



**B. A. PART-I
SEMESTER-I**

**PUBLIC ADMINISTRATION
PAPER-I**

UNIT - 2

**Department of Distance Education
Punjabi University, Patiala**

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LESSON NO.

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Note : Students can download the syllabus from department's website www.dccpbi.com

Lesson No. 2.1

Line, Staff and Auxiliary Agencies**Structure**

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2.1.0 Objectives

After you have read this Chapter, you shall be able to explain the significance and features of Line, Staff and Auxiliary Agencies.

2.1.1 Introduction

The chief executive has to perform two types of functions- administrative and political. These functions are accomplished through a huge administrative structure which includes a variety of administrative organisations. Thus the chief executive is aided and assisted by the generalist and the technical or specialist personnel who are assigned sufficient duties and the authority to perform them. Stahl considers the work of an enterprise as a network, a grid, or a checkerboard in which vertical programme subdivisions are interlocked with horizontal supporting activities. The chief executive sits in a position at the top corner from which he holds both the vertical and the horizontal lines. The vertical organisations and activities are traditionally called 'the line and the horizontal are known as the staff. In other words, the chief executive can exercise control over various organs, agencies attached to him. These agencies are generally known as 'Line', 'Staff and Auxiliary' The classification

of administrative units into these three categories is largely based upon the nature of their functions and the extent of authority exercised by them. However, this aspect will be examined later.

2.1.2 Line Agencies

The functions of the government are performed through elaborate system of administrative organisation which is held together by flow of authority from the higher levels to the lower ones. This is also termed as chain of command. Thus, in a line agency the chain of command extends from the top ranking officer down to the lowest ranking official. The terms 'line' is drawn from military organisation in which it referred to command. In military organisation the hierarchy of forces or personnel which commands the soldiers in the battle-field, is known as line as they perform the substantive work of the armed forces. In public administration, line agencies are those administrative organisation which are organised for performing the primary services for which the government exists.

They also regulate the conduct of the people in the area of their operation and thus they come into direct contact with public. Louis Allen observes that line agencies are "those positions and elements of organisation which have responsibility and authority, and are accountable for the accomplishment of primary objectives." It means these agencies exercise the authority of the government for the attainment of the objectives for which the government exists. Referring to line agencies in a city government, Nigro remarks that these agencies perform those activities which are substantive or direct in their contribution to the city ministration's objectives such as police and fire protection. Major examples of such agencies in India are the departments of Health, Labour, Commerce, Education, Defence, Railway, Transport, etc. Line agencies, thus deal directly with the people by implementing governmental policies and programmes and render the required services to them.

Line agencies use authority of the chief executive and thus enjoy the power of direction and control over agencies. However, they have to give due consideration to the technical or specialized opinion or advice of the staff agencies. The final authority of taking a decision rests with the line agencies. Further, a line agency represents chain of command or authority through which orders, directions, instructions, etc. are communicated by various levels of the organisation downward and information, reports etc. are sent up by the lower levels.

2.1.2.1 Types of Line Agencies

These agencies are mainly of three types (a) Department, (b) Public Corporation and (c) Independent Regulatory Commission.

(a) Department :

It is the biggest administrative unit of the government and is the most prevalent form of administrative organisation. It is directly under the chief executive and its hierarchy is based on single chain of command. Some of the examples of government departments are-Health, Education, Defence, etc.

(b) Public Corporation:

It is an innovation in the field of administrative organisation and has been borrowed by public administration from the private sector where companies of the shareholders, with limited liability, have been quite successful. Like a private business company, a public corporation is a legal person and can hold property and finances in its own name. Being a legal person, it can sue and be sued. It enjoys a sufficient degree of flexibility and autonomy in administrative and financial matters. Some examples of a public corporation are Life Insurance Corporation, Air India, Food Corporation, Damodar Valley Corporations, etc.

(c) Independent Regulatory Commission:

This form of administrative organisation is widely used in the United States of America mainly to take away from the President some of his executive authority. It combines in itself some features of a department and also of a public corporation. At the top it has a corporate character, but internally it has a departmental structure. A commission normally enjoys quasi-legislative and quasi-judicial functions. Some examples of this form are: the inter-State Commerce in America, and the Election Commission in India.

7.2.2 Functions of Line Agencies

A line agency normally performs the following main functions :

1. It actually helps the chief executive in choosing a policy alternative from the many suggested by a staff agency for the achievement of its primary objectives.
2. It helps the chief executive in implementing his policies and programmes of action through its attached and subordinate offices.
3. A agency is also responsible for proper coordination between its several sub-units.

4. It is also responsible for rendering necessary service to the people and ensures redressal of their grievances.
5. It also helps the chief executive in the performance of his legislative functions.

2.1.3 Staff Agencies

The term 'Staff Agency' has also been borrowed from the military administration where such agencies were set up due to the growing complexities of military operations which made the use of technical or specialized services essential for successful achieving the objectives. Literally, staff means a stick which is carried for support. In Public Administration, it refers to such activities in an organisation which assist the chief executive by giving technical and specialized advice. Louis Allen defines staff agencies as "those which have responsibility and authority for providing advice, and service to the line in the attainment of objectives. Alvin Brown observes, there are two modes in most of the organisations-line which executes, and staff which plans and renders many other incidental services." Nigro points out that staff "services are objective in nature, or indirect in their contribution to the ministration's objective." Staff agencies are mainly advisory bodies concerned with plan formulation and coordination. They do not have any authority or responsibility but render assistance and advice to the chief executive or his line units which, are actually involved in providing services. Their function is of consultive nature and advisory in character as they do not possess any authority to give orders. This nature has also been stressed by Willoughby as he says, "Their most characteristic feature in that they have no responsibility or authority for the actual performance of the duties, for the performance of which the services are created and maintained," Some of the examples of such agencies in India are the Planning Commission, Cabinet Secretariat etc.

2.1.3.1. Need for Staff Agencies

Staff Agencies have been called as extension of the personality of the administrator meaning. "more eyes, more ears and more hands to aid him in forming and carrying out his plans."

Thus a staff agency is needed by the chief executive to :

- (a) seek advice and guidance in planning and programming,
- (b) save time, money and energy,
- (c) carry out research for modernising management techniques and updating of decision making procedures.
- (d) collect necessary information, data and facts concerning a

particular problem, and

- (e) maintain contact and liaison with other organisation,

So, need for staff agencies arises in the two major areas of administration, policy formulation and the area of organisation and staffing (personnel).

2.1.3.2. Functions of Staff Agencies

Before a line agency can start functioning, it needs personnel, money, equipment, materials, building and some other services. The departmental head or the chief executive being unable to provide these services, takes the help of staff agencies for this purpose, F.A. Nigro prescribes some functions of the staff agencies. These are :

- (a) Finding qualified personnel for the line agencies and advising the chief executive on personnel policies relating to recruitment, training, promotion, etc.
- (b) Financial planning, preparation of budget, collection of funds etc.
- (c) Planning and programming relating to socio-economic development.
- (d) Expert legal advice and assistance.
- (e) Collection of information and data.

For performing these functions, there may be a separate staff agency specially created for one or more of these functions or there may be some experts within a line agency for giving the required assistance or advice to the line agencies.

L.D. White sums up these functions as under:

- (i) To ensure that the chief executive (and other officials at the top) is adequately and correctly informed.
- (ii) To assist him in for asseeing problems and planning lecture programmes.
- (iii) To ensure that matters for his decision reach his desk promptly, in condition to be settled intelligently and without delay and to protect him against hasty or ill-considered judgement.
- (iv) To exclude every matter that can be settled elsewhere in the system.
- (v) To protect his time.
- (vi) To secure means of ensuring compliance by subordinates with established policy and executive direction.
- (vii) Pfiffner takes a broader view and assigns the following functions to these agencies;
 - (a) Advising, teaching and consultation.

- (b) Coordination, not merely through plans but also through human contacts.
- (c) Fact-finding and research.
- (d) Planning.
- (e) Contact and liaison with other organisation and individuals to know what is going on.
- (f) Assisting the working with it but without infringing its authority, and
- (g) Sometimes, exercising specially delegated authority from the line.

Since the main functions of a staff agency or staff officer relates to the tendering of advice, it should see that the advice given by it is not only technically sound but is practically viable also. A good staff officer should possess a sound knowledge of the government policies, rules and regulations, and of the original objectives. He must also be a good negotiator and should prefer to work from behind the curtain. He should know that he is only to give and advice and should not grudge if it is not accepted, as decision making is the responsibility of the chief executive.

EXAMPLES OF STAFF AGENCIES: Cabinet secretariat, Planning Commission etc.

2.1.4 Auxiliary Agencies

Such agencies perform certain house-keeping functions for all or most of the line agencies and as such they do not come in direct contact with the people. A line agency has to undertake a number of services, which may be secondary to its primary objectives, so as to accomplish its substantive functions. These services relate to purchase, stores, accounting supplies etc. Willoughby has named such institutions as Institutional or 'House keeping' whereas Gaus terms them as auxiliary technical staff services. Similarly, L.D. White prefers to call them as 'Auxiliary Services'. In England these are known as establishment 'services'. By whatever name these institutions may be called, they perform basically house- keeping functions for the line agencies, some examples of such agencies in Indian Administration Department etc. Such agencies normally perform the functions that are necessary for keeping the line agencies going. These are : Accounting and financial control, supplies and disposals, Construction and maintenance of buildings, etc.

Some of the main advantages of auxiliary agencies are :

1. The operating officer is relieved of his duties relating to these

- secondary activities and thus is able to pay more concentrated attention to his substantive responsibilities.
2. These agencies provide for specialization.
 3. This system results in less costs as materials are purchased in large quantities.
 4. It secures the advantage of closer supervision of these functions and more rapid introduction of better methods as each service is concerned with only one type of activity.
 5. It results in better administrative efficiency as it avoids duplicity of work in the line agencies.

The utility and dangers of these agencies have been summed up by L.D. White when he says that auxiliary agencies are “one of the important means of ensuring unity in the executive branch, partly in the control of programme and policy, partly in the areas of administration. In a vast enterprise they have become a sine-qua-non of executive leadership and administrative integration. It would be impossible to carry on any large jurisdiction without them. Moreover, there are clear gain in the direction of economy, due to both a large scale common operation and the accumulated experience of experts specialization in the various management fields. On the other hand, that the management service can handicap the line agencies by empire building on their own account is beyond doubt: this is a risk to meet which requires not only internal restraint on the part of the chief executive.

Some of the main disadvantages of these agencies are :

1. The auxiliary agencies may result in the tearing off departments and may weaken the responsibility of the line agencies.
2. There is inherent danger of encroachment by the auxiliary agencies upon the responsibility of line agencies and therefore conflict may begin between them.
3. The auxiliary agencies tend to sacrifice the substantive functions of the line agencies for attaining the secondary aims of economy etc.

2.1.5 Distinction between Line and Staff Agencies

We find that in Public Administration there are two basic agencies line and staff. This has been emphasized by Alvin Brown when he says that “there are two modes in most of the organisation; line which executes and staff which plans and renders many other incidental services.” It shows that there are some basic distinctions between these two agencies. These are :

1. Line agencies are executive agencies whereas staff agencies are only advisory and consultative.
2. Staff agencies do not enjoy any authority but simply assist the line agencies in the performance of the substantive functions. On the other hand, line agencies possess sufficient authority or command and thus give orders and directions down the line.
3. Line agencies are end in themselves as they are created and continue to exist for the accomplishment of some major purpose. To the contrary, staff agencies are only means to an end as they only assist and help the line agencies in achieving the substantive function.
4. Staff agencies remain behind the curtain whereas the line agencies come into direct contact with the public.

In theory, the distinction between the two seems to be quite clear, but in practice, sometimes, it becomes extremely difficult or even impossible to draw a line between the two. It is more so in the case of smaller organisation where the two functions, line and staff, may vest in the same person or a body of persons. In relation to his superiors and officer may be a staff agency while in relation to his subordinates he is a line officer as he has some authority over them. Similarly, a technical organisation like the Department of Health may be both line and staff. In relation to the Secretary and the Minister incharge, the head of the Health Department is merely a staff officer, but within his department, he is a line officer. Further, complete separation of the two functions is impossible as the distinction between the two is relative rather than absolute. Simon and others have, through their writings made this distinction unreal as they feel that authority is mere a matter of influence rather than command. Similarly, Koontz and Donnell, observe that "Line and staff are characterizations of authority, influence relationship and not departmental activities."

Avasthi and Maheshwari suggest that the conflict may be reduced if the staff becomes more tactful, persuasive, and friendly in its dealings with the line..... A line officer is more likely to follow a recommendation, if it can be shown that the advice meets with the approval of these officers who must implement the required decision. There should be periodic transfer between the line and staff. "Thus one may find the both line and staff functions are being performed by most organisations and it is not always possible to distinguish between the line and the staff units or

officers of the same organisation.” M.P. Sharma rightly says that the difference between the two is “not of kind but of degree.”

2.1.6 Distinction between Staff and Auxiliary Agencies

Pfiffner does not distinguish between staff and auxiliary agencies. He simply puts the staff into three groups general, technical and auxiliary and assigns them administrative, technical and house-keeping functions respectively. However, already discussed, staff agencies advise and assist the line agencies in the areas of planning, policy and coordination without owing any responsibility for the substantive function. Auxiliary agencies are also supporting agencies which help the line units by relieving them of the house-keeping duties. These two are similar in one respect i.e. both of them exist to facilitate and help the line agencies in the effective and efficient performance of their substantive functions.

No doubt both staff and auxiliary agencies help the line departments in the performance of their main functions, yet the two differ from each other. Willoughby points out two major areas of difference. These are:

(a) The auxiliary agencies are operation services; whether are recruiting boards, purchasing agencies stationery stores, they perform same operation. But staff agencies are concerned with only thinking, planning and advising.

(b) Auxiliary agencies are not concerned with major substantive policies, while the staff agencies are closely associated with the formulation of major policies and even with matters of re-organisation etc.

Lesson No. 2.2

Chief Executive**Structure**

- 2.2.0 Objectives
- 2.2.1 Introduction
- 2.2.2 Functions of Chief Executive
 - 2.2.2.1 Evaluation and Suggestions
 - 2.2.2.2 Legislature as a Board of Directors
 - 2.2.2.3 Functions of Legislature as Board of Directors
- 2.2.3 Conclusion
- 2.2.4 Key Words
- 2.2.5 Some Useful Books
- 2.2.6 Answers to Check Your Progress

2.2.0 Objectives

After you have read this chapter you shall be able to :

- (i) Explain the meaning, nature, characteristics and functioning of chief executive.
- (ii) Distinguish between Nominal and Real Chief Executive.
- (iii) Explain and identify styles of leadership.

2.2.1 Introduction

The Chief Executive holds a key position in Public Administration and is responsible for running the administration of a country. By Chief executive is meant a person or a body of persons as the head of administrative system of a country. The administrative structure of a country is like a pyramid, broad at the base and tapering towards the top till it ends at a single point, the apex. The apex of the administrative pyramid is the chief executive. In India the President is the chief executive of the Union Government, in Britain the King or Queen, in the U.S.A. the President and in Switzerland the Federal Council. If we see the different levels of administration, it is obvious that every level of administration has its own chief executive at the central level in federal countries like India the U.S.A. and Canada and also at the State level. In the same way at the local Government level every local institution has its own chief executive known as Mayor, President, Chairman, city managers etc. who are the chief executives of their respective local institutions.

In countries having parliamentary form of government, a distinction is generally made between nominal and real chief executive. In these countries, legally all the executive powers are vested in the titular chief executive i.e. the King in England or the President in India, who can exercise his powers on the advice of a council of ministers of the cabinet, which is the real executive. No doubt, in India or in England the legal chief executive is the President and the Queen respectively but in reality it is the Cabinet in both the countries which, acts as the real executive. On the other hand, in countries like U.S.A with Presidential form of Government, no distinction is made between the real and titular or nominal chief executives. The President is both the real and nominal chief executive. He enjoys all the powers and is not bound to act according to the advice of his cabinet.

Likewise distinction, is also made between singular and plural chief executive. Where the powers of the chief executive are vested in one man as in America, it is known as singular chief executive but where the powers are vested in a body of persons as in Switzerland and the U.S.S.R. it is called plural chief executive.

2.2.2 Functions of Chief Executive as a General Manager

The chief executive, whatever the type may be, has a dual role to play. He is the political leader and administrative head. His functions are, therefore, both political and administrative. The political functions mainly include obtaining and retaining a legislative support for his policies and programmes, but as his political role is outside the scope of the study of Public Administration, we are concerned with his administrative functions only.

In Public administration, the role of the chief executive is often compared to that of a General Manager in a corporate or business enterprise. As the general manager in a corporate enterprise acts as an agent of the Board of the Directors of the enterprise and is subject to the direction, supervision and control of the Board of Directors, some writers particularly American writers hold that the Chief Executive should also act as a General Manager subject to the control of the Legislative. He should perform the same functions i.e. to run administration smoothly as are performed by General Manager. Willoughby strongly advocated the necessary changes in the American constitutional setup in order to make President to act as a General Manager. This concept is supported by several writers of Public Administration.

