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M.A., SECOND YEAR

Paper V

**COMPARATIVE
PUBLIC ADMINISTRATION**

**MADURAI KAMARAJ UNIVERSITY
PALKALAI NAGAR, MADURAI - 625 021.**

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Dear Student,

Welcome to the second year M.A., Public Administration course. This year you will have to study four papers. One of the papers you will have to study is Comparative Public Administration. The syllabus of this paper is divided into five parts. There are 23 lessons in all. Model Questions for guidance are provided at the end of each lesson. You go through the lessons carefully. As you are aware, seminar classes have been arranged to clear your doubts. Therefore, make it a point to attend the classes regularly.

We wish you best of luck.

Department of Public Administration

SYLLABUS

COMPARATIVE PUBLIC ADMINISTRATION

- Unit - 1** Nature and Scope of Comparative Public Administration - Models of Comparative Public Administration.
- Unit - 2** Comparative Study of Political Systems in UK, USA, and France - Comparative Study of Administrative Institutions and Processes in UK, USA, and France.
- Unit - 3** Comparative Study of Civil Services in UK, USA, and France - Comparative Study of Public Policies in UK, USA, and France.
- Unit - 4** Control Mechanism over Administration in UK, USA and France - Comparative Study of Administration at Gross root Level.
- Unit - 5** Citizen and Administration - Machinery of Redressal of Citizen Grievances in UK, USA, and France.

Books Recommended

- Ferrell Heady - Public Administration - A Comparative Perspective, Marcel Dekker, New York, 1979.
- Riggs F.W. - Administration in Developing Countries, Hought Mifflin, Boston, 1964.
- Waldo (Ed) - Public Administration in a Time of Turbulence, Scranton Chandler, 1971.

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SCHEME OF LESSONS

1. Nature and Scope of Comparative Public Administration
2. Evolution of the study of Comparative Public Administration
3. Models of Comparative Public Administration
4. Comparative Study of Political Systems
5. British Political System
6. American Political System
7. Political System of France
8. Comparative Study of Administrative Institutions and Processes
9. Administrative Institutions and Processes in UK
10. Administrative Institutions and Processes in USA
11. Administrative Institutions and Processes in France
12. Comparative Study of Civil Services
13. Civil Service in UK
14. Civil Service in USA
15. Civil Service in France
16. Policy Perceptions and Public Policy-Making in UK, USA and France
17. Administration at Gross root level
18. Administration at Gross root level in UK
19. Administration at Gross root level in USA
20. Administration at Gross root level in France
21. Control Mechanism over Administration in UK, USA and France
22. Citizen and Administration
23. Machinery of Redressal of Citizen Grievances in UK, USA and France

NATURE AND SCOPE OF COMPARATIVE PUBLIC ADMINISTRATION

F.W. Riggs is considered the father of comparative public administration. He was the chairman of Comparative Administration Group set up in 1963. The Comparative Administration Group described comparative public administration as "the theory of public administration applied to diverse cultures and national settings - and the body of factual data by which it can be examined and tested."

The objective of comparative public administration is the development of more scientific public administration by building and strengthening theory in public administration. Thus, the aim of comparative public administration is, in the words of Lynton Caldwell, "to hasten the emergence of a universally valid body of knowledge concerning administrative behaviour - brief, to contribute to a genuine and generic discipline of public administration."

According to Ramesh K. Arora, comparative public administration has the following purposes:

1. To learn the distinctive features of a particular system or cluster of systems;
2. To explain the factors responsible for cross-national and cross-cultural differences in bureaucratic behaviour;
3. To examine the causes for the success or failures of particular administrative feature in particular ecological settings; and
4. To understand strategies of administrative reform."

According to Robert T. Golembiewski, "comparative public administration emphasizes that (a) organizations must be viewed as embedded in specific cultures and political settings, (b) the principles of public administration are seriously inadequate, (c) both the study and practice of administration are pervasively value-loaded, and (d) any proper discipline must have complementary pure and applied aspects."

The factors that contributed to the rise and growth of comparative public administration are:

The revisionist movement in comparative politics due to dissatisfaction with the traditional approaches. The dissatisfaction with traditional public administration which was culture - bound Intellectually oriented catalysts, that is, to develop universally relevant theoretical models. Exposure of American scholars and administrators to the new features of the administrative

systems of developing countries during the World War II period. The emergence of newly independent Third World countries, which attempted to achieve rapid socio-economic development, creating opportunities for scientific investigation. Policy oriented catalysts, that is, to develop the practical knowledge to make policy-formulation and policy-execution more effective. The Scientific, technological and theoretical developments, which have influenced the forms of administrative structures. The extension of American foreign aid programmes (both political and economic) to newly emerged developing countries. The rise of behavioural approach in public administration as a reaction to the classical structural approach.

