approval and it is only after such an approval has been obtained that the Corporation can levy the tax.

**New Delhi Municipal Committee :** At the time of the creation of Delhi Municipal Corporation, a policy decision was taken to exclude about half of New Delhi area from the jurisdiction of the new Corporation. In this area were located foreign embassies, the offices of the central government including the secretariat and governmental quarters for its staff. It was felt that "the standards of health, of cleanliness, of sanitation and of education, and of almost everything in respect of this area called for special attention",<sup>56</sup> which could not be ensured if this area was made a part of the proposed Delhi Corporation. Moreover, above 90 per cent of the residents of this area were government employees who could not be eligible for contesting elections and as such could have no direct voice in the management of its affairs.

The jurisdiction of the New Delhi Municipal Committee now extends over 42.74 square kilometres with a population of 2.93 lakhs (1971 census). There was a general agreement on the inadvisability of having a democratic set-up for the municipal administration of New Delhi. The States Reorganisation Commission had in this connection observed : "We have given a careful consideration to the argument that a denial to the people of Delhi of the benefits of popular government..... would be a retrograde step..... People residing in national capitals enjoy an advantageous position and they must be prepared to pay some price for it. It may be pointed out that the legal residents of the District of Columbia in the U.S.A. are at present totally disfranchised and do not in any way participate in government at either the federal or State or even the municipal level."<sup>57</sup> Accordingly, the old Punjab Municipalities Act (No. III) of 1911 continues to govern the New Delhi Municipal Committee.

The Committee is composed entirely of nominated members including both officials and non-officials. The members are appointed by the Lieutenant Governor of Delhi. The minimum number of members fixed under the bye-laws is three. The reconstitution of the Committee in October 1968, however, fixed the membership at 11 consisting of the President and four other official members and six non-officials. All matters relating to the appointment of members including the President of the Committee, their number and term of office are "reserved" in the hands of the Lieutenant-Governor. The President is a senior member of the Indian Administrative Service appointed by the

56. *Lok Sabha Debates*, Vol., IX, 1957, p. 2564.

57. *Report of the States Reorganisation Commission*, 1955, New Delhi, p. 151.

Lieutenant Governor. The Committee has two vice-presidents, senior and junior, elected by the members annually from among themselves. The President is the head of municipal administration. When he is absent, the senior vice-president and in his absence the junior vice-president exercises all his powers and discharges all his functions. The Committee works through the help of sub-committees of whom there were ten in 1971. The Committee functions like any other municipal body of a similar type. Special provision, however, exists in respect of any matter concerning the Committee *vis-a-vis* the Delhi Administration. In such matters any decision by the Executive Council requires the concurrence of the Lieutenant Governor.

**Delhi Development Authority :** The Delhi Improvement Trust was set up in 1937 to clear slums and secure planned development of the city. The Trust had hardly got going when the Second World War broke out in 1939 and continued to rage till August 1945. Obviously, the priorities being different in war-time, the activities of the Trust became moribund. The Delhi Improvement Trust Enquiry Committee (1951) found the achievements of the Trust unimpressive. In 1955, therefore, a new body, known as the Delhi Development (Provisional) Authority was established to take over the task of developing the city in addition to the already existing Improvement Trust. Two years later, under the Delhi Development Act of 1957, this provisional authority was converted into a regular Delhi Development Authority which came into existence on December 30, 1957.

The Authority is a high-powered body presided over by the Lieutenant Governor himself who is its *ex-officio* chairman. Other members of the Authority are a whole-time vice-chairman nominated by the government of India, who is the real executive head of the Authority; an engineer member who is a nominee of the union government; a finance-cum-accounts member who is also appointed by the central government; two representatives of the Delhi Municipal Corporation elected by the councillors and aldermen from among themselves; two representatives of the Advisory Committee for Delhi (constituted by the Ministry of Home Affairs); two members who are nominees of the union government, one of whom should have experience in town-planning. The Authority is thus an entirely official body nominated by the central government which has paid scant attention to the recommendation of the Delhi Improvement Trust Enquiry Committee (1951) that "public opinion should be well represented on the Authority through a non-official majority."