Luther Gullick summed up the administrative functions of Chief Executive in the word “POSDCORB” which stands for Planning, Organising, Staffing, Directing, Coordinating, Reporting and Budgeting. Marshall Dimock describes these functions in one sentence. According to him, “the Chief Executive is a trouble shooter, a supervisor and a promoter of future programme.” Dr. L.D. White has described the following functions:

1. Formation of Administrative Policy

The first and foremost of these functions is the formulation of the administrative policy i.e. what shall be done by his administration and how. According to E. N. Gladden, administrative policy may be defined as, ‘the forum in which ministerial administrator or board carries the will of the government into effect.’ Although the formulation of the policy is his political function too, but the formulation has to be done at the various levels of administrative hierarchy. No policy is formulated, complete in all respects, at single stroke. In fact at the political and legislative levels, only the general outline of the policy can be laid down. It may be initiated by the chief executive or legislature. Whatever its source may be, it requires to be passed by the legislature. But the policy by legislature is just in its primary stage, for the legislature cannot force the formulation and combination of the circumstances which are to be faced while implementing it. In practice the executive at every stage of implementation i.e. each of the levels of the administrative hierarchy contributes something to it and may be said to participate in its formulation. The chief executive naturally has the largest share in this function. In fact, in many instances he formulates the primary policy itself because the legislature does not cover the whole range of his administrative activity. In a parliamentary form of government, the cabinet has become so powerful that it itself prepares the policy and the legislature only dittos it without any change. The opposition may criticise but because the cabinet enjoys confidence or majority and, thus, its will prevails.

2. To Issue Orders and Directions

The Second function of the chief executive is to issue orders, directions and commands. The chief executive as general administrator, has to issue specific orders and directions orally or in writing. This administrative act of the chief executive may conform to the statutory requirements in the form of contents of these orders are of primary importance in determining the quality and efficiency of administration. They provide an impulse to action and determine its nature and course.

3. To lay down the details of the Organisation

Usually it is the legislature which provides for the establishment of main units of organisation like departments, commissions, corporations or offices. The chief executive has to sanction and authorize the details of organisation through which his plans have to be carried out. Often he makes modifications alternations and adjustments in the internal organization of the existing departments or corporations or new departments, bureaus, division and adhoc agencies may be created to meet the particular situation and old ones may be reorganised or overhauled to ensure their more efficient functioning. In the case of U.S.A. the powers of the President in the matter of organization are limited. He cannot create or abolish new departments but can only reorganise them. But in a Parliamentary country like India, the Cabinet has usually the power to create, abolish or reorganise the departments, as it thinks best.

4. To Appoint and Remove Personnel

The chief executive enjoys the power of appointment, management and removal of all public personnel. The scope of the power varies from country to country but even where the recruitment to lower grades is made through Public Service Commission, or where the merit system of recruitment is fully implemented, a number of higher posts are filled by the Chief executive. In India, for example, the Governors, Lt. Governors, Chief Commissioners, Chief Justice and Judges of the Supreme Court and High Courts, the Comptroller and Auditor General, the Ambassadors and other diplomats, Attorney General of India, Chairman and members of Union Public Service Commission, Prime Minister and other members of council of Ministers etc. are appointed by the President, and subject to prescribed procedure and safeguards. He has also the power to remove them. In the U.S.A., the power of making appointment for a number of posts is vested in the President, though the confirmation by the senate is necessary, Even in those cases, where recruitment is done through Public Service Commissions, the commissions are only recommendatory bodies and final appointments are done by and in the name of the chief executive. After the appointment, all the questions of training, promotion, discipline and removal are determined by the Chief Executive. However, almost in all the countries certain customary, constitutional and statutory guarantees have been provided against the arbitrary actions of the chief executive and to safeguard the interest of the Public Services, certain rights have been granted. As in our constitution, it has been laid down that "no member of

Civil Service will be removed or dismissed by any authority subordinate to that by which he was appointed and that no such person shall be removed or dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken regarded him.”

5. Co-ordination

Co-ordination is the most important function of the Chief Executive. Due to specialization in administration a very high degree of unity is needed at higher as well as at the local level. Modern administration is a mosaic of departments, commissions, division, sections and subsections each performing only a specialized part of the function. Under such system a very high degree of co-ordination and integration is needed for the attainment of unity in this huge mass of diversified activities both at the higher and local levels. The chief executive inter-related and coordinates the activities of various agencies and if there is any conflict and rivalry at any level, this decision is final.

6. Financial Functions

The chief executive, specially in the cabinet or parliamentary system has a very wide authority to control and manage public finance. With the help of the administrative machinery, he prepares the annual budget and lays down before the legislature to get its approval. Due to party system and majority support, usually, the annual financial statement presented before the legislature is passed and after the approval of the legislature, the chief executive enjoys full authority over income and expenditure, of course, subject to the ultimate control of the legislature.

7. To Supervise and Control Administrative Operations

The function of the chief executive as general manager is not only to carry on the public business but also to see that it is being carried on properly. It has to supervise the work, give instructions, warn where work is not running smoothly, to encourage where it is going properly. Chief executive does it by means of periodical reports which he receives from his subordinates down the administrative hierarchy. But it does not mean that the chief executive should intervene in every detail rather his business is to supervise the operations. He is to ensure that each individual in the organisation does his work diligently and according to the plan or policy already laid down.

8. To Investigate

The chief executive has the power to order investigations and inquires

whenever necessary, either to collect information or to complaint. The enquiries and investigation may be departmental or through independent commissions or through a special Committee of officer. They may be secret or public as required by the circumstances. In certain cases such power is specifically given either by the Constitution or by a statute. Our constitution has given the power to the President to appoint a Finance commission after every five years to review the distribution of financial resources between the Union and the States. The chief executive may constitute a vigilance or special commission to investigate any charge of corruption against Minister and officers. The administrative vigilance commission and Central Bureau of Investigation which are working on permanent basis in the central government, are also meant for the same purpose.

9. To maintain Public Relations

In addition to these internal aspects of management, there are external aspects also which are to be looked after by the chief executive, public administration is ultimately responsible to the people. Therefore, it has to keep the people informed about the nature and purpose of activities and to remove all misunderstanding and fractions which may arise between the people and the administration. The chief executive, thus performs the functions of a public relations officer. He maintains relations with the press, interest groups, voters in different constituencies and the legislature. For this purpose, he can use the media of press, radio, television etc.

Similarly in a lesser degree and with appropriate difference of setting, "scope and detail, these functions also belong to the executives at lower levels e.g. heads of departments, local administration etc. with the difference that they have no political role to play.

2.2.2.1 Evaluations and Suggestions

From the above mentioned functions of the chief executive, it seems that he is, in no way, less than a dictator as he commands such a vast variety of power. But his actual role and position is, however, very different. In a parliamentary form of government, he can exercise personally the whole of its legal authority no more than the captain of a team can play the whole game by himself. In a presidential government, restraints are up to him through the theory of checks and balances. But the basic fact is that in all matters, he has to depend, to a large extent, on his subordinates among whom the work of his organisation is distributed. The administrative policy is to go through several stages and at every level it needs amendment according to circumstances. Most of the issues are settled at the lower

level and the chief executive may not even know anything about them. Even few things that go up to him for his personal decision, are sent up in a duly drafted form and are usually approved by him, even if he wishes to amend it, he may find it difficult being ignorant about the real facts and situation. But it does not mean that the chief executive is only a passive instrument for registering the decision taken at the lower level. In fact he is the maker of major policy decisions and has the authority to amend or change any decision made by his subordinates, In reality, it depends on the individual personality of the chief executive and the circumstances through which he is to administer to become an effective general manager.

2.2.2.2. Legislature as a Board of Directors

Of all the three branches of government, Legislature, Executive and Judiciary Legislature enjoys a place of great authority and supremacy. In modern time, Legislature being a representative body of people, has become the source of all authority regarding administration. Some writers of Public administration compare legislature with the Board of Directors of private or corporate enterprise. As a board of directors, being the representative body of share-holders, performs the function, supervision, control etc. on the general manager of the enterprise similarly the legislature, too exercises these power with regard to the chief executive. As the functions of the chief executive are similar to that of a general manager, in the same manner the functions of the legislature are similar to those of Board of Directors.

2.2.2.3 Functions of Legislature as Board of Directors

As in a big corporate enterprise the main functions of the Board of Directors are to determine policy, to plan for its implementation and to exercise control over its working and finance, likewise, the legislature, too, perform numerous functions.

The main administrative functions of the legislature can be described as follows :

1. To determine the activities to be undertaken

The first important function of the legislature is to determine the policy or activities the government has to undertake. What policy is to be adopted, both for internal matters and external affairs is decided by the legislature. This does not mean that the legislature lay down all the details or the executive carries it out in toto. In fact the policy is framed by the chief executive and is submitted before the legislature for its approval. Why this power of making policy of the government has been delegated to the chief

executive is a very crucial question which is the result of practical utility and administrative adaptability. Because the legislature itself does not know of all the permutations and combinations of circumstances in which the policies of the Government are to be implemented, nor can it force the future happening, therefore, its power of making policy has gone in the hand of chief executive. Moreover the judgement of the chief executive is bound to be better in regard to details than that of the legislature, for being in close touch with and administration he is in better position to understand its needs. But still the legislature retains the power of determining i.e. approving the policy. It can reject or modify and proposal put forth by the chief executive and can direct him to bring in new ones. But the legislature passes the policies in bare outlines and leaves it for the executive to fill the details in it according to the need of time. If the legislature goes into details, it denies the initiative to the executive and thereby impairs the efficiency of the administration. The legislature therefore, should feel contented with the determination of the general programme and their executive should be left to the executive.

2. To Determine Organisation

The second important administrative function of the legislature is to lay down the plan of administrative organisation. This power of the legislature is often questioned. According to Willoughby the problems is, "Shall the legislature leave the whole matter of organisation to the chief executive as general manager ? Shall it determine organisation in so far as the primary units of organisation, the departments, independent boards or commissions, etc. are concerned, leaving it to such bodies acting under the general control of the chief executive to provide for the character of internal organisation of those services ? Or shall it push its determination still further so as definitely to prescribe by law, not only the departmental and bureau organization, but also the divisions, and the subdivision of these, and the final working units viz the sections and field station ?" This question of the authority of legislature determining the nature of organisation is the result of different systems prevalent in different countries. In fact there is no uniformity among the various states on this point. In the U.S.A. the number and character of administrative departments have been, more or less, determined by the constitution. In France the departments are created by the Executive Authority. In India the power of creating new departments or ministries lies with the President acting on the advice of the Prime Minister and so far as the units at the

lower level i.e. divisions, sections, etc. are concerned they are created by the concerned acting through their heads of departments.

Keeping in view practical aspect of administration, it would be better if this power is vested in the chief executive for he is responsible for running the administration. The legislature cannot handle this matter in an intelligent manner as it has so direct contact with the administration of the departments. Secondly, administrative efficiency requires flexibility and if this power of determining organisation is vested in the legislature, it will lead to rigidity which is detrimental to efficient administration. Thirdly legislature is already over burdened and to give still more functions will increase its responsibility still further for which it may not have any time to deal with.

3. To Determine Personnel

Public personnel is the body of persons who actually run the administration. The personnel are of two types (a) directing personnel who direct the administration called officers, and (b) employees proper who occupy subordinate position and their general duties are to carry out the orders given to them by their superiors. It is generally accepted that the legislature should determine the number, character, composition, powers and duties of the directing personnel as in the case of the U.S.A. the President makes all the important appointments with the approval of the senate. Regarding the personnel of second type the legislature may determine their conditions of service by a general statute or by an act of appropriation as in India all the public personnel are governed made by civil service rules by central or state governments.

4. To Determine Rules and Regulations

In order to make the policy and administration a success, the legislature makes certain rules and regulations. These rules are of two types (i) those which effect the interest of those who are not in service of the government and secondly those which are concerned with the administrative operation within the service. According to the first type of rules, the people are given certain rights by which they can control the administration and compel it not to misuse of abuse power. For examine, in India, People have been given certain rights which can't be violated by any public authority and if some one violates these rights, the individual concerned can challenge against the violation of his rights in a court of law. The second type of rules directly affect the Public services as they are concerned with pay and other service conditions of the Public personnel. As regards the

first type of rules are concerned, it is uniformly accepted that it is desirable that the legislature should pass a statute to give them legal sanction. The advantage of having these rules embodied in the statutes or even in the Constitution lies in the greater certainty of their legal force. Regarding the second category of rules or procedure, it is better to leave them in the hands of the executive. The legislature should exercise control over them through a proper system, of accounts, reports audit etc.

5. To Determine Grant of Funds

To run the administration of a country and provide services to the people government requires lot of funds. Now the question arises from where should the money come ? Formerly, until the middle ages, when the power used to be vested in the Kings, who combined in themselves all the power of government i.e. executive, legislative and judiciary, the power of raising funds through taxation or otherwise used to lie with them. But in the modern times this power has come in the hands of the legislature. In all the countries it is the legislature which determines the amount of money to be granted to the executive for public expenditure. The executive cannot spend even a single penny nor can raise any tax without the approval of the legislature, In Practice the chief executive prepares the budget of the country and present it before the legislature for approval. The legislature can make any change in it and curtail any amount asked for in the budget. Thus legislature is final authority in financial matters. Of course, the estimates are prepared by the executive and once the budget is passed by the Parliament it is executive for which it is responsible and answerable to the legislature.

Legislative Supervision

Though the legislature does not interfere directly, yet it has got effective control over the administration. Since legislature is the source of all administrative authority and grants funds to the executive to carry on the administration, it is desirable that the legislature should have the power to supervise and exercise control over administration. According to Willoughby the legislature can supervise and exercise control over administration and make- it accountable by following means:-

- (a) It may ask all the administrative officers to keep proper records of their official act;
- (b) It may ask these officers to submit reports atleast once in a year giving account of their act;
- (c) It may ask the departments to keep accurate accounts of all

the financial transaction;

- (d) It may make a provision for system of examination and audit of these accounts;
- (e) It may make a Provision for the consideration by the legislative bodies, acting directly or indirectly, or the administrative and financial reports with a view to determine not merely the legality of the action, but also the efficiency and economy with which official duties have been performed.
- (f) It may ask the administrative officers to furnish information regarding acts done by them when called upon to do so by the legislature.
- (g) It may Provide for special investigation of inquiries, of a comprehensive character, into the manner in which affairs have been conducted by a Particular service or services.

From the above mentioned functions of the legislature, it seems that the legislature does not directly run the administration rather its most important function is to see whether the administration is running smoothly and giving proper attention to the public welfare or not. It has been supervise and control the chief executive and for this purpose can use several methods. It can issue directions from time to time, ask for the reports etc. It has been rightly remarked by J.S.Mill, Instead of the functioning or government which it is radically unfit the proper job of a representative assembly is to watch and control the government, to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which anyone considers questionable; to censure them if found condemnable, and if the men who compose the government abuse their trust or fulfil it in a manner which conflict with the deliberate sense of the nation, to expel them from office, and either expressly or virtually appoint their successors.

SELF-CHECK EXERCISE-1

1. Define Chief Executive. Write a detailed note on the functions of Chief Executive.

2.2.3 Conclusion :

Thus it can be concluded that leadership plays an important role in any organization. So far various styles or ways of the leadership, their characteristics and role of activities have been discussed in detail which is likely to provide you a deep insight into the concept as well as significance

of leadership.

2.2.4 Key Words

- Chief Executive - It is both Political leaders and Administrative Head.
- Leadership - It indicates quality of supervising direct control and giving command to follower by leaders.

2.2.5 Some Useful Books

1. Sahib Singh, Swinder Singh : Theory of PublicAdministration.
2. M.P. Sharma : Principles of Public Administration.

2.2.6 Answers to check your progress

1. Write any one definition which you have learnt so far. After thoroughly reading the lesson, memorize and understand and then write functions of chief Executive.

Principle of Hierarchy and Unity of Command

Structure :

- 2.3.0 Objectives
- 2.3.1 Introduction
- 2.3.2 Principle of Hierarchy
 - 2.3.2.1 Meaning and Definition
 - 2.3.2.2 Merits
 - 2.3.2.3 Demerits
 - 2.3.2.4 Solution to Minimise the Demerits
- 2.3.3 Principle of Unity of Command
 - 2.3.3.1 Meaning
 - 2.3.3.2 Practical Implementation of the Principle with Significant Exceptions.
 - 2.3.3.3 Views of Taylor and others about the principle
- 2.3.4 Summing up
- 2.3.5 Key Words
- 2.3.6 References
- 2.3.7 Answers to Check Your Progress Exercises.

2.3.0 Objectives :

After reading this unit, you shall be able to

- explain the meaning of principle of hierarchy;
- discuss the merits and demerits as well as infer solution to minimise demerits of principle of hierarchy.
- explain the meaning of principle of unity of command.
- describe the practical implementation of the principle.
- compare the views of Taylor with other eminent authors about the principle.
- understand the significance of the principle of unity of command.

2.3.1 Introduction :

The structure of an administrative organization in public administration is based on certain principles like hierarchy, span of control, unity of

1. L.D. white, Introduction to the Study of Public Administration.

command, centralisation and decentralisation etc. so as to ensure the smooth and orderly functioning of the organization. But unlike the laws of physical sciences which are universally applicable and exact, the principles of administrative organizations are not always true but are flexible and adaptable to the changing circumstances. In the words of L.D. White, “the principles of organization suggest only working rules of conduct which wide experience seems to have validated.”¹ According to Henry Fayol, these Principles are acknowledged truths regarded as proven on which to rely.² It's mainly because an organization is not merely a structure but is also a social institution involving human relationship.