F.W.Riggs noticed three trends in the comparative study of public administration.

A shift from normative studies (which deals with what ought to be) to empirical studies (which deals with what is).

A shift from ideographic studies (one nations studies/individualistic studies) to nomothetic studies (universal studies).

A shift from non-ecological studies (which examines administrative phenomena as an isolated activity) to ecological studies (which examines administrative phenomena in relation to its external environment.)

Ferrel Heady identified four conceptual approaches in comparative public administration.

They are :

1. Modified Traditional
2. Development Oriented
3. General System Model Building
4. Middle-range Theory Formulation

Departing somewhat from Heady's four-fold classification, Henderson gave a three-fold classification of conceptual approach in the comparative public administration, viz.

1. The Bureaucratic System Approach
2. The Input-Output System Approach
3. The Component Approach

The following are the various approaches / models in the study of comparative public administration.

The Bureaucratic System Approach adopted by Alfred Diamant, Robert Præsthus, Ferrel Heady, Micheal Crozier, Morroe Berger, and so on.

The General Systems Approach adopted by F.W. Riggs in his "Fused-prismatic - diffracted typology" and John T. Dorsey in his "information energy model".

The Development Administration Approach adopted by Riggs, Wiedner, and others emphasizing directed socio-economic change.

The Decision-making Approach advocated by Martin Landau to increase the decision-making capacity of developing countries' administrative systems to avoid "muddling through" technique.

Ecological Approach

Ecological approach studies the dynamics of interaction between administrative system and its environment consisting of political, social, cultural and economic dimensions. It assumes that administrative system is one of the various sub-systems of society and is influenced by other sub-systems and in turn, also influences them.

The ecological approach in the study of public administration was initiated by J.M.Gaus (1947), Robert A.Dahl (1947), Roscoe Martin (1952), and F.W.Riggs (1961). But Fred W.Riggs is the foremost exponent of the ecological approach in public administration.

F.W.Riggs in his book entitled *The Ecology of Public Administration* (1961) explored the dynamics of interaction between public administration and its external environment. He adopted the structural-functional approach in explaining the administrative systems from ecological perspective. The adoption of this approach in the field of public administration was first suggested in 1955 by Dwight Waldo. Apart from Riggs, the Structural-Functional Approach was adopted by Talcott Parsons, Robert Merton, Marion Levy, Gabriel Almond, David Apter, and others.

According to the Structural - Functional approach, every society has various structures which perform specific functions. Riggs identified five functions which are performed in each society. They are political, economic, social, symbolic and communicational functions. He stated that, same set of functional requisites apply to an administrative sub-system.

Contribution of Riggs

F.W.Riggs constructed various "ideal models" (theoretical models) to explain the ecology of public administration. In 1956, he developed the "agraria-industria" typology the examples of imperial China and contemporary USA. In the following year, he postulated an intermediate model called "transitia" which bears the characters of both agraria and industria and thus represents a transitional society. However, Riggs abandoned this typology of "agraria-transitia - industria" and formulated another new "fused -prismatic-diffracted (refracted)" model which represents the underdeveloped, developing and developed societies. To quote Riggs, "Traditional agricultural fold societies (agraria) approximate the fused model, and modern industrial societies

(industria) approach the refracted model. The former is 'functionally diffuse', the latter 'functionally specific'. Intermediate between these polar extremes is the prismatic model - so - called because of the prism through which fused light passes to become refracted.

According to Riggs, these three types of societies have the following attributes.

Table 1.1 Attributes of societies

Fused	Prismatic	Diffractioned
Ascription	Attainment	Achievement
Particularism	Selectivism	Universalism
Functional diffusion	Poly-functionalism	Functional specificity

Riggs says, "If a society is highly differentiated and well integrated, then it is diffracted, but if it is differentiated and poorly integrated, malintegrated then I call it prismatic. If a society is not all differentiated, if there are no specialists, if everyone can do everything, then I call it a fused system. The definition of a 'prismatic society', then, is one which has achieved a certain level of differentiation of specialization of roles, that is necessary for dealing with modern technology, but it has failed to integrate these roles."

Riggs was mainly interested in analyzing the interaction between the administrative system and its environment in prismatic societies. For this purpose, he constructed the 'prismatic-sala' model in which 'prismatic' represents the prismatic society (traditional or developing society) and 'sala' represents the administrative sub-system of a prismatic society. He identified the following three features of prismatic - sala model.