There is an Advisory Council attached to the Authority, consisting of twenty members and a president as follows :

- (a) President, who is *ex-officio* Chairman of the D.D.A.,

- as the Delhi Development Authority is popularly called.
- (b) Ten members nominated by the central government—one representative of the health department of the Delhi Administration; four from the technical departments of the central government; two with knowledge of town planning or architecture; one representing commerce and industry; one representing labour in Delhi; and one other member.
  - (c) Four representatives of the Delhi Municipal Corporation.
  - (d) One representative of the Delhi Electric Supply Committee.
  - (e) One representative of the Delhi Transport Committee.
  - (f) One representative of the Delhi Water Supply and Sewage Disposal Committee.
  - (g) Three members of Parliament, two from the Lok Sabha and one from the Rajya Sabha, elected by the respective houses. The term of office of the elected members of the Council is four years provided they continue to be the members of the parent body during the period.

The main purpose in creating the Delhi Development Authority was to prepare the Master Plan for Delhi and detailed zonal plans for different areas into which the city had been divided. The Authority has wide powers for acquisition and development of land. The powers of the Delhi Corporation have been restricted to permitting development only in areas which have not been declared as development areas for purposes of preparing zonal plans provided it is not inconsistent with the provisions of the Master Plan. The Authority has done creditable work since its inception. The first thing it did was to prepare, in consultation with the Town and Country Planning Organisation, a Master Plan for Delhi laying down the objectives and the pattern of development for the next twenty years. This Plan was approved by the central government in September 1962 when it came into force. The Authority then took in hand the work of acquisition and development of land and has done commendable work in this field. Another major concern of the Authority has been slum improvement and clearance including the rehabilitation of thousands of "jhuggi-jhonpri dwellers squatting on unauthorised land." In addition, the Authority has taken upon itself the task of building residential houses on no-profit and no-loss basis for low-income and middle-income groups. Besides developing residential areas, it is also engaged in developing industrial complexes for locating small-scale and large industries like the Naraina and Mayapuri Industrial

Complex.