In an organization, there is the division of labour or functions among a given number of persons. This division of labour or specialization makes coordination essential among the members of the organization and the coordination can be achieved with the application of the principles of administration. The foremost test in this direction will be the adoption of hierarchic pattern and then the application of other principles like unity of command, span of control etc.

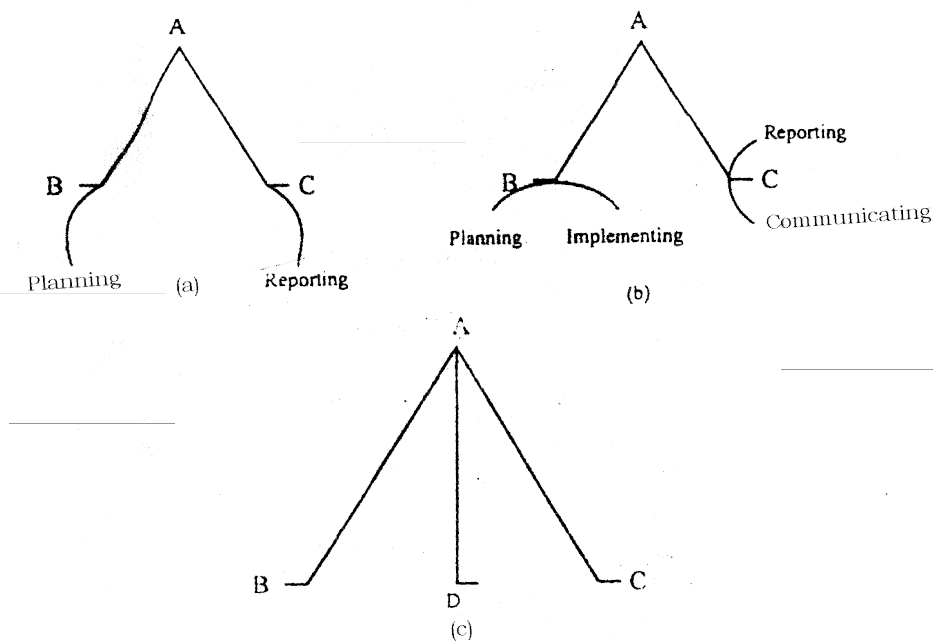
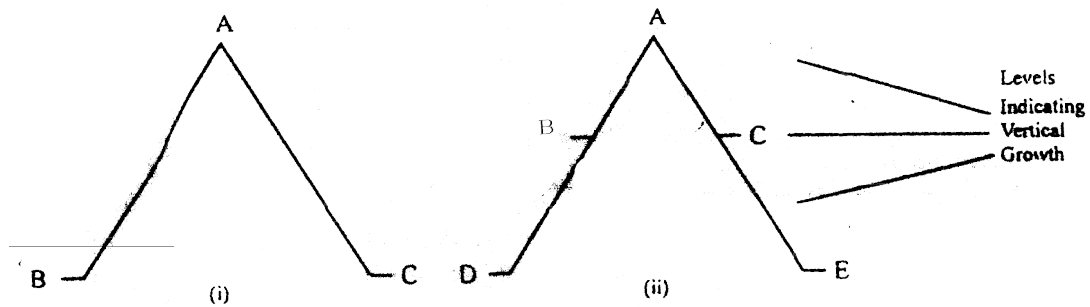
In order to understand the hierarchic pattern of any organization, it is essential to know the meaning, merits, demerits etc. of the principle of hierarchy and unity of command. Thus in the present unit, you will be able to explain the two out of numerous principles of organization namely Hierarchy and Unity of Command in detail.

2.3.2 Principle of Hierarchy:

Hierarchic pattern is the one in which functions and responsibilities are distributed both horizontally and vertically. When additional levels are added in an organizational structure, it is called vertical growth and when more functions or positions are added without increasing the number of levels, it is called horizontal growth. Thus the formal structure of any organization is based on the principle of hierarchy. The following diagram shows the two above discussed hierarchic patterns.

Diagram (b) shows increase in functions B and C and Diagram (c) shows increase in position at the same level in comparison to diagram (a) thus showing horizontal growth.

2. Henry Fayol, General and Industrial Management.



2.3.2.1 Meaning and Definition

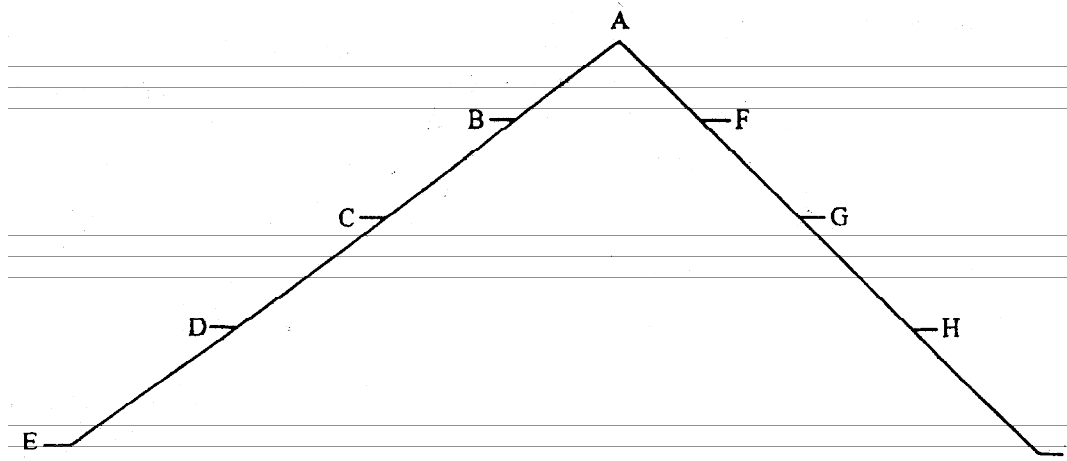
Hierarchy means classification in graded subdivisions or in other words, it means the rule or control of the higher over the lower. Thus it helps in distinguishing the role of superior from that of subordinate. Thus, in an organization, each of the lower levels is immediately subordinate to the next higher one and through it, to the other higher levels right upto the top. Similarly, all authority proceeds from the top to bottom. The most

important point to remember is that no level is to be skipped over in the dealings otherwise it will lead to chaos and confusion. It can be explained with the help of an example. While climbing up or coming down the stairs, one must place one's foot on each step because if one tries to jump up any step, it's very likely that he/she may fall.

According to L.D. White, "Hierarchy consists in the universal application of the Superior-subordinate relationship through a number of levels of responsibility reaching from top to the bottom of structure."

Generally, the hierarchic structure is like a pyramid i.e. administration is broad based and narrow at the apex with a sharp peak when there is one top executive.

Illustration No. I



In the above diagram, A is the top executive. B is A's immediate subordinate, or C is B's direct Subordinate but indirectly he is subordinate to A also. Similarly the whole process goes on till E on one arm of the angle and this process is applicable to all the letters i.e. from F to I on the other arm of the angle. If a communication is to reach I from E, it has to come through D to C to B to A to F to G to H and then to I. The above explained line to communication from E to I also represents the line of authority linking the whole organization together.

Mooney and Reiley calls the pyramidal type of structure, "The Scalar process. The word 'scalar' is derived from 'Scale' which means ladder with

several steps. Similarly the scalar or hierarchical organization is made up of successive steps one above (or below) another. According to Mooney, "The scalar chain is a universal phenomena; wherever we find an organization even of two people related as superior and subordinate we have the scalar principle."³

2.3.2.2 Merits of Principle of Hierarchy

1. Integration :

Due to division of work, the organization is divided into various units. The units are integrated or linked together through the application of the principle of hierarchy. Thus the principle of hierarchy is of great importance in realizing the organization goals.

2. Fixing up the Responsibility and Authority at each level :

In a set up, according to the objectives of the organization, authority and its corresponding responsibility is fixed up for each position and each post. Authorities at the higher level are usually designated with the important tasks and the lower levels with the routine and less important tasks.

3. Communication Channel

Hierarchy Serves as a channel of communication upwards and downwards. Through the proper channel rule makes it sure that no intermediate level has been skipped while transmitting the information up or down the line or even sideways, as the case may be, it saves time and ensures that only relevant information reaches each authority.

4. Coordination

For the successful attainment of organizational goal, it's very essential to coordinate the activities of various units/individuals in the organization. The coordination can be achieved by adopting the same course of action by the entire organization. This can be made possible only with the application of the principle of hierarchy i.e. by clearly defining the role of superiors and subordinates. The absence of a common hierarchical superior may also lead to protraction, bargaining power tactics instead of setting the disputes amicably.

5. Facilitates Performance Appraisal :

In an organization based on the principle of hierarchy, the responsibility and authority is fixed thus clearly defining as to who is accountable to whom. Performance of each individual/unit can be judged by taking into consideration the tasks assigned to each in the hierarchical set up.

3. James Mooney, "The Scalar Principle."

6. Helps in Managing the Personnel of the Organization

To achieve the organizational objectives successfully, the whole task is divided into units and further into sub-units thus helping in managing the personnel with regard to assigning of various levels and units performing variety of tasks. Positions can be easily classified and rightful promotion policy can be adopted.

7. Control over internal and external demands and pressures :

In a hierarchical organization, at each level, there is a fixed authority which proceeds from top to bottom in descending order, thereby facilitating direction and systematic control of activities. Under such a set up, the organization can be well guarded against external demands pressures, aggressions etc. As the responsibility and authority is pinpointed, the superiority is in the position of making necessary changes in the objectives and activities of the organization inwards achievement or its goals.

In the words of L.D.White, "it is the channel of command. It is the principal channel of communication, downward and upward, along which flow information, advice, specific instructions, warnings and commendations. It is the channel for delegation of authority. It establishes a sequence of related centres for decision-making and thus prevents congestion in the despatch of business by closing out much of it in lower levels."

In the words of Applyby :

"Within the executive branch general functions of hierarchical structure include the following : fixing up the responsibility; providing leadership with areas of discretion at successive levels; providing means of exerting influence and exercising fellowship, making any particular organization and the general executive government manageable, making it acceptable; determining levels at which decisions of various kinds may be made; providing for ready movement of decision making from one level to another under agitation, bringing to bear relevant; competing and complementary interest, functions and viewpoints. More specifically, it is the means by which resources are appointed, personnel selected and assigned operations activated, reviewed and modified."⁴

2.3.2.3 Demerits of Principle of Hierarchy :

Besides the above discussed merits or functions of the principle of hierarchy, there are certain inherent limitations also :

1. Inevitable Delay :

The major problem which arises due to the application of the principle

4. James Moone, "The Scalar Principle"

of hierarchy is the inordinate delay in getting the work done. Any paper of file has to go through all the levels coming in the way to reach the appropriate level i.e., In order to reach to I from E, all levels are to be crossed one by one as has already been discussed in details. Thus the whole process becomes very laborious and disposal of the work is almost at snail's pace.

2. Discordial Generalist-Specialist Relationship

Where there are large number of specialists in an organization, this principle may prove to be a bane to the initiative of the specialists as it tends to vest authority in the generalists making them believe that they are superior to specialists.

3. Complexities :

Modern organization being complex in nature, it's very difficult to vest the entire authority in the single person. Various tasks requiring specialised and technical expertise, thus the expert subordinates also enjoy vast power with their superior exercising almost negligible or nominal authority over them.

4. Expensive :

In a hierarchical set-up there being more levels, additional personnel are to be employed which means more expenditure by way of paying them salaries and providing other facilities. Moreover greater time is taken to dispose of the work. It may breed various evils like corruption, red-tapism, harassment etc.

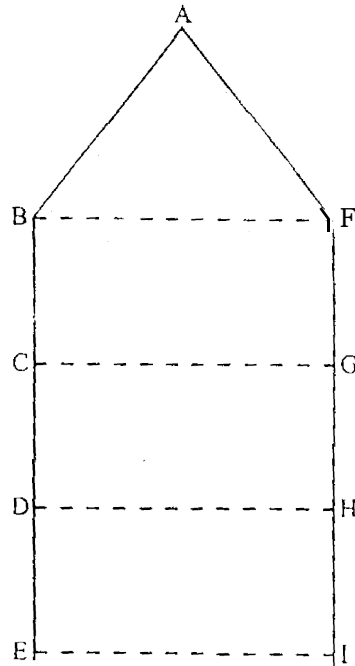
5. Communication and Coordination problems :

Theoretically hierarchical set up provides an automatic channel for communication and also facilitates coordination among the activities of personnel manning different levels. But practically smooth flow of information often becomes problematic as there are chances that it may be misinterpreted, distorted and bias may make it dirty in appearance. As number of personnel are involved, there is always a possibility of difference of opinion thus hampering the functioning of the organization.

6. Overhead Cost

As hierarchical structure of an organization involves number of levels, authority at each level required 'aids' i.e. personal staff to facilitate him in keeping his office upright thus enabling him to reach the right decision and also to supervise and report upon the executive of decisions. Thus more the levels, more will be the number of superiors and increase in the

personal staff. Such staff is considered as burden in contrast to the staff directly involved with the functioning of the organization.



2.3.2.4 Solution to minimise the demerits of principle of Hierarchy :

The remedy to the problem of delay which has already been discussed, is cross channelling. According to the principle of hierarchy, no level is to be skipped while communicating from top to bottom or vice-versa. But in a big organization, such procedure often leads to delay and wastage of time and energy. To overcome this problem, process of cross channelling, which is illustrated with the help of an example can be implemented.

According to this principle, if an information is to reach from E to I, it has to go through E to D to C to B to A to F to G to H to I. But this process is too lengthy and time consuming. The strict observance of the channels will show down the flow of information but it also makes the executives in the organizational pyramid, the bottlenecks in the communication flow. Thus for quick and timely action respectful reconciliation can be made with the principle of hierarchy by throwing a bridge across the formal lines of authority (as shown in illustration No. II) so that the subordinates in one department, section etc. may contact directly their opposites in other departments and each of them enjoys the confidence of their immediate

superior and keeps him duly informed.

Thus E can communicate directly with I (as I is exactly opposite to him) by throwing a bridge across without widening the chain of command. The two requirements are that they both must be at the same level that E and I be duly authorised by their immediate superiors D and H respectively and also keep them duly informed about any such action taken. According to Henry Fayol such an arrangement is called Gangplank (dotted line as can be seen connecting E and I in the given diagram).⁵

Weber has also emphasized the role of hierarchy in his bureaucrats model. In his words, "the organization of offices follow the principle of hierarchy; that is each lower staff is under the control and supervision of a higher of a higher one" and "the whole administrative staff under the supreme authorityare organized in a clearly defined hierarchy of offices."⁶

Hierarchy holds great importance in the successful functioning of the organization towards achievement of its objectives as it provides distinction between the superiors and subordinates and also fixes their respective authority and corresponding responsibility. But due to this certain limitations, it's not possible to adhere to it strictly. Warren Bennis argues that in future, organizations will have certain unique characteristics. The Organizations will be "task forms" organized around problems to be solved. In such organizations "people will be differentiated not vertically according to rank and role, but flexible and functionally according to skill and professional training."

In practice an organization does not work on the formal principle of hierarchy. Informal relationships exist in each and every organization. In the words of Nigro, "An organization is more than its structure and its officials relationships as spelled out in its organizational charts and manuals, organization is also a social system in which its members develop patterns of behaviour which actually may deviate from official directives. This is called the informal organization and an appreciation of its role is indispensable to the understanding of the functioning of any agency."

Check Your Progress-I

Note : Check your answers with those given at the end of this unit.

1. Define the principle of hierarchy. Mention its five merits.
2. Mention the solution to minimise the demerits of the principle of hierarchy. Illustrate it with the help of an example.

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5. Henry Fayol, Industrial and General Administration.
 6. Refer to A.V Satyanarayana Rao. "Weberian Model of Bureaucracy and Development Administration"

2.3.3 UNITY OF COMMAND

2.3.3.1 Meaning

Like hierarchy, unity of command is also an important and one of the basic principles of organization. Unity of Command means that no individual employee should be subject to the orders of more than one immediate superior. This means that a subordinate should receive orders from and report to one superior only. If he gets orders from two or more superiors and is held responsible by them, it is very likely that it may lead to conflict in both authority and responsibility. All this may result in confusion and chaos in administration. Responsibility can be fixed up only if authority is not divided.

2.3.3.2 Practical Implementation with Significant Exceptions :

Theoretically, this principle holds good in its strictest sense but practically, there are significant exceptions to it. It is usually seen that individual employee is subject to a dual command, particularly in the professional field where he is subject to the orders from administrative as well as professional side.

For example : An Engineer working in B and R Department receives the professional orders from his head i.e. Chief Engineer B and R and at the same time administratively he is used to the State Governments B and R Department.

2.3.3.3 Views of Taylor and Others

The Father of the Scientific Management Movement. F.W. Taylor called the principle of unity of command the military type of foreman and criticising this principle, he advocated functional direction and supervision of each individual work by eight foremen or supervisors. These were :

- 1) The gang boss
- 2) The speed boss
- 3) The inspector
- 4) The repair boss
- 5) The order of work and route clerk
- 6) The instruction card clerk
- 7) The time and cost clerk
- 8) The shop disciplinarian.