Heterogeneity

A prismatic society has a high degree of heterogeneity, that is, the simultaneous presence, side by side, of quite different kinds of systems, practices and viewpoints. The sala is also heterogeneous as it combines the elements of 'chamber' of a fused society and 'bureau' of a diffracted society.

Formalism

A prismatic society has a high degree of formalism, that is, a degree of discrepancy or incongruence between the formally prescribed and the effectively practices, between norms and realities. In short, it refers to the gap between theory and practice.

Overlapping

A prismatic society has overlapping phenomena, that is, the extent to which formally differentiated structures of a fused society. Overlapping in sala, refers to what is described

as administrative behaviour and is actually determined by non-administrative criteria, that is, by political, economic, social, religious or other factors. It has five different aspects.

Nepotism

Riggs says that 'sala' is characterized by nepotism in recruitment. Poly normativism: This means co-existence of modern and traditional 'norms' leading to lack of consensus on norms of behaviour.

Poly communalism

This means simultaneous existence of various ethnic and religious groups in a hostile interaction with each other. Riggs calls them 'cleets', that is, club plus sect.

Bazaar-canteen model

Riggs call the economic sub-system of a prismatic society as the 'bazaar-canteen model'. This combines the elements of market economy of diffracted society and traditional economy of fused society. Such a situation produces a kind of 'price indeterminacy'. This implies that the prices of goods and services keep fluctuating.

Authority versus control

The authority structure of a prismatic society is highly centralized and concentrated while the control system is highly localized and dispersed. Hence, a prismatic society has an 'unbalanced polity' in which administrators dominate the politico-administrative system.

Revised prismatic theory

In his book *Prismatic Society Revisited* (1975), Riggs revised his prismatic theory. In his new formulation, he replaced the 'one dimensional approach' (i.e., differentiation) with 'two dimensional approach' (i.e., differentiation and integration). He further sub-divided the two basic diffracted and prismatic societal model into finer types on the basis of degree of integration. Thus, he reconceptualised diffracted societies as 'co-diffracted', 'ortho-diffracted' and 'neo-diffracted' and prismatic societies as 'co-prismatic', 'ortho-prismatic' and 'neo-prismatic'.

Model Questions

1. Explain the meaning and nature of Comparative Public Administration.
2. Explain the ecological approach to the study of Comparative Public Administration.

Lesson - 2

EVOLUTION OF THE STUDY OF COMPARATIVE PUBLIC ADMINISTRATION

The history of comparative public administration is not very old. It saw its beginning during the period of Woodrow Wilson. His essay, 'The Study of Administration' is now considered the symbolic beginning of its academic study in America. The spoils system had become a cause of political and administrative disorder in America.

Frederick W. Taylor initiated the Scientific Management movement in the early twentieth century. Scientific Management became an international movement in the 1920's and influenced not only the American Administrative theory but also other countries. Taylor's principles of Scientific Management had cross-national applicability to the extent that they were found consistent with the objectives of large scale production. Efficiency and economy were emphasised in administration.

Two important text books on public administration were published during this period. They are L.D.White's 'Introduction to the Study of Public Administration' (1926) and William Willoughby's 'Principles of Public Administration' (1927). They stressed the cross-cultural and international character of public administration.

Later, studies in Human Relations added new elements in the understanding of administrative behaviour. Various dimensions of informal organisation were recognized as important, however, failed to develop a cross-cultural perspective and to make a significant contribution to the comparative public administration, we can say that these earlier studies of public administration lacked the comparative element. No clear-cut, conscious and meaningful attempt was made to make a comparative study of the organization and practices of administrative institutions of various countries. During and after the World War II scholars stressed the need for more 'scientific' explanations in public administration and some writers called for rigorous cross-cultural analysis of administrative practices. All these attempts tended to make the study of comparative public administration, purposive, meaningful and scientific.

Beginning and Development of the comparative Study

Growing discontent against traditional approaches and other favourable conditions led to the emergence of comparative public administration. Herbert Simon has classified contemporary research in administrative behaviour as follows:

1. The study of bureaucracy (Robert Merton, Peter Blau and other scholars using and extending upon the Weberian bureaucratic model);
2. Human Relations research pertaining to motivation and increasing job satisfaction (Douglas McGregor, Chris Argyris, Rensis Likert, Warren Bennis, and others);
3. Motivation studies using the Barnard-Simon Equilibrium model; and

4. Decision-making studies emphasizing primarily cognitive processes and the rational components of administrative behaviour.

The above kinds of research permeate almost all areas of administrative sciences, and thus are not confined to the study of public administration. In comparative public administration, such scholars as Morroe Berger, Robert Presthus, and Michael Crozier have conducted empirical studies of bureaucratic behaviour in differing cross-cultural settings.