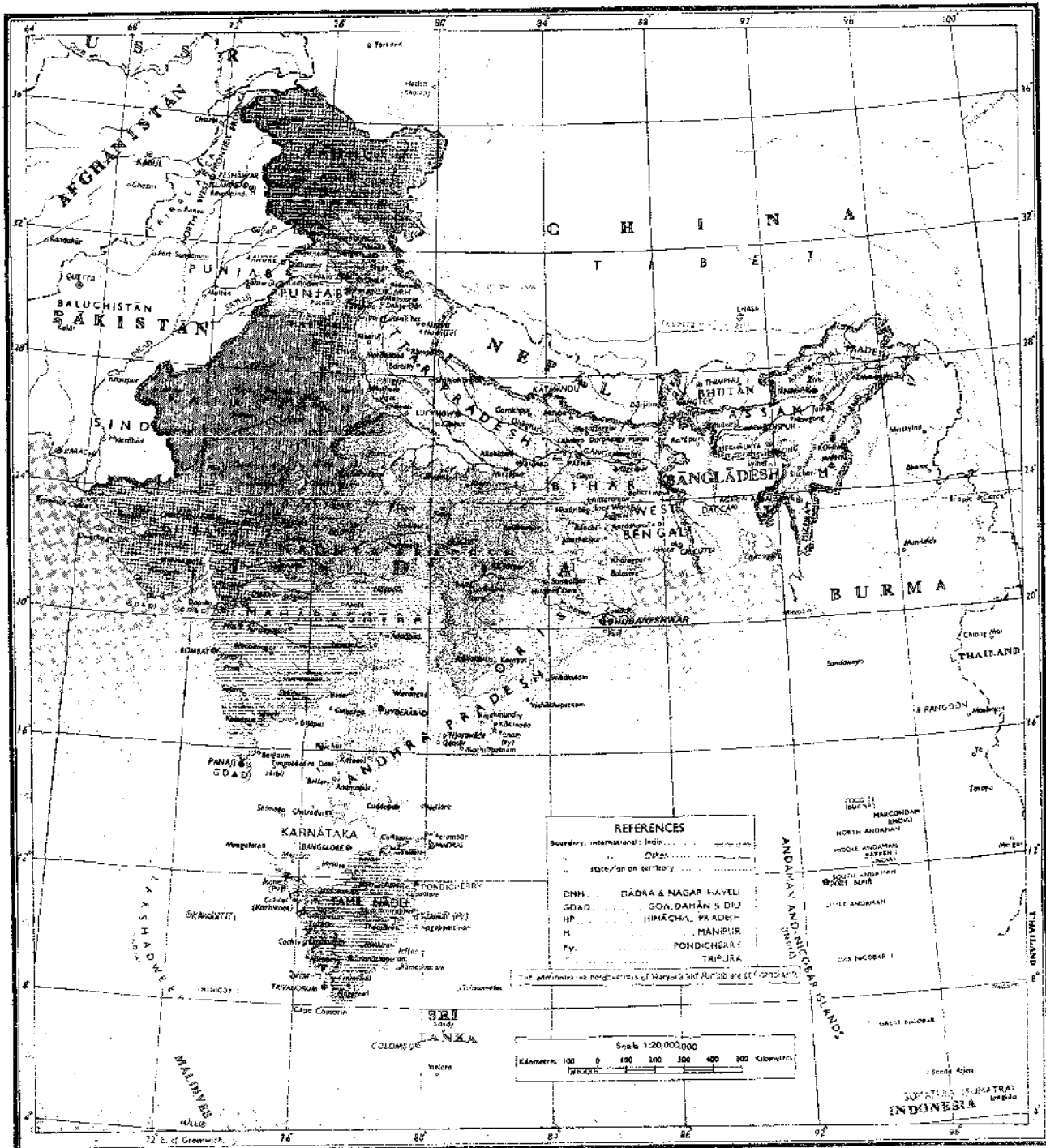
**Public Services in Union Territories :** The persons recruited to the services and posts in various union territories are, strictly speaking, the employees of the central government. However, with regard to pay scales, Delhi, Andaman and Nicobar Islands, Lakshadweep, Goa, Dadra and Nagar Haveli and Pondicherry have adopted the central pattern, while Chandigarh, Arunachal Pradesh and Mizoram have retained linkage with the pattern in force in a neighbouring state. "Apart from the posts which are directly under the Central Government, the employees holding posts in the Union Territories accounted for about 1.04 lakhs (employees) as on 31-3-1970 (except in respect of Mizoram for which the information was as on 1-3-1972). The Class III and Class IV posts taken together accounted for 92.9 per cent of the total employment, the former being 55.8 per cent and the latter 37.1 per cent. Class I and Class II posts accounted for 1.5 and 5.6 per cent respectively. Permanent and temporary staff constituted 44.6 per cent and 55.4 per cent respectively."<sup>58</sup> These union territories do not have their own Public Service Commissions and recruitment to their services is made through the Union Public Service Commission with two exceptions. In the case of Arunachal Pradesh, recruitment (as on 8-1-1976) is made through a special Selection Board constituted by the Ministry of Home Affairs in respect of Class I posts; and in the case of Mizoram, recruitment of Class I and II officers is made by the Lieutenant Governor.

**High Courts :** Except in the case of Delhi and Goa, all other union territories are served by the High Courts of neighbouring states. Thus, the jurisdiction of the Calcutta High Court extends over Andaman and Nicobar Islands; of the Gauhati High Court over Arunachal Pradesh; of the High Court of Punjab and Haryana over Chandigarh; of the Bombay High Court over Dadra and Nagar Haveli; of the Kerala High Court over Lakshadweep; of the Gauhati High Court over Mizoram and of the Madras High Court over Pondicherry. Delhi has its own High Court consisting (as on 26-11-1975) of one Chief Justice, thirteen puisne judges and six additional judges. In the case of Goa, the Judicial Commissioner's Court has been declared as a High Court for the purposes of Articles 132 and 134 of the Constitution.

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58. *Report of the Third Central Pay Commission (1973)*, New Delhi, para, 17.

# POLITICAL MAP OF INDIA



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State/union territory: India . . . . .

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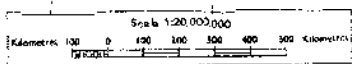
GOA . . . . . GOA, DARJAN & DIU

HP . . . . . HIMACHAL PRADESH

H . . . . . HARYANA

PY . . . . . PONDICHERY

TRIP . . . . . TRIPURA



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 Projection: Lambert Conformal Orthographic.

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The boundary of Meghalaya shown on this map is interpreted from the Map of Eastern Assam (Reorganisation Act, 1957), and has yet to be verified.

The territorial waters of India shown on this map are 12 nautical miles measured from the appropriate base line.

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