The first four would be in the shop or factory itself, personally helping the men in their work, each superior helping in his own particular line or function. The other four would operate from the planning room, sending their orders and instructions in writing. Taylor emphasized this set-up on

the ground that it would lead to the specialized and expert supervision in respect of each function because a single foreman could not be an expert in all these function.

The above discussed set-up was initially for the industrial purposes but with the passage of time, it gained momentum and made its appearance in the public administration also. Due to this, some critics argue that the principle of unity of command is no longer being followed. But some critics are of the view that the technical experts in public administration do not really exercise independent authority. They work only in staff capacity i.e. as advisors or agents of the line executive and such authority is really an extension of his authority and control. But in most of cases the administrative chief may not even understand the work or demands of technical experts, particularly in large scale organizations.

2.3.3.4 Importance

Despite of the conflicting view with regard to Unity of command, it holds importance in the organization set-up as :

It helps in clarifying the authority-responsibility relationship. For example instead of having different persons dealing with production activities like procurement of raw material, finance, accountancy, personnel etc., it is advisable to appoint Production Officer to look after all these activities. As authority and responsibility is fixed, it will help the organization in achieving its production goals. But if there are different persons looking after each activity, this means that responsibility is divided. It's very likely that production may fall in such a situation because it's well known saying that divided responsibility is no one's responsibility.

It helps in directing and organizing :

Subordinates being responsible to only one superior will work better without any problem of division of loyalties, priorities or conflicting orders.

It helps in avoiding too much staff activity, thus making line executive's job easier.

If there are different persons for performing different activities, then executive will be too busy in compiling and coordinating their activities and there will be little time left to deal with the real issues.

This principle holds great importance in military organization because of the sensitivity of the responsibility given to the head of the military organization. J.R. Beishline wrote in 1950 in his book titled 'Military Management for National Defence' that the principle of unit of command is followed so that its head can solely be held accountable for results to higher authority.

TRADITIONAL ARMY LINE OF COMMAND

4 - Star General (Army)



3 - Star General (Army Corps)



2 - Star General (Division)



1 - Star General (Brigade)



Colonel (Regiment)



Lt. Colonel (Batalion)



Captain (Company)



Lt. (Platoon)



Sergeant (Squad)

The given set up shows the lines of official authority running from subordinate on the next higher and so on until they all converge at a single box at the top. Each level shows unity of command, meaning that subordinates formally reports to only one boss. The ultimate authority and responsibility rests with the top official, who is the supreme coordination entity.

This unity of command requires that a subordinate should be under the direct control of one superior only. But it will not amount to violation of this principle if an employee receives order from more than one superior in respect of different matters under his charge. Like, the administrative and technical supervisors control the same employee in respect of different matters. But in case of conflict between different supervisors, the decision of the administrative chief will prevail over the technical expert.

Check Your Progress-II

Note : Check your answer with those given at the end of this lesson.

1. Define the principle of unity of command. State its importance in few lines.

2.3.4 Summing Up

The role of hierarchy in any organization is of great importance. It provides clear cut chart of superior-subordinate relationship. There are practical limitations like delay in time, wastage of energy, efforts, chances of distortion of facts etc. but still it is practised almost everywhere as it helps not only in distinguishing subordinates from superiors but also helps in fixing their respective authority, and responsibility. Similarly unity of command is of great importance. It means that a subordinate should receive order from and report to only one superior. There are various views regarding its actual application thus it is practised with few modifications according to the nature of job or position of the subordinate in the organisation.

2.3.5 Key Words

Scalar Chain : Scalar means a ladder with several steps. In any organisation, scalar chain means positions of all member are arranged in ladder form and tied with each other i.e. in continuous steps form.

Gang Plank : This term is coined by Henry Fayol. It means throwing a bridge across-a subordinate can communicate directly to another subordinate if their status is same in the organisation and only if they have got permission of their immediate superiors. This device saves lot of time.

2.3.6 References

- Sharma M.P. : Public Administration in Theory and Practice
- Avasthi Maheshwari : Public Administration
- Puri & Brara : Elements of Public Administration
- Sahib Singh Swinder Singh: Theory and Practice of Public Administration

2.3.7 Answers to Check Your Progress Exercises**Check Your Progress-I**

1. Your answer should include :
 - any one definition.
 - out of various merits given in the text material, you should mention any five.
2. First you should write the headings of various demerits. Then explain the solution. Your answer should include the diagram.

Check Your Progress-II

1. Your answer should start with the meaning of principle of unity of command. Importance of the principle should be mentioned with regard to authority -responsibility relationship; direction & organizing; minimising burden from line executive & in military ORGANIZATION.

Lesson No. 2.4

Co-ordination**Structure :**

- 2.4.0 Objectives
- 2.4.1 Introduction
- 2.4.2 Co-ordination
 - 2.4.2.1 Meaning
 - 2.4.2.2 Differentiating Co-ordination from Co-operation
 - 2.4.2.3 Principles of Co-ordination
 - 2.4.2.4 Means of Co-ordination
 - 2.4.2.4.1 Formal Means
 - 2.4.2.4.2 Informal Means
- 2.4.3 Conclusion
- 2.4.4 Key Words
- 2.4.5 References
- 2.4.6 Answers to Check Your Progress Exercises.

2.4.0 Objectives

After studying this lesson, you will be able to

- define co-ordination as well as differentiating it from co-operation;
- point out the principles and means of co-ordination.

2.4.1 Introduction

The need of exercising control over administration or any type of organisation does not require any proof. Without exercising control, no administration can be managed properly. The aim of controlling system is to see whether the employees of any organisation or administrative unit are performing the activities as per rules, regulations and directives or not in case such type of control is not exercised, it is natural that the functioning of that organisation or office would come to stand still and its nature would become that of mismanagement.

2.4.2 Co-ordination:

Co-ordination is an essential principle of organisation and management. Negatively coordination means removal of conflicts, working at cross purposes, and overlapping from administration. In positive sense its aim is to synchronize the efforts of numerous employees engaged in the work of an organisation.

2.4.2.1 Meaning

Coordination according to Mooney, “is the first principle of organisation and includes within itself all other principles which are subordinate to it and through which it operates. Not only that, but coordination also expresses the sum total of the purposes of an organization i.e. of the internal purposes.”

According to Newman, “Coordination is the orderly synchronization of efforts to provide the proper amount, timing and direction of execution resulting in harmonious and unified actions to a stated objective. (Newman, W. H. Administrative action, New York).

In the words of Terry, Coordination is “the adjustment of the parts to each other and of the movement and operation of parts in time so that each can make its maximum contribution to the product of the whole.”

Charlesworth defines coordination as “the integration of the several parts into an orderly whole to achieve the purpose of the understanding.”

According to Dimock and Dimock, “Coordination is placing the many aspects of an enterprise in proper positive relation to each other and to the programme of which they are a part; it is harmoniously combining agents and functions towards the achievement of a desired goal.”

On the basis of the definitions discussed above, we can say that coordination is meant to bring about consistency and harmony among the actions of persons with each other towards a common end. Every collective activity, howsoever simple, needs coordination. There is coordination in space and coordination in time. Administration activities have to be coordinated in both.

2.4.2.2 Differentiating Co-ordination from Co-operation

Sometimes the term coordination is confused with cooperation and vice-versa. But both these terms do not mean the same thing. Cooperation in the words of Prof. Terry it, “the collective action of one person with another or others towards a common goal.” Coordination is much more than collective action and means “synchronization of efforts.” Differentiating the two, Terry narrated a very interesting story as.

Consider the story of a boy who wished to take an early morning train and accordingly set his watch ahead one half hour before going to morning train so that he would be sure to arise in plenty of time. Placing the watch on the table along-side his bed, the boy retired early to get sufficient rest. His father, knowing of his son’s desire to catch the early train, went to his son’s bedroom and turned the lad’s watch up one-half hour believing this

1. Halsey G.d. Supervising People, New York, Harper & Bros.

would give the boy extra time to get up and dressed. Likewise, the mother just before retiring went in the lad's bedroom and turned his watch toward one-half hour so that he would not be rushed in the morning. As a result the lad arose one and one-half hour early instead of one-half hour losing an hour of needed sleep. Cooperation among the actions of son, father and mother had been present but no coordination.

Every organisation has two kinds of objectives external and internal. The former varies from organisation to organisation e.g. defence in case of the army, law and order in case of police, and instruction to the people in case of the educational organisation. The internal objective, however, is in every case, coordination i.e. making the organisation work harmoniously and efficiently. In some organisations like the army, the external objective is not pursued continuously e.g. in peace time but the internal objective coordinated functioning of the military machine is constantly pursued through drill, exercises manoeuvres etc.

2.4.2.3 Principles of Coordination

For effective coordination in any organisation, certain principles Must be observed. Coordination in the words of Miss Marry Parker Follet, "implies harmonious ordering of parts." She has stated the following four principles on which coordination is based :

(1) Principle of early stage : She has rightly said that coordination delayed is denied. In the early stages of activity undertaken, it should be started. A work started without coordination in the very beginning may create problems for an organisation. If all concerned persons are associated with plans and schemes from the very beginning, the chances of adjustment and integration are bright. To support this principle, Miss follet suggested cross relations among heads of departments instead of up and down the line through the chief executive. This kind of coordination will bring together all those concerned with one matter.

(2) Principle of direct contact : Under this principle coordination shall be effected through direct contact of all concerned with the matter. Direct contact helps all in understanding and exchanging their view points direct horizontal relationships and direct personal communication can, easily be established through coordination.

(3) Principle of reciprocity : Coordination is a continuous process. It never comes to a stand still. In order to achieve coordination from planning to activity and from activity to further planning, Follet suggested the need to evolve permanent machinery. In order to get the correct information,

she emphasised the need of continuous research.

2.4.2.4 Means of Coordination:

Coordination is a difficult organisational function of management. It means unification of multi-coloured and different views in one line. Coordination requires high level of mental standard intellectual capacity and vigorous endurance. According to L. D. White, "the business of coordinating is concerned with policy, with programme and with personalities. Its achievement may require the most delicate insights, the most mature wisdom, and perception of a truly artistic quality. Part of it is facilitated by effective organisation as much. Much of it depends on the rapid appreciation of events and situation and skilful adaptation to them."

Coordination can be achieved through formal and informal methods. These are as under -

1. Automatically : Means that an individual at the top has the authority to know all happenings in the organisation and then correlating them. This method is more appropriate and available in small organisations and not in big organisations.

2. Deliberate : In the modern age where organisations are of big size, coordination can be achieved by deliberately planning the programme. It can be achieved through following two ways:

(a) Compulsory Coordination :- Through the mechanism of the organisation hierarchy, common supervisory head, coordination can be achieved. This is done in the discussions of common interest and later implementing the consensus decision through a letter as an order.

(b) Voluntary Coordination :- Mutual, agreement and adjustment.

2.4.2.4.1. Following are the most Important formal means of coordination:

1. Planning : In big organisation, planning of various programmes, personnel and operations before understanding the activity is very important. In this connection Napoleon is often quoted that before winning his battles in the battle field he used to win them on a piece of paper in his drawing room. A well planned programme will pre-determine the places of dispute and conflict and thus will make necessary provisions for coordination.

2. Organizational or Institutional means: Next to planning, organisational or institutional devices hold the important place in coordination. For successful working of an organisation, coordination is required at all levels- lower, middle and top. It is the most difficult phase

of organisation. A sound system of organisation is in itself an effective check upon frictions and disputes. "An organisation characterised by clear lines of authority, adequate powers, well understood allocation of function, absence of over-lapping, and duplication of effort and proper delegation of work in itself reduce the necessities of coordination."

3. Cabinet and Cabinet Secretariat : During the earlier centuries when administrative work was simple and less in quantum, most of the inter-departmental disputes were resolved by the Chief executive. Even now disputes of serious nature are referred by departmental heads to their respective ministers who first try to resolve them amongst themselves ; and if they fail to reach an agreed solution, the matter is placed before the cabinet. The decision of the cabinet is final and binding on all the parties.

This is certainly a supra-departmental means of coordination. Since the Cabinet Secretariat has developed as an adjunct of the cabinet it has been relieving the cabinet of much of its routine and less important work. As it is a body working directly under the Prime Minister the person charged with the general supervision and control of the government as a whole it has been discharging the function of coordinating the activities of the various among others, the Cabinet Secretariat will attend to matters of the, "general coordination of important administrative measures of the Government of India which affect more than one ministry", to "measures necessary for resolving difficulties or delays which may arise in the administrative field whether between ministries of the Government of India or between Government of India, and state Government" and to matter of "coordination of all economics and statistically works of the Government of India." For these the Secretariat maintains a separate division of coordination.

4. Inter-departmental committees : As discussed earlier, the supra-departmental means of coordination are employed to resolve matters of serious nature, whereas the matter of routine nature' are resolved through departmental and inter departmental methods. The task of coordination within agencies is undertaken by the top and middle management. The branch officers coordinate the work of sections, the division chiefs work for branches; the joint secretaries and secretaries coordinate the work of division. However, the inter-departmental disputes are resolved by inter-departmental committees consisting of top or middle management officials representing the departments to the disputes. They

really serve a very useful purpose is all members are willing to cooperate with each other.

5. Centralised house-keeping : In many fields the technique of centralised house keeping serves as a good coordinating media. In the words of Pfiffner & Presthus, "In administration house-keeping problems usually include supply, warehousing, the cleaning and maintenance of building, printing and duplicating equipment control, mailing transportation and food and telephone service.

6. Effective communication : The last but not the least which helps co-ordination in an organisation, is the effective communication. Proper and timely communication operating from top to bottom and bottom to top helps in effective coordination.

2.4.2.4.2 Informal Means of Coordination:

Besides formal means of coordination, informal means are also employed to secure effective coordination. Following are the important informal means of coordination.

(a) Personal contacts : Public officials are also human beings and thus meet fellow officials in clubs, restaurants and other meeting places and have family and neighbourhood relationships. At such places they must discuss among other things, the problems of departments and find solution for them.

(b) Committees and conferences : Committees and conferences also opportunities for such informal consultations amongst the members.

(c) Social functions : Social functions like dinners, lunches and cocktail parties have become the common features of the, present day society. Such functions help in removing differences at the national and international level.

(d) Disciplined party system: Party discipline also help in securing in-official coordination. The fact that the congress party rules at the centre and in the states of the Indian union for a long period is due to coordination of policies, plans and programmes on a country basis.

(e) Good leadership : The role of good leadership also helps in coordination of various activities. In this respect the role of charismatic leader Pt. Nehru as Prime Minister of India on the administrative and political unity of India is worth mentioning.

Check Your Progress -

Note : Check your answers with answers given at the end of this lesson

1. Analyse the means of co-ordination in any organization.
-

2.4.3 Conclusion

Span of control means the number of workers or employees, who can be rightfully supervised by a supervisor. Though there is no fixed number as it depends upon various factors like function, personality, time and place or space. Though in earlier times, communication techniques were simple, so less number used to find favours but now with the help of highly developed methods and techniques of communication like computer, fax, e-mail, internet etc. and various other factors have led to the widening of span of control. Second principle discussed in this lesson is supervision which means having authority to direct others in performance of their work. Various aspects and techniques of supervision as well as qualities of a good supervisor have been discussed. Third important topic discussed is the principle of co-ordination. It means adjusting all the elements of the organisation to each other as well as their movements and operations so that they be enabled to make their maximum contribution towards the achievement of goals of the organisation. Various principles essential for having effective coordination in the organisation have been discussed. Means (i.e. formal and informal both) have been discussed in detail through which co-ordination can be secured.

2.4.4. Key Works

Job Content	: Whole work which is to be done in the particular organisation.
Ethical	: A person having human values like-goodness, honesty, uprightness, integrity i.e. uncorrupt.
Self assertion	: a person trying to impose his views, opinion or desires on others without giving due regard to other's feelings, views or desires.
Synchronization	: simultaneousness in the occurrence of various activities.
Horizontal	: positions at the same level in the organisation.

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2.4.6 Answers to check Your Progress exercise

Check Your Progress

1. Your answer should include meaning with the help of any one definition of co-ordination, introduction of means in four-five lines and then detailed discussion of formal and informal means. If possible conclusion should be given.

Centralization and Decentralization

Structure :

- 2.5.0 Objectives
- 2.5.1 Introduction
- 2.5.2 Meaning of And Factors Affecting Centralization and Decentralization
 - 2.5.2.1 Meaning of Centralization
 - 2.5.2.2 Meaning of Decentralization
 - 2.5.2.3 Factors affecting Centralization and decentralization
- 2.5.3 Merits and Demerits of Centralization
 - 2.5.3.1 Merits
 - 2.5.3.2 Demerits
- 2.5.4 Aspects and Features of Decentralization
 - 2.5.4.1 Aspects
 - 2.5.4.2 Features
- 2.5.5 Merits and Demerits of Decentralization .
 - 2.5.5.1 Merits
 - 2.5.5.2 Demerits
- 2.5.6 Conclusion
- 2.5.7 Key Words
- 2.5.8 References
- 2.5.9 Answers To check Your Progress Exercises

2.5.0 Objectives :

After thorough study of this lesson, you shall be able to :

- define the concepts of centralization and decentralization.
- identify the factors which leads either to centralization or decentralization
- describe the merits and demerits of centralization
- state aspects and features of decentralization
- explain merits and demerits of decentralization.