The Comparative Administration Group

The Comparative Administration Group (CAG) was set up 1963 as a committee of the American Society for Public Administration. It was funded initially for a three-year period by the Ford Foundation, which had been interested in multi-dimensional problems of emergent nations. The Foundation provided a second grant to the CAG in 1966 for a five-year period. The grant was not renewed in 1971, however, the Group continues to exist with financial support coming from other quarters. Fred Riggs was the chairman of the Group from its inception to the end of 1970. The new chairman is Richard Gable.

1. To study of specific features of a particular system or group of systems.
2. To analyse factors responsible for cross-national and cross-cultural differences in the practice of bureaucracy;
3. To examine the causes of success or failure of particular administrative features obtaining in particular ecological conditions; and
4. To understand the strategies of administrative reforms.

The purposes combine both empirical and normative concerns which are reflected in the literature of comparative public administrative analysis.

Edward Weidner is the foremost proponent of the concept of development administration. According to him it 'refers to the process of guiding an organization towards the achievement of progressive political, economic and social objectives that are authoritatively determined in one manner or' another. He has urged a separate focus on development and administration with the end objective being 'to relate different administrative rules, practices organizational arrangements and procedures to the maximising of development objectives. In research terms the 'ultimate dependent variable would be the development goals themselves.'

The three major conceptual approaches in comparative public administration-the bureaucratic system, the general system, and development administration-should be viewed as mutually interdependent and not as discretely categorized orientations.

Scholars have discussed several important problems related with administrative behaviour such as bureaucracy, human relations, motivation and decision - making process etc. These researches touched all aspects of administrative science. Cross-cultural studies were

undertaken in the quite small but it is expected that empirical studies on organizational behaviour and decision-making will increase and that the impact of behaviouralism on comparative administrative studies will become more profound.

In comparative public administration such scholars as Morroe Berger, Robert Presthus and Michael Crozier have conducted empirical studies of bureaucratic behaviour in differing cross-cultural settings.

In his book 'Bureaucracy and Society in Modern Egypt', Morroe Berger has analysed the extent of the elements of Weber's bureaucratic model observed in the behaviour of higher administrative personnel in Egypt. Weber's model does not fit public service in Egypt. The weakness of Berger's research method was that he failed to correctly interpret the ideal-type of Weber's bureaucratic model and made it a tool of empirical research. It was basically wrong. Berger's study does not give sufficient information regarding the behaviour of higher administrators in Egypt.

Some Indian scholars have also made use of the behavioural approach in their studies. They are: Chandra Prakash Bhambhri, Kuldip Mathur, V.A. Pai Panandikar, Ramashray Rai and Shanti Kothari has compared.

Factors Responsible for the Evolution of the study of comparative public administration

T.N. Chaturvedi has analysed the following factors for the evolution of the Study of Comparative Public Administration. They are :

1. **Inadequacy of Traditional Approach** : In the context of new challenges, the traditional approach was found to be inadequate. Its postulates did not prove effective in the changed environment. According to D. Waldo it was culture-bound, limiting itself to the study of Western nations and institutions..... it was legalistic and formalistic and conformed to the examination of written documents only. It emphasised the formal and permanent aspects of the administrative institutions and overlooked all political, social, cultural and economic environment of laws and formal institutions. This approach was primarily descriptive rather than analytic, explanatory and problem-oriented. It was non-comparative in character. It also lacked techniques and concepts to undertake studies of non-Western and developing nations. The comparative approach started as a protest against these weaknesses of traditional approach.

2. **Acquaintance with Public Administration of Foreign Countries During World War II**: During World War II scholars and practitioners in developed countries like America and Britain became aware of public administration in foreign countries. They became conscious of the novelty of the structure of administration there. This aroused a desire for comparative study and contributed to the development of comparative study.

3. **Rise of New Techniques and Concepts of Research :** In the changed environment after World War II, new developments took place in the field of ideology, science and technology. They influenced the administrative machinery and promoted comparative studies. Scholars attempted to make administration scientific. They felt the need to formulate some principles for the cross-national study of administrative practices. Robert Dahl, in his essay 'The Science of Public Administration : Three Problems' (1947) asserted that as long as the study of public administration is not comparative, claims for a 'science' of public administration sound rather hollow'. American, French and British public administrations may be scientific, but 'can there be a science of public administration' in the sense of a body of generalised principles independent of their peculiar national settings?' he asked. The new conceptual approaches have brought to light that there are more dissimilarities in the administrative systems of countries than there are similarities or perfection. This necessitated a comprehensive study of the administrative machinery of communist nations as well as newly independent nations in Asia and Africa. With a view to developing a science of public administration stress was laid on the study of public administration in the context of different cultures, nationalities and environments.