2.5.1 Introductions :

In modern times, as the organizations have grown very big and have

become very complex, many problems have cropped up with the regard to organizational structure. One of these problems is the problem of centralization, and decentralization. Centralization has always being favoured by the higher and central authorities. Thus one of the important problems of organization is to reconcile the administrator's natural desire for complete control, uniformity and certainty with the people's demand that government administration accommodates itself to local public sentiments. As decision making and decision implementation in almost every organization has increased manifolds, it becomes essential to distribute the decision-making powers at various levels rather than concentrating them at one level, otherwise it may lead to confusion, congestion and chaos. To understand the concept of centralization and decentralization, each is being discussed in detail as the lesson proceeds.

2.5.2 Meaning of And Factors Affecting Centralization and Decentralization

2.5.2.1 Meaning of Centralization

Centralization means decision making power being vested at the top level and lower ones refer most of the problems to the top administrators. In centralization, administrative authority is transferred from the lower to the higher level and ultimately to the top level. The use of the term centralization became frequent and popular in 19th century, particularly in France. According to De Tocques Ville, "Centralization is a word of daily and general usage, without any precise meaning being attached to it." According to him, there are different kinds of centralization i.e. if power of controlling the general interest is vested in one place then it is called centralised government and if power controlling the local interest is concentrated not in one place then it may be termed decentralized administration. Here general interest means the interests which are common to all parts of nation and local interest means interests specific to certain area.

2.5.2.2 Meaning of Decentralization

Decentralization as word means reverse to the word centralization. Where as centralization means the power being vested at the top, decentralization, on the other hand, means dispersal and diffusion of power at different levels. In modern times, decentralization as concept is gaining lot of popularity and importance.

According to L.D. White, "Decentralization is a twin process of deconcentration and devolution. In deconcentration a superior officer, in

order to make his department function effectively and efficiently delegates to his subordinate, field officials, the power to act in his name without transferring the authority he enjoys. Devolution, which also implies dispersal of authority, is a process wherein power is transferred from one organ to another by means of legislation or by constitution. It means a system in which there are many centres of Government- Central, State, local, each with a recognised right of independent existence and functions. To be more specific, a certain sphere of jurisdiction, either functional or territorial is set apart for a legally constituted body which, while administering its authority, enjoys some powers of self-determination." According to Mr. Farland, the term decentralization refers to both physical location of facilities to the degree to which decision making authority and responsibility are dispersed through out organization Decentralization of authority has been defined as a situation in which ultimate authority to command and ultimate responsibility for efficient results, as the management of their organisation permits, is localized as far down in the organization.

The problem of centralization vs. decentralization often crops up between seniors and subordinates within the organization and between the headquarter and field officers etc. Complete centralization or decentralization is not possible, so it can be said that a balance has to be struck between the two i.e. those functions should be centralized that are to be handled at the top as they being common to the organization as a whole. A planning, power relationship, outer relationships, consistency, coordination etc. and the authority with regard to rest of the functions be delegated to respective lower levels. Thus decencentration is opposite to the word 'centralization and comprise devolution, delegation or deconcentration of power and authority. But it must be remembered that delegation of power is a process where as decentralization is the end result of deliberate policy of making delegation in the organization. Delegation takes place between the superior and the subordinates where as decentralization involves delegation at all levels. A system is called decentralized where there are different levels of government i.e. central, state and local, each with recognized right of independent existence and functions. A deconcentrated system is the one where different levels exist but all power and authority legally is vested in the central government and other levels exists only as agent of the central government and not having any rights or functions of their own.

2.5.2.3 Factors Affecting Centralization or Decentralization

Factors which help in making a choice between centralization and decentralization are the factors of responsibility, administrative, functional and external factors.

(1) Factors of responsibility goes against decentralization and favours centralization. Responsibility can be fixed only when authority is in one hand. So the person will take upon the responsibility only when he has the corresponding authority which means centralization is required.

(2) Various administrative factors also play an important role in this regard. If an agency is in existence for several years and its procedures and precedents have been well established and its personnel at all levels are capable of functioning in the requisite manner then decentralization can take place easily but if it is a new agency which is in process of establishing itself or if the field personnel are not competent enough then centralization is preferred over decentralization.

(3) If an agency or department involves various specialised tasks or functions then decentralization should be adopted as it will help in effective and efficient of these functions but it is mainly dealing with such functions which are common in nature than in order to secure uniformity, centralization becomes essential.

2.5.3 MERITS AND DEMERITS OF CENTRALIZATION

2.5.3.1 Merits of Centralization:

For administrative economy, efficacy and effectiveness, centralization is recommended in the reports of the President's Committee on Administrative Management (1936) and of Hoover Commission (1949). It's mainly to overcome various evils like nepotism, red-tapism, overhead cost etc. Moreover it's often debated that smaller units like states or local bodies, have inadequate financial resources and are unable to meet their expenses on their own. So they mainly depend upon the grants loans etc. from the central government and thus paving way for centralization, Centralization is also preferred from the defence and planning point of view because the nation as a whole is to be secured against external or internal revolts or aggression and also resources of the nation as a whole are to be mobilized in order to achieve overall development. Thus central government is better equipped to perform these tasks. To secure uniformity in government functions and also to facilitate the better and manageable understanding of the functioning of the government by the citizens, centralization is favoured. Moreover, in modern times, there has been tremendous increase in the means of communication that in a centralized

system, central authority will have no difficulty in controlling its subordinates.

2.5.3.2 Demerits of Centralization

Now a days there has been a gradual shift from centralization towards decentralization. It is mainly because centralization creates congestion, bottle necks and often inordinate delays in deciding the matters and in the their implementation. Moreover central authority fails to understand the real problems of the localities and also lack time; gradually people lose interest in administrative matters. Thus in a democratic set-up decentralization is the in thing as it is very essential to have popular support and participation and it can be enhanced only through decentralization.

In United States, various activities like personnel, budgeting, organization etc. are managed centrally by employing various devices by means of which central influence and authority are brought to bear upon the local jurisdiction, like periodic reports, grant-in-aid, central review, information, inspection and advice, issuance of orders and partial or total assumption of activity etc.

2.5.4 ASPECTS AND FEATURES OF DECENTRALIZATION

2.5.4.1 Aspects of Decentralization:

Decentralization has five aspects namely (two) administrative; (one) political; (one) Geographical and (one) functional.

I) Administrative Aspect:

Delegating larger part of the authority to subordinate officers and few and selective problems being referred to the chief at the top.

For Example :

Few selective problems being referred to University's chief Executive i.e. Vice Chancellor and Subordinate Officers like Registrar, deputy Registrars and Assistant Registrars are authorised to decide the majority of the cases.

II) Administrative Aspect :

Individual component parts of the organization being granted broad power and certain essential powers of control being retained by the head offices :

For Example :

In each state, Department of Home Affairs, department of Health having individual component parts with broad powers granted to them and only essential powers remained in the head offices.

III) Political Aspect :

Considerable popular participation in administration, democratic decentralization i.e. elective bodies have been established upto the grass root level.

For Example :

Panchayati Raj System in Indian State.

IV) Geographical Aspects:

Fields units or agencies, who are placed at some distance from the headquarter, having authority to decide most the cases on the spot.

For Example :

District offices have their units or offices at sub-division, Tehsil levels etc. Banking system i.e. namely State Bank of Patiala having its headquarters at Patiala and for Public Convenience, has branches scattered all over region.

V) Functional Aspect:

Functional autonomy to the units or departments in respect of their several functions.

For Example :

Universities or Educational Boards etc. being given the autonomy to decide various matters related to education.

2.5.4.2 Features of Decentralization :

- (1) Lower levels are authorised to take decision on many matters.
- (2) The main administrative unit is broken down into the smaller administrative units on geographical basis.
- (3) Provision is made for effective utilisation of a centralised staff of specialists to aid the decentralized operations.
- (4) The chief executive may be provided a series of general staff.
- (5) Effective and Efficient Control and communication system thus enabling the chief executive to supervise the exercise of delegated authority and responsibility.

2.5.5 MERITS AND DEMERITS OF DECENTRALISATION

2.5.5.1 Merits of Decentralization

In modern era, there has been a gradual shift from centralization to decentralization. As many countries of the world are facing severe problems of poverty, health, education, unemployments etc., so requires overall development of the country, which is possible only through democratic decentralization. In comparison to centralization, decentralization is being favoured as on the next page :

(i) Lessening the Burden at the top level:

Lower levels being authorised to decide most of the problems of routine nature saves the time and energy of the chief executive and provides him ample time to concentrate on really important issues.

(ii) Facilitates in boosting morale, executive ability, initiative :

Letting the lower levels take the decision boost, their morale, provide them freedom to give their judgement and act accordingly thus developing their executive ability and initiative so that they can serve as best executive in future.

(iii) Possibility of Effective and Efficient Communication, Control and Co-ordination

Decentralization helps in improving communication at various levels of administration. Central offices can be well informed of the needs and aspirations of the people through their field offices or units and conversely their policies and programmes be understood and implemented successfully as these field units acting as eyes and ears for the central authority helps in having homogeneity in the plans and policies. It also helps in having effective control and coordination as the person having authority can be held responsible for the work.

(iv) Delays in Decision-Making can be avoided :

Lower level being authorised to take the decisions and solve the problems thus inordinate delays in decision-making can be avoided and quicker, timely action can be assured.

(v) Better Decision

As lower levels are closer to the people they tend to have better knowledge about their requirements as well as problems, thus there is a greater possibility that they can take better decisions and can find rightful and amicable solutions to their problems.

Public Participation in administration can be encouraged and enhanced, successful implementation of governmental policies and programmes can be ensured through decentralization. At grass root level, people from within the locality have the right to manage their own affairs, can protect themselves from the exploitation from the commercial or influential majority groups present in the country. This system also helps in satisfying the geographical or territorial aspirations as it provides each and everyone an opportunity to have and exercise the rights. Though in U.S.A. States have no interference of the centre in their normal working and also have residuary powers but in India, Constitution provides certain powers to the State. Still Centre is more powerful as it has residuary power. Decentralization encourages the adoption of new technique and also stresses upon developing the informal structures and organization.

According to George R. Terry, the benefits of decentralization are :

- (i) Promotion of intimate ties and relationships resulting in greater enthusiasm and coordination among employees.
- (ii) Increase efficiency in the structure can be viewed as a whole so the trouble spot can be located and remedied easily.
- (iii) The development of generalists rather than specialists is encouraged, thereby facilitating succession into the position of general managers.
- (iv) Familiarity with important aspects of special work is readily acquired.
- (v) In multi-unit enterprises keyed to a geographical dispersion, full advantage of respective local conditions can be obtained.
- (vi) In a decentralization system management by objectives becomes more effective.
- (vii) It helps in testing the worth of personnel as officer at lower and early stage.

2.5.5.2 Demerits of Decentralization :

It is opined by some thinkers that decentralization may lead to weakening of central body, duplication or repetition of functions and activity particularly those which are not clearly defined at the time of emergency, difficulty may arise in taking quick decision. Uniformity and coordination may be lacking in policies. To find wilful and executives working efficiently may become a problem and last but not least, the duplication of work may increase the administrative expenses.

From the above discussion, it can be concluded that decentralization is preferred to centralization but nothing in its absolute form can be adopted so some balance has to be struck between the two i.e. centralization and decentralization. This can be explained with the help of the following explanation. In Alfred P. Solan's model of decentralization and decentralization both play an important role. His model is based on two important premises :-

1) the responsibility attached to the chief executive of each operation shall in a way be limited. Each such organization headed by its chief executive shall be completed in every necessary function and enabled to exercise its full initiative and logical development (Decentralization of operations).

2) Certain central organisation functions are absolutely essential to the logical development and proper co-ordination of the corporation's activities (Centralized staff services to advice the line on specialised phases

of the work and central measurement of results to check the exercise of delegated responsibility).

Herbert Simon and others are visualising a recentralization of organization structure. This is primarily based on the premise that computerized information will create centralized planning and control. But other theorists are not in favour of this view. Because they argue that it is not the right kind of information which makes it necessary to delegate authority but it is essential so that the available information be utilized properly and effectively.

2.5.6 CONCLUSION

Thus it can be said that both centralization and decentralization have their respective merits and demerits. After studying the organization which have decentralized successfully, it can be seen that decentralization is effective only if it is balanced by an appropriated measure of centralization. In other words, important matters like planning, organising, controlling etc. be in the hands of the central authority and routine matters be looked after by the lower officials thus promoting morale, motivation, ability and initiative on their part. Thus the difference between the two is of the degree and not of kind and its essence lies in the distribution of the power decision.

Check Your Progress-I

Note : Compare your answer with those given at the end of this lesson.

1. Define Decentralization. Discuss its advantages and disadvantages.
2. Compare and contrast concept of centralization from decentralization

2.5.7 Key Words

Dispersal : It is a form of decentralization which means moving away of the power from the point of its origin to other levels so as to avoid too much concentration of power at one place.

Diffusion:- It is also a sort of Decentralization-spontaneous and random movement of power from a level in which they are highly concentrated to a level in which they are at a low concentration.

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2.5.9 Answer to check your progress exercises.

Check Your Progress I

1. Your answer should include any one definition of decentralization. After writing definition give meaning in simple words, then write the features of decentralization, give detailed account of merits or advantages as & well as disadvantages along with the conclusion.
2. Your answer should start with explaining the meaning of both centralization and decentralization. Give one definition of each :
 - * Factors leading to centralization or decentralization should be mentioned.
 - * Merits and demerits of both centralization and decentralization should be discussed.
 - * Conclusion should be given whereby mentioning that any organization requires both in a balanced manner according to its needs and requirements.

COMMUNICATION**Structure**

- 2.6.0 Objectives**
- 2.6.1 Meaning**
- 2.6.2 Formal and Informal Communication**
- 2.6.3 Directions or Dimensions of Communication**
- 2.6.4 Methods of Communication**
- 2.6.5 Communication Process**
- 2.6.6 Purposes of Communication**
- 2.6.7 Communication Systems**
- 2.6.8 Problems of Communication**
- 2.6.9 Conclusion**
- 2.6.10 Key Words**
- 2.6.11 Suggested Readings**
- 2.6.2.6 Answers to Self-check Exercises**

2.6.0 OBJECTIVES:

After studying this lesson thoroughly you shall be able to:

- describe the meaning of communication;
- decipher the problems of communication;
- understand the purposes and methods of communication and
- analyse the communication process and systems.

2.6.1 INTRODUCTION:

Any organizational activity becomes meaningful only when it is communicated to the person concerned. Thus communication is of vital importance to the existence of organization. It interlinks the sub -units or divisions or branches of an organization as well as links it with other organizations existing in the environment and provides their information to it and from it to them. For the proper function of the modern large organizations there is a greater need to establish an effective and well laid out communication system. This lesson will mainly deal with meaning, techniques, dimension, structure of lines of communication. The problems of ineffectiveness of communication and on

how can it be made effective will also be taken up.

2.6.2 MEANING :

In simple words, communication means a process through which two or more persons come to exchange and understand ideas among themselves. It involves various aspects-first of all an information travels from one person to another, then latter receives it and also understands it- only then it can be said that the communication has taken place. Thus communication means transmission, receipt and correct interpretation and understanding of the messages which is of great importance as it increases the possibility of directing human action towards achievement of goals and hence increasing the organizational effectiveness. The term communication is sometimes used to mean information but they differ from each other as information is just one of the various aspects of communication which is a boarder term. As the success of the organization largely depends on its communication system and ability of its members of communication effectively, this topic has gained significant importance. A lot of research has been done by scientists, theoristy, psychologists, sociologists and variety of organisations-purely business type, Universities, military, administrative have been studied.

2.6.3 FORMAL AND INFORMAL COMMUNICATION

Lines of communication are the network or channels through which information passes from one person to another in an orderly manner. Organistional members are interrelated both formally and informally, communication takes place to maintain these interrelationships. Thus there are two channels of communication in any organization -formal and informal. For systematic, smooth rapid and correct communication, these channels are very essential.

Formal Network :

The formal network of channel is a conscious and planned creation of channel of communication which attempts to regulate the flow of organizational communication. It helps in ensuring the flow of accurate information to the right points in time as well as the unnecessary information should not flow. This channel can be one path or multipaths communication. It is based on the lines of necessary information but being narrow it often leads to delay, overload, increasing organizational distance and greater chances of errors etc. This problem can be solved by linking one position with various other positions through mulitichannels systems. But excessive use of this system may chaos and confusion so its use should be restrictive and only were it's direly necessary.

Informal Network

As organisations comprise human beings, so when they interact with each

other informally, this channel emerges naturally, on its own. During U.S. Civil war, its intelligence telephone lines were hung on trees like grapevines and the messages tend to be distorted. Now the term grapevine is used to denote all informal communications. It's generally multiple in nature i.e. a single person knowing many others in the organisation and interacting with everyone directly. It is very active, fast, greatly influencing and providing social satisfaction. Communication helps people in exchanging their ideas, views discussing, the problems and finding solutions to them. Various subject matters can't be communicated formally like unfavourable working practices, situations or attitude of management etc. It provides a convenient and easier method to vent out one's grievances. It has certain drawbacks as well. It's origin is difficult to be pin pointed and direction of flow can't be controlled. Human beings basically being biased minded, It's very likely that message gets completely distorted. Despite its drawbacks, it's importance can't be undermined. So management should evolve such methods which minimise its adverse effects. Proper analysis of informal communication and suitable clarification will be great help in enhancing organizational efficiency.

2.6.4 DIRECTIONS OR DIMENSIONS OF COMMUNICATION :

Communication always takes place between two or more persons, it's either downward, upward or horizontal communication.

Downward Communication : It usually takes place between a superior and subordinate in an organisation, it can be a command, an order, a suggestion, a piece of advice, directions etc. It usually relates to aims, objectives, plans, policies, rules, regulations etc. These are usually respected and accepted by the lower levels. The problems associated with it are of coordination, distortion and resistance on the part of lower levels.

Upward Communications : These flow from subordinates to superiors. Usually advice opinion, clarification, information etc., is sought or request for something is made. This type of communication helps the upper or top level in getting acquainted with the problems, needs and desires of the others in the organization. For successful functioning of the organisation two way communication is a must otherwise lower levels may adopt wrong means like striking through unionisation etc. to pressurise the management to listen to their demands.

Horizontal Communications : It takes place between the same hierarchical levels across the departments. As various departments or units depend upon each other, thus such type of communication helps in coordinating their activities. For Example-personnel department, Financial department, Marketing, Production etc., are interrelated and interdependent thus their

activities are coordinated through by communicating horizontally and enabling the organisation to work smoothly towards achievement of its goals. On the contrary, If policies programmes of one department or division are not communicated to other department, it will become meaningless and will lead to chaos and confusion and inordinateness. Like personnel department through communication will let the financial department know about the number and pay scales etc. of the personnel to be recruited only then financial department can chalk out ways and means to meet the requisite finances. It facilitates efficient and effective decision-making.

2.6.5 Methods of Communication :

In order to transmit and receive as well as understand the subject matter of communication, it requires use of standard symbols which should be universally applicable and understandable. It can be (i) Verbal-oral or written (ii) Non verbal-gestures, actions of through pictures etc.

1. VERBAL COMMUNICATION : Words are used to communicate with each other. Most often the communication takes place through the use of words as symbols.

Oral Communication :- takes place between the sender and the receiver either face to face or through the use of some mechanical or electronic devices available for this purpose. This type of communication provides an excellent opportunity to the persons to exchange their ideas, views, feelings and problems and there are lesser chances of the messages being distorted. It's very speedy method of communication. These days electronic techniques are so many and highly advanced like telephone, fax machines, computers, electronic mail, voice messaging etc. Though advanced technology had made it easier and convenient to communicate orally but sometimes it becomes very time consuming. sometimes the message is not clear and more over detailed discussion on telephone etc. can prove to be very expensive.

Written Communication : It includes letters, manuals, handbooks, newspapers, magazines, circular etc. It enables to reach the person simultaneously, so through circulars, etc. the information can be communicated to all concerned, Moreover such messages or informations can be kept in record for future reference. Such messages once received are to be accepted by the receiver and can't deny even if the goes against him. The major drawback of written communication is that giving essential and complete information precisely is very difficult. It is an art which everybody can't master and such messages may lack clarity and can be misunderstood.

2. NON-VERBAL COMMUNICATION :- This type of communication is being developed. It's often called unword human responses i.e. actions,

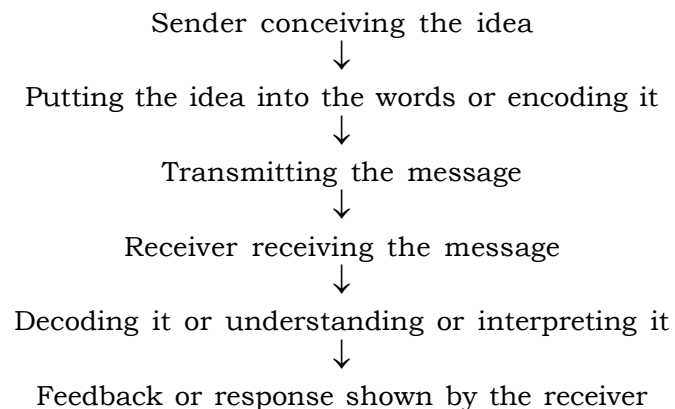
expressions, the messages are transmitted and the communication takes place without uttering a single word. The widely recognised form of non-verbal communication is body language i.e. expressing with the help of eyes, figures and one's physical appearance. Dress is another form of non-verbal communication. But the impact of these forms depend upon space (whether the person is near or far); time and the environmental context in which it takes place. The major limitation of this method is that meanings of such actions must be clearly understood by others otherwise it will create grave interpretations and confusions.

Symbols like pictures, graphs, diagrams etc. can also be used to depict some situation or advertising the products etc. Mainly this form is used for training and educational purposes. But to make it more effective, it should be combined with well chosen word or actions.

Interpersonal communication is highly relevant to the study of organizational behaviour. Communication is considered an important device to bring about behavioural changes and involves psychological processes (like learning, motivation) and language. Sender of the message is important but equally important is the receiver. Feedback and follow up helps the sender in checking the actual interpretation of the message. trust, expectations, values, status also greatly, influence the interpersonal aspects of communication. Effectiveness of such communication can be enhanced through well laid down communication from work i.e. lines of communication.

2.6.6 COMMUNICATION PROCESS :

The process of communication involves sender who send the message, the message itself, transmission of the message, receiving message i.e. receives, decoding it or understanding if feedback strong it replying back etc. Thus the process of communication can be shown diagrammatically in the following manner.



Thus communication is a two way process i.e. reciprocal exchange process. It's very difficult to state the start and end of this process as a message being received is again responded back in some manner and may generate further responses. In any organisation, there is usually multi-dimensional and continuously operating network of communication and it must be effectively used by the members for the achievement of organizational aims. Not only the structural network but the psychology of the members so it should also be taken into account and through well formulated plans and policies, it should be enhanced.

SELF-CHECK EXERCISE-I

Note: Compare your answers with those given at the end of this lesson.

1. What do you mean by informal communication?
2. Write any two methods of communication?

2.6.7 PURPOSES OF COMMUNICATION :

Classical theory emphasised on downward communication mainly communication orders, instructions, directions related to task. It was mainly unidimensional communication and often lead to breakdowns due to wide span of control etc. But Humanistic approach took into account both downward and upward communication thus enabling the employees at all levels to participate actively in the decision-making process.

Mainly the purposes of communication are as follows:

- To make plans so as to achieve these objectives.
- For efficient and effective organisation of men and material.
- For selection, development and evaluation of the members of the organisation.
- For leadership, direction and motivation.
- To develop such an environment where all members should contribute voluntarily.
- To control the performance.

It can be said that the purpose of communication is to maintain coordination among various activities of the organisation thus facilitating the achievements of its goals.

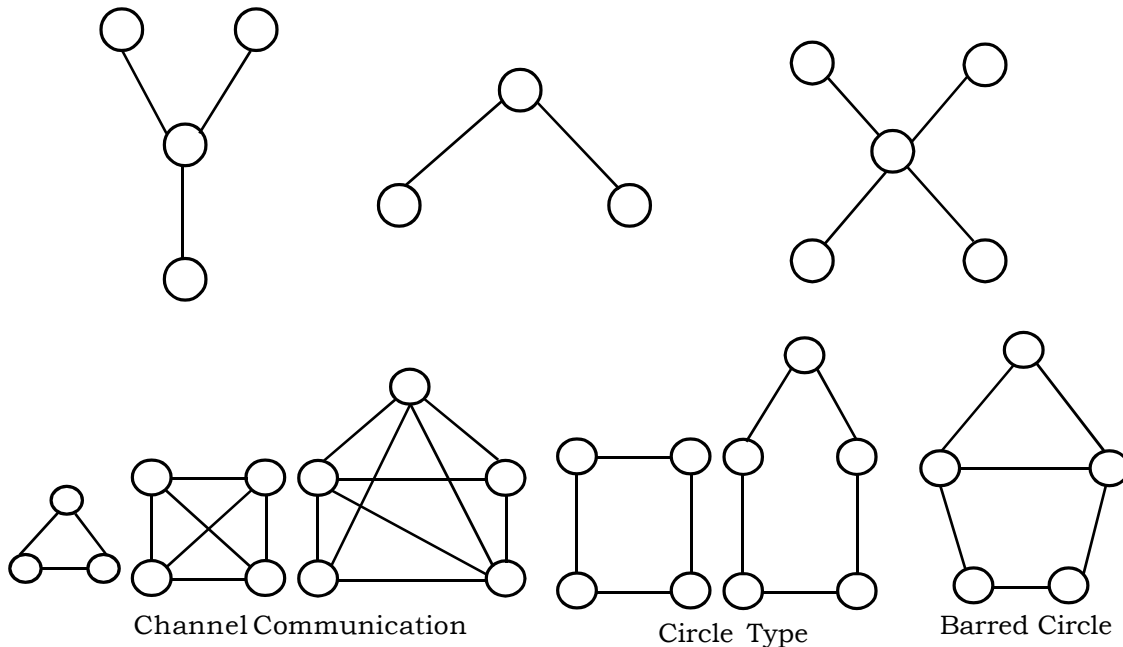
2.6.8 PATTERNS OF COMMUNICATION or COMMUNICATION SYSTEM :

For any organisation to work successfully, it is must to evolve a systematic pattern of communication. Various patterns have been suggested. Important are those of Bavelas Lewitt and Shaw who have paid attention towards the issue of relationship between different kinds of communication patterns and

group performance and attitudes. One way communication system resembles autocratic structure and doesn't permit participation in decision-making process whereas two way communication system provided equal opportunity to all to participate in decision-making and facilitates communication in either direction.

An organisation which is to perform simple tasks, may adopt (y) type communication pattern. It is considered to be efficient, fast, provides best job performance but lowest job satisfaction as it doesn't allow participation.

An organisation engaged in performing complex tasks should rather adopt decentralised or circle type pattern of communication.



All organisations performing both simple and complex tasks as the modern organizations generally do, then a combination of various patterns will be appropriate than solely depending upon one alone. Thus the device of the pattern of communication largely depends upon the nature of tasks, levels of motivations, commitment, ability, willingness to assume responsibility etc.

But from practical point of view these studies about the pattern of communication suffers from severe limitations;

1. Their findings are contradictory and inconsistent.
2. These studies used only few out of so many variables like task, size etc. and many equally important variables have been totally ignored.

3. It lacks systems approach and often wide variations are found in behaviour or groups in laboratory and in real organizations.

Despite the criticism, it's main contribution is in showing that any variables can bring change in the pattern of communication.

2.6.9 Problems of Communication : The problems like breakdown of the communication system, or giving incorrect meaning etc. often arise in any type of organisation, various such obstacles can be termed as semantic, emotional, organisational, personal obstacles.

I- Semantic Obstacle-Semantic is the science of meanings. All communications involve the use of symbols through which meanings are conveyed. Semantic obstacles come up due to the limitations in the symbols used for communication.

1. Symbols having different meanings - In such case, there is a possibility of wrong interpretation of the message by the receiver.

2. Faulty Translations : A message sometimes is to be translated and interpreted in various languages as to make everyone understand it. But at time, the one who is responsible for the task must have high linguistic knowledge as well as should be intelligent enough to understand the depth of message otherwise it may lead to insufficiency and wastage of time, money and energy.

3. Technical and difficult words or phrases used can hinder the communication process as these will be beyond the understanding of the receiver who is not acquired with this type of language.

4. A message may be using wrong or meaningless words or it may be clear but its underlying meaning may be difficult to comprehend.

Emotional or Psychological Obstacles :

The meaning of the message is always affected by the emotional of both the sender and the receiver. Sometimes there remains a lag between the thinking of the sender and the receiver. Thus receiver let through some parts of it but holding back the other thereby making communication inadequate which brings only half of the results desired.

1. This can be due to giving premature judgement about the message. This can be rectified by giving an unbiased and non-evaluative listening so that rightful decision and action can follow.

2. Many a times, receiver physically may appear to be listening but actually his mind is preoccupied and the result is non-listening. It is particularly seen in people while listening to bulletins, reports etc.

3. Poor retention of the information is also a malady. Various studies

shows that most of the employees are capable of retaining just half of the given information.

OTHER PROBLEMS:

1. If the organisational policy, rules and regulations are not supportive to the flow of communication in different directions, communication flow would not be smooth and adequate. Rigid observation of rules and regulations in Indian Public sector undertaking poses a severe communication problems as it often leads to delays and works against the willingness of persons to convey the message.

2. Unfavourable attitude of the supervisors towards communication may be due to their general perception that their subordinates are less competent and capable to advice or may be just in order to maintain their importance. Sometimes, superiors lack the awareness about the significance and usefulness of communication in different directions and thus block the flow of communication.

3. Subordinates are unwilling to communicate such information upwards which is to be utilised for control purposes and if its communication is essential, they would modify it in such a way so as to protect their own interest.

4. Lack of motivation to communicate also refrains the subordinates to communicate upwards. Various ways and means have been suggested in order to overcome the above discussed communication problems thus leading to effective communication.

(i) The sender himself should be very clear about the idea he wants to communicate. He should be very careful in choosing the words through which he wants to express his idea. Simple, precise, and repetitive language with which the receiver is quite familiar should be used.

(ii) Much of the misunderstanding can be avoided if the sender perceives the problems from the receiver's point of view.

(iii) In any organisation, there should be two way communication system. As continuous communication between the receiver and the sender will actually enhance the organisational effectiveness.

(iv) If possible while communicating the sender may use the actions to emphasize a point and he himself must follow in action what he says to others. This will ensure understanding the seriousness in communication.

(v) Superior must demonstrate through his competence and good acts he is worthy of trust. The obedience and follow up of any communication by the subordinates is based on this trust and creditability.

(vi) The sender and the receiver both should be a good listener. Davis has suggested ten points which may be observed in listening. Stop taking, put the talker at ease show the talker that you want to listen to, remove distractions, emphasize with the talker, be patient, hold your temper, go easy on arguments and criticism ask questions. He has emphasised on stop talking because one cannot listen to while he is talking.

(vii) In an organization, communication media such as meetings, conferences, etc. be provided so as to make communication more effective. Thus it is only through adequate, timely, clear and smooth communication that it can be made effective and provides integrity between the communicating parties.

SELF-CHECK EXERCISE-II

Note: Compare your answers with the answers given at the end of the lesson.

1.Mention various problems coming in the way of ensuring successful communication in any organisation.

2.6.10 CONCLUSION:

In any organisation people assemple to achieve their common objectives and thus are interrelated. The working and maintenance of these relationships is possible only through communication which provides for exchange of information and sharing of ideas. Thus communication is regard as basic to the functioning of the organisation.

2.6.11 KEY WORDS:

Grapevine : this term is usd to denote all informal communication. It is difficult to pin- point the source of origin yet it provides an excellent opportunity for discussing various matters which can't be discussed formally.

Encoding: putting the idea into words in such a way that only that person/s be capable of understanding it.

Decoding: understnding and interpreting the message.

Semantic: is the science of meanings.

2.6.2.6 SUGGESTED READINGS:

Maheshwari	:	Public Administration
Sahib Singh & Swinder Singh	:	Theory of Public Administration
Prasad L.M.	:	Principles of Management
Basu Rumki	:	Public Administration

2.6.13 ANSWERS TO SELF-CHECK EXERCISES:**Exercise No. I**

1. When staff of any organisation interact informally that is informal communication taking place between them. Such communication helps people in exchanging their ideas, views etc. and provides a channel to vent out one's grievances. Under 2.6.3 you can read in detail about it under the similar heading.

2. Various methods of communication have been discussed under the same heading at no. 2.6.5. After reading all those methods or techniques you can write these in your own words as far as possible.

Exercise No. II

1. In this lesson at 2.6.9 various problems coming in the way of successful communication in any organisation have been discussed. Semantic or psychological or physical etc. Read all of these carefully and write these. You can add some more such problems if you know any.

LESSON NO. 2.7

**Legislative and Judicial Control Over
Public Administration**

Structure

- 2.7.0 Objectives
- 2.7.1 Introduction
- 2.7.2 Legislative Control
- 2.7.3 Judicial Control over Administration
 - 2.7.3.1 Objectives
 - 2.7.3.2 Cases of Judicial Intervention
 - 2.7.3.3 Limitations of Judicial Control
- 2.7.4 Control by Public Opinion
- 2.7.5 Evaluation & Conclusion
- 2.7.6 Key Words
- 2.7.7 Suggested Readings
- 2.7.8 Answer to Check Your Progress

2.7.0 Objectives

After you have read this chapter you shall be able to :-

- (i) explain Legislative Control over public administration.
- (ii) discuss Judicial control over public administration.

2.7.1 Introduction

In the police state, functions were limited only to protection of state from external aggression and maintenance of law and order within the state. But with the dawn of a welfare state, its activities have increased manifold. Consequently the sphere of public administration is also on the increase. This fact applies almost to every country of the world; India is no exception and here also the functions of the state are on the increase especially when the goal of socialistic society has been set to be pursued. In a democratic society the administration is not only responsive but also responsible to the public opinion. However Public Administration has to operate under certain controls i.e. Legislative, Judicial and Public Opinion, An unrestricted freedom to administrators is unthinkable. These controls may be discussed as follows :-

2.7.2 Legislative Control

According to Felix A. Nigro "Administration is execution, that is, carrying out of the laws passed by the legislature." Public Administration is run according to the policy, as it is laid down in the Acts of Legislature. It is the Parliament that makes the laws and also provides finances for the administration of the country. In India, there is a Parliamentary system of Govt. In such a system executive (Council of Ministers) and legislature are intimately related. The Ministers are the members of Parliament also. As they form the executive of the country, it is their duty to introduce various Bills in the Parliament. No doubt, the members other than the members of the ruling party have also got a right to introduce the bills but the bills sponsored by them have no chance of being passed. The result is that most of the bills are introduced by the members of the council of ministers. In India, the Parliamentary Control over Public Administration is exercised in many ways. These may be discussed one by one as follows :

1. Question-hour

Asking questions to Ministers by the members of Parliament is an important type of legislative control. The concerned minister replies the questions so asked. If the members asking the question is dissatisfied, supplementary question can be asked. It keeps the entire administration alert. Sometimes the questions are so embarrassing to the Govt., that it is compelled to take immediate appropriate measures. Asking questions should not be taken lightly, rather it is an important means of Parliamentary Control over Public Administration.

2. President's Speech

President's speech at every new session of the Parliament is also an important instrument of parliamentary control. The members of the parliament get a chance to criticise the Govt., when a debate on the President's address takes place. The purpose of the criticism is to influence public opinion.

3. No-Confidence Motion

A great weapon of parliamentary control over Public Administration is no-confidence motion. In a country like India, where there is a parliamentary system of govt., the members of the lower house can topple the government by passing no-confidence motion against the Ministry. During discussion of no-confidence motion the entire policy of the govt., is criticised. Passing of no-confidence motion means the fall of Ministry. This sword of Democles always hangs on the heads of the Minister.

4. Budget Discussion

Budget Discussion also constitute a form of legislative control over public administration. After the Budget has been presented, general discussion takes place over it. Voting on grants affords another opportunity to expose the government. Discussion of Finance Bill also provides a chance to criticise the entire administration.

5. Adjournment and other motions

This is also a device of legislative control over public administration. Any matter of urgent nature can be discussed through adjournment motions. If the adjournment is allowed, immediate discussion takes place on the specific matter. Similarly a censure motion can be moved against a minister or the ministry as a whole for their failure to act or not to act or for their policy inviting indignation of the house. A call attention motion may be moved to draw the attention of a Minister to a matter of urgent importance and request him to make a statement there on.

6. Passing the Legislation

When the legislation is to be passed, it has to undergo three readings. These readings provide an opportunity to the Legislative to discuss the matter contained in the bills.

7. Different Parliamentary Committees

Different Parliamentary Committees also serve as a tool of Legislative Control over Public Administration. Out of these, first is the **Public Accounts Committee**. This Committee consists of twenty-two members, fifteen elected by the Lok Sabha and seven by the Rajya Sabha. Its main function is to examine the accounts of the Govt. showing the appropriation of sums granted by Parliament for the expenditure of the Govt. of India. While scrutinising the Appropriation Accounts and the report of the Comptroller and Auditor General there on, the Committee has to satisfy itself about many things. Its duty is to see that expenditure conforms to the authority which sanctioned it. It also looks to the fact that every re-appropriation has been made in accordance with provision made in this behalf under rules made by competent authority. It also takes care of the fact that the money shown in the accounts as having been disbursed was legally available for. The functions of the committee even go beyond this limit. It goes to the extent of judging whether the money has been spent wisely, economically and faithfully.

Another committee is **Estimates Committee**, which consists of thirty members. Only the member of the Lok Sabha are taken on it. It tries to find

out what economies, improvements in organisation or administrative reforms consistent with the policy underlying the estimates may be effected. It also suggests the form in which estimates may be presented to parliament. It goes to the extent of suggesting alternate policies as to bring economy in the administration. It looks into the fact whether money is well laid out within the policy implied in the estimates while examining economics or improvement in organisation. As mentioned above, it might suggest alternate policies. It cannot go into the question of policy when it has been approved by the parliament, but when it feels that particular policy is not leading to desirable results, it may bring it to the notice of the House that a change in policy is required to be brought for the sake of efficiency. The Committee is very significant, because it covers the whole range of the governmental activities.

The Committee on Public Undertakings is another committee which consists of 15 elected members of the Lok Sabha and 7 elected members of the Rajya Sabha. This committee is also very significant because it examines the reports of the Comptroller and Auditor General on Public undertakings. Reports and accounts of certain other undertakings are also examined by this committee, which have been specifically allotted to the committee for this purpose.

The above Committees can be useful to the extent they contain men of calibre in them and proven utility.

Apart from the above, the Committee on Assurances should also be kept in mind. It also serves as a tool of Parliamentary control over administration. This committee consists of fifteen members nominated by the Speaker for a period of one year. It reports on the extents to which assurances given by the Minister on the floor of the house were fulfilled. Such a committee is very useful as the ministers, because of this Committee, always hesitate in making false promises.

Mention may be made of another important committee also, namely, committee on Subordinate or Delegated Legislation. It scrutinises and examines the administrative legislation i.e. rules, orders and regulations made by the executive in pursuance of the power delegated to it by the parliament.

However, there are limitations to legislative control over Public Administration. Pfiffner and Presthus have pointed out about U.S.A. that legislatures, on the whole have neither the staff nor the necessary experts to exert effective control in the most meaningful areas. The same is true in the case of India.

With the establishment of socialistic society, the work of administration is increasing. The result is that Parliament does not get sufficient time to effectively control the ever expanding administration. The legislators are amateurs, having no experience of administration. They may not be having experience of technical departments. Moreover, legislative control is simply nominal, because, in fact, the executives i.e. the cabinet controls the Parliament.

2.7.3 Judicial Control over Administration

2.7.3.1 Objectives

Judicial control over administration means the powers of the courts to examine the legality of the official's fact and thereby to safeguard the rights of the citizens. It also implies the right of an aggrieved to bring a civil or criminal suit in a court of law against a public servant for the wrong done to him in the discharge of his public duty.

2.7.3.2 Cases of Judicial Intervention

Firstly, the courts cannot interfere in the administrative activities of their own accord. They can intervene only when they are invited to do so by any person, who feels that his rights have been infringed or are likely to be infringed as a result of some action of the public officials. No hard and fast principles can be laid down for judicial intervention, but the courts intervene in administrative cases on the following grounds:

(a) Lack of Jurisdiction : Every officer has to act within the limits of the authority given to him and also within a specified geographical area. If he acts beyond his authority or outside the geographical limits of his powers, his acts will be declared by the courts as ultra vires.

(b) Errors of Law :- A public servant may misinterpret the law and may impose upon the citizens duties and obligations which are not required under law. A citizen who has suffered on account of this, has the right to approach the court for damages.

(c) Error of Fact Finding : Thirdly, there may be cases in which the official has erred in discovering facts. He may wrongly interpret facts or ignore them and thus may act on wrong presumptions.

(d) Error of Procedure : Above all public officials have to act according to a certain procedure as laid down by laws and if they do not follow the prescribed procedure, the courts have a right to question the legality of their action, on appeal from the affected party.

Judicial remedies are available against the government officials in the cases mentioned above. Judicial control can be in the form of suing the state or the government itself or the Public official concerned for his wrongful acts. The position in regard to the suitability of the government and public officials differs in the countries following the system of rule of law of the "Administrative Law". The system of rule of law implies that everybody, high or low, official or private citizen is subject to the same ordinary law of the land and that the official cannot take shelter behind the state sovereignty in defending himself. That means the state cannot be held liable for the wrong acts of the officials even if they have done an injury to a citizen while working in their official capacity and that the officials themselves are personally liable for their wrongful acts.

On the other hand, in the countries where such system of Administrative Law prevails, the liability of the State for the wrongful acts of its officials is fully established. There the officials are tried not in the ordinary courts of law but in the administrative courts which award damages from the public funds to the aggrieved individuals. The state may later deal with its officials at fault as it thinks fit but so far as the citizen is concerned he sues and obtains damages from the State.

Extra-ordinary Judicial Remedies

In addition to the judicial remedies of suing the Government or its officials, citizens have the following remedies also against the excesses of public officials :

- 1. Habeas Corpus :** Habeas Corpus is an ancient Common Law writ. It literally means "to produce the body of". The writ of Habeas Corpus is accordingly issued by the courts in the nature of an order calling upon the person who has detained another to produce the latter before it, in order to let it know on what grounds he has been confined and to set him free if there is no legal justification for the confinement.
- 2. Writ of Mandamus :** Mandamus literally means "a mandate" or "a command". It is a writ issued to a public official to do a thing which is part of his official duty but which he has so far failed to do.
- 3. Prohibition :** The writ of Prohibition is a judicial writ issued by a superior court commanding a lower court not to do a thing which it is not legally competent to do.
- 4. Certiorari :** Certiorari literally means to certify or to be made certain.

The writ of certiorari means the direction of a superior court to an inferior court for transferring the records of proceedings of a case pending with it for the purpose of determining the legality of proceedings and for giving more satisfactory effect to them than could be done in the inferior court concerned. The object of certiorari is both preventive and curative.

5. Quo-Warranto : By Quo-Warranto we mean by what warrant. The writ of Quo-Warranto is issued by the court to inquire into the legality of the claim which a party asserts to an elective office or franchise and to oust him from its enjoyment if the claim be not well-founded or to have the same declared forfeited. The conditions necessary for the issue of the writ are that the office under dispute must have been created by the Constitution or by a statute and should be public and not a private one.

2.7.3.3 Limitations of Judicial Control

The Judicial remedies mentioned above under the 'Rule of Law' system provide an effective control against official excesses or abuse of power and in protecting the liberties and rights of the citizens.

But the judicial control has certain limitations ;

(i) In the first place, all administrative actions are not subject to judicial control.

(ii) Even those administrative actions which are within its jurisdiction, the judiciary cannot by itself take cognizance of excesses on the part of officials. It can intervene only on the request of somebody who has been affected or is likely to be affected by an official action.

(iii) The judicial process is very slow and cumbersome. There have been instances when cases have been pending with the courts for years together. Sometimes the decision of the court comes when the damage has been done beyond repair "Justice delayed is justice denied".

(iv) Judicial action is incredibly expensive and cannot therefore, be taken advantage of by many people. Filing a suit means paying the court fee, fee of the lawyer engaged and cost of producing witnesses and undergoing all inconveniences which only those who can afford can bear.

(v) The judges are only legal experts and they may have little knowledge of the technicalities and complexities of administrative problems. Their legal bent of mind may hinder them in arriving at a right decision. That is why the modern trend is towards the establishment of Administrative Tribunals which consist of persons expert in technical matters.

2.7. 4Control by Public Opinion

Public Opinion is another device by which Public Administration can be made accountable. Every popular Government is ultimately responsible to the people or to be more precise, the electorate which by its votes can make and unmake it, Public opinion is the opinion of people, or atleast of the majority of people based on public spirit relating to public affairs. However, public opinion may not always be very specific, definite or forceful. It is also true that it is often negative and seldom positive, as its function is mainly to approve or disapprove a particular action of the Govt.

It is no use denying the existence of effectiveness of public opinion in democratic administration. The difficulty is in ascertaining it. Americans has discovered a method of ascertaining public opinion on current public issues by "opinion poll." U.S. Bureau of Census and Department of Agriculture also conduct official public opinion polls for their own as well as for other Federal Department. Various methods like the statistical sampling, market analysis and social psychological tests are being tried. Now, these methods, while being useful guides as trends of important sections of the people are necessarily of a limited validity, It would be wrong to accept them as opinion of the public at large.

Infact, public opinion is a complex phenomenon, which is difficult to define. Moreover, it is very flexible and is not inherently and invariably right. Therefore, a better way of ascertaining public opinion would be through a responsible leadership. The ordinary mass of people is unable to understand the complexities involved in public affairs. Various organized groups like industrialists, associations, labour unions, professionals and cultural associations, religious groups etc. constantly exert influence on government and administration to mould their policies and act in their favour. In countries where institutions of direct democracy exist, popular control manifests itself directly through referendum, initiative, recall etc. The system of direct administration of affairs by Public assemblies final favour in small countries like Switzerland.

Self-Check Exercise**Short Answer Questions**

1. In a democratic society, Public Administration runs under Legislative, Executive and judicial control.

Yes/no

2. Different Parliamentary Committees, such as Public Accounts Committee, Estimates Committee, Committee on Public Undertakings, Committee on Assurances etc. serve as a tool of legislative control over Public Administration

Yes/No

3. Being experts, civil servants dictate terms to the Ministers, who are amateur and are in office for a certain period.

Yes/No

4. Judiciary is the most effective weapon of control over Public Administration which it exercises on grounds of lack of Jurisdiction, error of law, error of fact and error of procedure.

Yes/No

5. The Judiciary can by itself take cognizance of excesses on the part of officials and direct them to appear in the courts.

Yes/No

Long Answer Questions

1. Write a detailed note on Parliamentary control over Public Administration.

2. Write a detailed note on any one of the following :

(a) Public Accounts Committee.

(b) Estimates Committee.

2.7.5. Evaluations and Conclusion

In fact, judicial control stands for the powers of the courts to examine the legality of the official act and thereby to safeguard the rights of the citizens. It also complies the right of aggrieved to bring a civil or criminal suit in a court of law against public servant for the wrong done to him in the discharge of his public duty.

2.7.6. Key Words

Question Hour : The concerned Minister replies the questions so asked.

2.7.7. Suggested Readings

1. Principles of Public Administration : M.P. Sharma
2. Public Administration : Theory And Practice : A.R. Tyagi
3. Theory And Practice of Public Administration : Swinder Singh,
Sahib Singh
4. Public Administration in Theory and Practice : C.P. Bhambri

2.7.8. Answer to Self-Check Exercise**Short answer questions**

1. Yes
2. Yes
3. No
4. Yes
5. No

Lesson No. 2.8

Delegated Legislation

Normally, legislation is the function of the legislative branch of Government and not of administration. Under the complex conditions of the modern industrial society, however, the Legislature has found itself obliged to delegate a good deal of what, in effect, is legislative power through rule-making. Since the rules made by the administrative authorities have the same force as the law under which they are made and since those authorities make them in pursuance of the power delegated to them by the legislature, the rule-making power is also known as the 'delegated legislation', 'executive legislation' or 'subordinate legislation.'

Delegated legislation means : (1) the function of sub-legislation by the executive, and (2) the output of such activity. The Committee on ministers' powers defined it 'as the exercise of minor legislative power by subordinate authorities and bodies in pursuance of statutory authority given by the Parliament itself.' Because it is in pursuance of statutory authority given by Parliament and not an original power of the executive in its own right, delegated legislation is strictly subordinate to the terms of the statute under which it is done. If it is inconsistent with that statute, or is in excess of the power granted, it is void. Delegated legislation is subject to judicial review as regards its validity. That is why it is called subordinate or sub-legislation.

The power of delegated legislation is principally granted to the ministers of the crown in Britain, to the Government (Union or State) in India, and to the departments or other important agencies like the Regulatory Commissions in the U.S.A. It is also granted to local authorities, statutory corporations, universities, and representative bodies of certain professions, e.g. of the solicitors, doctors, etc., It is only to very high responsible authorities that the power of delegated legislation is given. Its exercise is never vested in single officers of a lower rank. The authority in which this power is vested cannot sub-delegate it to its subordinates but must exercise it itself.

Reasons for Growth - There was a time when the chief executive e.g., the Crown of England, was also the legislative authority. With the evolution of constitutional government the executive gradually lost its legislative powers which came to be concentrated into the hands of Parliament Theoretically

even today Parliament or the legislature is the sole source of legislative power, but for a number of reasons it does not nowadays find itself in a position to exercise the whole of this power itself, and is obliged to delegate a substantial part of it to administrative agencies. What are these reasons ?

Firstly, today under the stress of the complex conditions of the modern industrialized and urbanized society, the functions of state have so much expanded that it is virtually confronted with the management of the life of the community as a whole. The volume of the legislature task has, therefore, considerably increased, and the legislature is unable to find adequate time for it. Pressure of work and want of time on the part of the legislature are thus the first reason for the growth of delegated legislation.

Secondly, many of the matters with which modern legislation has to deal are highly technical which can be satisfactorily handled only by experts. The average member of the legislature is only a layman. The legislature cannot, therefore, usefully discuss the technical details of legislation. It lays down only the general principles, leaving the technical details to be filled up by rules made by the departments which have the necessary technical knowledge and expertness at their disposal. Thus, Parliament may place restrictions on the sale of poisonous substances. It may say that they shall be sold only under a proper license, but leaves the compilation of a list of poisonous substances to the experts of the medical and health departments. Many of the legislative enactments of today are thus only in a skeleton form.

Thirdly, in case a large and complex matter, it is not possible for the legislature to foresee and include in the law itself all the contingencies which may possibly arise, or variations which may in the light of local conditions be needed. These are, therefore, left to the departments to be regulated appropriately.

Fourthly, rules made by departments can more easily be changed in the light of changing conditions and experience. Delegated legislation, therefore, makes for flexibility and avoids the rigidity of legislative enactments, which cannot be amended so easily or quickly.

Fifthly, rule-making by the administrative agencies makes consultation with the interests affected possible. The legislature itself cannot conveniently arrange for this.

Sixthly, making of experiments in matters like town planning is more easily possible through flexible rules than laws.

Seventhly and lastly, to meet emergencies like war, natural calamities, or

epidemics, full powers have to be given to the executive. It would never do to restrict its discretion in matters like these by legislation.

The growth of delegated legislation in our times has been phenomenal. According to Carr, the volume of delegated legislation in Britain is not less than ten times of the legislative output of Parliament.

The Donoughmore Committee on the Ministers' Powers pointed to the confusion of terminology which was used in connection with delegated legislation in Britain. It is known in that country variously as rules, regulations, orders, warrants, minutes, schemes, bylaws, etc. Same way in the U.S.A. the terms, rules, regulations, instructions, general orders, circulars, bulletins, notices, memoranda etc., are used to designate the different sets of issuance of delegated legislation from the various government offices, without any clear distinction as to the meaning of these terms.

In view of this confusion, no classification of delegated legislation with reference to its form is possible. With reference to its content and purpose, however, delegated legislation has been classified into three classes, namely, (1) contingent, (2) supplementary, or subordinate, and (3) interpretative.

Delegated legislation of the contingent type takes place where the legislature makes the application of the main or the enabling Act dependent on the existence of certain facts or conditions, and delegates to the administrative agency the power to determine the existence or absence of those facts and conditions, and apply the statute accordingly. The most common example of contingent delegated legislation is to be found in the authority given to executive to vary or suspend the provisions of a Tariff Act in regard to particular products or countries according to the changing circumstances of international trade situation. Thus the Indian Tariff (Amendment) Act XII, 1934 empowered the Government to impose protective duties by notification, in emergent circumstances. Under the Tariff Act in the U.S.A., the President is empowered to suspend its provisions regarding the free introduction of certain products in regard to countries imposing duties which he may deem to be reciprocally unequal and unreasonable.

Supplementary delegated legislation fills up the details of a law which has been passed by the legislature only in a skeleton form, i.e., in which only certain general principles or standards have been laid down by the legislature, and the working out of the details has been left to the administrative agency by rule-making. In India the municipal acts and a large many others give wide rule-making powers to the Government to fill up the details. "The following

matters shall be governed by rules made by the Government”, is the usual formula used in such cases in the body of the statute concerned. Often, these details to be supplied by rule-making may be of greater importance to the citizens than the general provisions of the parent statute, because they give him the concrete guidance as to his rights, duties and the procedure to be followed in a given case. A candidate for election to a local body. e.g., can learn from the municipal statute itself only the qualifications and disqualifications for such candidates, but the procedure which has to be followed by him to get himself nominated is to be found in the rules made under the act. Supplementary delegated legislation must not, therefore, be thought to be of minor or secondary importance. Such rules may amplify or restrict the rights, power or duties given under the law. They put content in the general principles and standards prescribed by the law.

Finally, interpretative delegated legislation clarifies and explains the provisions of the law to which it relates. The power to issue rules to clarify the provisions of a law may be given to the administrative agency but that law itself, or the agency may issue them on its own account without any express statutory authorization. In the latter case the interpretative rules are not legally binding, but in practice, in some countries like the U.S.A. the courts treat such administrative interpretations as final, unless there are good reasons to the contrary.

Delegated Legislation is Subordinate Legislation

Delegated legislation by whatever name it may be known, is essentially subordinate legislation. It is subordinate for two reasons. First, the power of the administrative or other agency to make it is not in its own right but derived from delegation made by the legislature through its enactments, and as such is strictly limited by the terms and conditions of that delegation. Secondly, delegated legislation is subject to judicial review in all cases even in those countries like Britain where no such review obtains in respect of the enactments of the legislature. The courts will declare delegated legislation void if it is inconsistent in any way with the provisions of the law under which it is made, or with those of any other law or the Constitution of the country. In a country like India or U.S.A., we have three gradations of law in descending order of authoritativeness, namely, (a) the constitutional law which is the highest in authority and overrides both the ordinary law made by the legislature and rules and regulations made under such laws, (b) the laws made by the legislature which override delegated legislation of all types, and (c) the delegated legislation in the form of rules, regulations etc., which is

the lowest in order of authority and is void if it is inconsistent with any of the two above classes.

The strictly subordinate character of delegated legislation distinguishes it from those forms of legislation which the executive can enact in exercise of an original power of legislation vested in it. Thus the ordinances issued by the President of India or state governors are not forms of delegated legislation because these functionaries have the original power to enact ordinances, having the force of law for a temporary period given to them by the Constitution itself. Same way, the Orders in Council in England (but not statutory orders) are not delegated legislation because they are in virtue of original legislative authority vested in the Crown as a part of the royal prerogative.

Delegated legislation must not be confused with those other forms of administrative action which are of individual application like a particular command, a license, remission of a penalty, inspection, or enquiry.

The Constitutional Problem involved in Delegated Legislation

In parliamentary countries like Britain and India where separation of powers in the strict sense of the term does not prevail, there is no constitutional difficulty in the delegation of the legislative power by the parliament to the executive. In Britain, the parliament is sovereign and its laws are not subject to judicial review. It is, therefore competent to delegated its legislative power to administrative agencies to any extent or in any manner it thinks fit, subject only to the considerations of expediency. The Indian parliament is non-sovereign and its enactments are subject to judicial review, but within the ambit of legislative power, it also can delegate as it pleases. It is not hampered by any constitutional difficulty.

In the U.S.A. however, the Constitution is based on the doctrine of separation of powers which would seem to imply that the legislative power can be exercised only by the Congress and it would be unconstitutional on its part to delegate it to the executive. "The legislature cannot", wrote Locke, "transfer the power of making laws to any other hands ; for it being but a delegated power from the people (and this is the constitutional doctrine in the U.S.A.) they who have it cannot pass it over to others."

Advantages of Delegated Legislation

The advantages of delegated legislation have indirectly been touched upon in connection with the discussion of the reasons for its modern growth. We may briefly summarize them here.

1. Delegated legislation relieves the pressure on the time of the legislature and by freeing it from the burden of details, enables it to concentrate on the general principles and important issues of policy.

2. The technical details of modern legislation can be much better worked out and supplied by the expert officials than by the lay members of the legislature.

3. Since the legislature is unable to foresee and provide for all the contingencies which may arise in the actual application of laws and policies, it is best to clothe the administrative agencies with the necessary discretion to deal with them by rule-making.

4. Delegated legislation makes for flexibility. Rules are more easily amendable than statutes and through them, rapid utilization of experience gained is possible. This is specially valuable in those fields where rapid technical developments are taking place.

5. Rule-making can easily be done in the consultation with the interests affected. The administration is in daily touch with such interests whereas the legislature is not.

6. Making of experiments is possible through rule-making in such fields as town planning, land development, etc.

7. To meet emergencies like war, epidemics, natural calamities, etc., it is necessary to give full powers to the executive including the power of regulation by rule-making.

Problems of Delegated Legislation

The chief argument, against delegated legislation, is that it may lead to the despotism of the administrative authorities by vesting in them the power to legislate. This was the stand-point of Lord Hewart in his famous book 'The New Despotism'. He argued that the characteristic feature of the old-time despotism was a combination of the powers of legislation, administration, and justice, in its hands. Constitutional government separated these powers into the hands of distinct organs in the interest of popular liberty. Growth of delegated legislation and administrative adjudication were again combining the three powers into the hands of administration and thus, a 'New Despotism' threatened to come into being. The legislature consisting of the elected representatives of the people brings the popular point of view to bear on legislation but the same is not true of the officials and experts of administrative agencies. They may prefer administrative convenience to the liberty of the people in the exercise of the rule-making power. The first danger

of delegated legislation is the possibility of encroachment of liberty.

A second danger is that the legislature may delegate too much. It may confine itself merely to the passing of 'skeleton' laws and leave even matters of principle to be determined by rule. As pointed out above, this has already happened in some cases.

Thirdly, even where delegation by the legislature is limited and moderate, insufficient scrutiny by it of the rules made, may result in those limits being overstepped and disregarded.

Fourthly, in making the rules, administrative agencies consult only the organized interests and the unorganized general public is left out of consideration. Yet, the rules affect the general public no less than particular interests. Legislature is representative of the general public and its enactments take due care of the needs and wishes of the people as a whole.

Fifthly, as we have seen delegation may be in such terms as to exclude the control of the courts and deprive the citizen of the protection by the courts.

Sixthly, rule-making by expert officials may overlook what is politically feasible. The official may not be able to see what the people will not swallow.

Seventhly, the flexibility which we mentioned as one of the advantages of delegated legislation, may itself become a danger if the rules are amended too frequently. Where this happens, the result is uncertainty and chaos. The multiplicity of amendments exhausts the patience and endurance of those who have to follow and apply them and in sheer desperation, they may give up the attempt to keep abreast of them and act in the usual traditional way. This has happened in the sphere of the country government in the U.S.A. which has been dubbed as 'lawless'.

Eighthly, the agreements for publication of the rules may be inadequate and unsatisfactory with the result that the average person may be ignorant of them.

Finally, even where the courts have the power to protect the citizen against the vagaries of rule-making the citizen may find it difficult to avail himself of judicial remedy on account of the procedural difficulties, cost and the delay involved. The right of the citizen to sue the public authorities is in many ways limited in countries following the Anglo-Saxon legal tradition.

But whatever its dangers, delegated legislation is necessary under modern conditions. "The truth is" said the report of the Committee on Ministers' Power "that if Parliament were not willing to delegate law-making powers,

Parliament would be unable to pass the kind and quantity of legislation which modern public opinion requires." This is equally true of countries other than Britain.

Besides, the alleged dangers of delegated legislation are by no means inherent in it. With proper safeguards, they can be avoided. Delegated legislation, therefore, in the words of the Committee on Ministers' Powers "is both legitimate and constitutionally desirable for certain purposes, within certain limits, and under certain safeguards."

Safeguards in Delegated Legislation

The important question, therefore, is as to what safeguards should be provided to obviate the dangers of delegated legislation. The more important of them relate to the limits of delegation, its purposes, the procedure of rule-making, publicity of the rules made, arrangements for the scrutiny of the rules by the legislature, and control and review by the courts. The safeguards usually considered to be necessary in this connection may briefly be noticed.

(a) Well-defined Limits : The first safeguard required is that the delegation of the legislative power by the Parliament should always be subject to well-defined limits. It must not be so vague, general or sweeping that anybody becomes impossible. We have seen the limits to which the American courts require legislative delegation to conform. Non-conformity to them vitiates the constitutionality of enabling legislation in that country. The sovereign Parliament of Britain is of course not subject to any legal limits in the matter of delegation, but even there, the Committee on Ministers' Powers recommended that "the precise limits of a law-making power which Parliament intends to confer on a Minister should always be expressly defined in clear language by the statute which confers it : when discretion is conferred, its limits should be defined with equal clearness." This is a salutary advice to be followed by the legislatures irrespective of the constitutional set-up of the country.

(b) Normal Purposes : Secondly, delegation of the legislative power should not ordinarily be made for purposes which the Committee on Ministers' Powers described as 'unusual' or abnormal', e.g., to impose taxation to legislate on matter of principle, to amend parliamentary legislation through the so called 'Henry VIII' clauses, or to create offences and prescribe penalties. We use the word 'ordinarily' in this connection advisedly because needs of administration may occasionally demand the delegation of even these powers. Power of taxation may have to be given to executive, e.g., in the field of tariff

to make it possible to adjust them quickly to the fast changing situations of international trade. 'Henry VIII' clauses too may be justified in case of extensive and complex pieces of legislation where the drafters may not be able to foresee with how many and which of the hundreds of the already existing laws, the new legislation may conflict or what new problems may arise in its application. But where unusual powers of this kind are delegated they should be subject to other safeguards, e.g., the duration of their availability may be limited to a year or two or special scrutiny by Parliament through procedures like affirmative resolution may be provided for.

(c) Antecedent Publicity and Consolation : Thirdly, the procedure of rule-making should invariably provide for consultation with the public and the special interests affected. In England and India apart from the special consultation which the rule-making departments may hold with the appropriate organized interests, it is the general practice to publish the drafts of rules to be made and invite public criticism and suggestions on it. The purpose of this is to ensure some participation in the rule-making to those affected by the rules. In the U.S.A. the process of popular consultation and participation has been carried much further than in Britain and India. The techniques used are (a) obtaining the views of the industry or business concerned by submission of the draft rules of them, (b) holding meetings and conferences after due notice to interested individuals and organizations at which oral discussion of the proposed rules takes place in an informal manner, (c) giving public hearing to any interested person or party who wishes to testify orally or through sub-mission of written data, and (d) affording what are known as 'adversary hearings' which are highly formal like court proceedings, to certain specified competitive interests which stand to gain or lose from the issue of the proposed rules.

In Britain and India, there is no general practice of public hearings which are rather peculiar to the U.S.A.

(d) Parliamentary Scrutiny : A fourth safeguards is to be found in the arrangements for the scrutiny of delegated legislation (i.e., the rules made) by the legislature. In Britain, this is done through the various forms of 'laying' of rules before Parliament as prescribed in the Acts under which they are made. These forms are : (a) simply laying before Parliament with no other direction or requirement, (2) laying subject to annulment of the rules in question by hostile resolution by the either House within a specified period. (3) laying the provision that the rules shall not be operative until approved

by resolution of both the Houses of Parliament or the House of Commons only (this is called the affirmative resolution procedure), (4) laying in draft for a prescribed number of days and (5) laying in draft but not to operate till approved : It should be noted in this connection that unless affirmative resolution in approval of the rules or draft laid is required, they may go practically unnoticed by the Parliament. Actual experience confirmed this. Hundreds of rules were laid on the table of Parliament every session, but in the midst of its various pre-occupations with other things. Parliament or its members took no notice of them and laying in most cases thus became a mere formality. It was felt that something more than this was necessary to make parliamentary scrutiny of delegated legislation real and effective. In 1944, therefore, a Select Committee of the House of Commons on Statutory Instruments was set up and it is renewed every session. Its function is to scrutinise every statutory instrument (i.e., regulations, etc.) or draft of such instruments laid before the House with a view to determining whether the attention of the House should be drawn to it on any of the following grounds.

- (i) that it imposes a charge on public revenues directly or indirectly;
- (ii) that it excludes the control of the courts;
- (iii) that it appears to make some unusual or unexpected use of the powers conferred by the enabling statute;
- (iv) that it has retrospective effect without authorization for the same by the parent statute;
- (v) that there has been undue delay in publishing it or laying it before Parliament; and
- (vi) that for any special reason its form or content calls for elucidation.

If the committee so determines, it reports to that effect to the House of Commons. This committee is reported to have done excellent work in making Parliamentary control over delegated legislation more effective than before. There is only one element of control by Parliament lacking, i.e., Parliament can only accept or reject the rules but has no power to amend, but then, if it had that power, there would be the same formalities to be gone through as in passing a law, and the whole point of delegating power would be lost. In India parliamentary scrutiny of delegated legislation is much less developed than in Britain. In most cases the parent statutes contain no provision for the laying of rules made under them before the parliament. Where such provision exists, the laying required is either of the simple kind merely for

the information of Parliament or for a prescribed period of 14 days to 2 months after which the rules become effective unless they are annulled or modified by the Parliament meanwhile. It is only in rare cases that an affirmative resolution by the Houses of Parliament is required for the validity or continued operation of the rules. An example of such a case is a proclamation of emergency issued by the President, which is required to be laid before each House of Parliament and which, unless approved by the two Houses ceases to be operative after the expiry of two months. In December 1953, a Committee on Subordinate Legislation was appointed by the Speaker to recommend ways and means of ensuring parliamentary supervision on rule making by the Government under the statutory delegation of power. It has submitted four reports so far. It has recommended that all the rules should be laid on the table of the House of 30 days before their final publication so that they may be subject to modifications by the House. It has also criticised delegation made under some of the Acts on the ground that it extends to matters of principle and taxation. As we have seen in Britain, Parliament can only accept and reject the rules laid before it and not modify them. The power of modification sought for our legislature is therefore, much in advance of the British practice. The only problem is whether the Parliament will be able to find the necessary time to make the modifications.

In the U.S.A. control of delegated legislation is largely left to the courts and there is hardly any provision for laying it before Congress for scrutiny. The Congress seeks to control delegated legislation indirectly through prescription of certain requirements to which it must conform. The Administrative Procedures Act, 1946 is thus an attempt by the Congress to prescribe certain minimum standards to which administrative procedure as a whole, including delegated legislation must conform. Of course, the laying procedure is not all together unknown to the U.S.A., e.g., under the Reorganization Act 1939, the President's reorganization orders had to be laid before Congress for a period of 60 days during which they could be nullified by the Congress, but this type of direct Congressional control over the exercise of a delegated power is very rare.

(e) Publication : Fifthly, there is the safeguard of publicity both antecedent and subsequent. In Britain antecedent publicity is provided for by the Rules Publication Act 1893 which requires prior notice of the draft of such rules to be given and suggestions and criticism invited. The rules in their final form also have to be published. In India, there appears to be general statute on the matter, but the statutes delegating the rule-making power themselves

require antecedent as well as subsequent publication in the official Gazette. In the U.S.A. the Federal Register Act, 1935 provides for the publication, daily, in the Federal Register of all rules, regulations and orders of 'general applicability and legal effect', while antecedent publicity is secured by Administrative Procedure Act, 1946 which requires notice of the proposed rules to be published in the Federal Register.

(f) Judicial Review : Finally, there is the safeguard of the judicial review of the delegated legislation by the courts. In this connection the function of the courts is to see that the exercise of the delegated-authority is not broader than the terms of the delegation. If it is, the rules made will be declared ultra vires and void.

Type Setting:

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