4. **Study of the Administrative Conditions in Developing Nations for the Feasibility of Assistance of Programmes :** After the World War II the world politics divided into two blocks, one led by the U.S.A. (Capitalist) and the other led by U.S.S.R. (Communist) There was a cold war between the two blocks at every level especially regarding the newly independent developing countries. Each block wanted to establish its hold on them by providing them aid for economic and technical development. U.S.A., U.S.S.R. and other developed nations provided them technical assistance through the U.N.O. as well as independently. To make this aid programme meaningful and effective, it was considered necessary that administrative reforms should also be introduced simultaneously. In the absence of such reforms, the assistance given was of no avail. Therefore, the administrative systems of such countries were studied. It revealed that administration in each country was influenced by the environment and conditions prevailing there. For a proper working of the administrative institutions, this environment was analysed and a need for comparative public administration was felt. The scholars of public administration in developed nations carried on several researches and gained experience in foreign countries in 1956 the International Cooperation Administration sent around two hundred experts in public administration to more than forty countries. These experts analysed the administrative systems of developing countries and made valuable suggestions for reform in them.

5. **Desire to Develop Comparative Public Administration as an Independent subject :** The scholars engaged in the study of public administration had developed desire the public administration should be developed as an independent subject of study. This desire paved way for its evolution.

6. **Systematic Analysis of the Subject-matter of Public Administration** : The development of comparative approach was found useful for a systematic analysis of the subject matter of public administration. Administrative institutions cannot be interpreted correctly in the absence of a comparative approach. Edward Shils has observed, that "an inquiry may be considered comparative if it proceeds by the use of an analytical scheme through which different societies may be systematically compared so that by the use of a single set of categories, their identities and uniqueness may be disclosed and explained". When the administrative systems of various countries are studied individually, many elements are left unexplained.

7. **International interdependence** : Interdependence of various nations has made a significant contribution to the development of comparative studies. The success of an administrative system in Indonesia or Congo is not only a matter of academic curiosity, but has practical importance for Moscow, Washington and London. Regional boundaries do not stand in the way of exchange of ideas. A country may benefit from the administrative experiments made in other countries and can modify them to suit its own environment and conditions. The emergence of new nations in Asia, Africa and Latin America after World War II prepared ground for administrative experiments. Administrative research in these countries may prove useful for more developed and affluent nations. The use of public corporations in developing countries is an administrative experiment.

8. **Socio-economic and Political Conditions** : Public administration is largely influenced by socio-economic conditions and these differ very widely from country to country. They promoted the development of comparative public administration. Similar administrative institutions function differently in different countries and their outcome is dissimilar. If an administrative institution has succeeded in the country, it may be adopted in another taking its socio-economic and political conditions into consideration.

9. **Impact of Social Analysis** : Comparative studies in public administration have provided a scientific basis to theory building. This has enlarged the field of social analysis. Many newly independent countries in the third world differ widely in their historical background, geographical conditions, size of population, social structure and economic development etc. These differences have caused serious problems in the way of comparative study of social analysis and this has enhanced the value of ecological studies. New models, methods and approaches have been developed in this field.

10. **Growth of Behavioural Approach** : When in social sciences behavioural revolution shook the traditionalists, the emphasis in public administration shifted to the individual and legalistic and formalistic approaches underwent a drastic change. This gave new direction to the study of comparative public administration.

All these factors attracted the attention of scholars towards a comparative study of public administration. New developments took place in this field. It was introduced as a subject of study in many colleges and universities in the U.S.A. IN 1948, Dwight Waldo introduced a

course in comparative public administration at the University of California, Berkley. Since then, its study has greatly expanded. Some of the courses emphasize the study of conceptual frameworks, while others deal with the administrative problems of developing of other nations. Some courses focus on particular geographical areas, others concentrate on the comparative rural and urban government.

Once trend for comparative studies in public administration started, it caught the imagination of scholars. New perspectives have opened and new methods and techniques of study have been developed. According to Paul H. Appleby comparing and contrasting the administrative set-ups in different contexts helps to develop commonality of public administration and reveals the important factors which help in the promotion of administrative effectiveness. It also improves our knowledge of the administrative practices in other countries and to adopt those practices which can fit in with our own nation and its systems.

Woodrow Wilson, who had realized the importance of the study of comparative public administration for improving public administrative system in the U.S.A., came to the conclusion that comparative studies not only bring innovative changes but make administration efficient and administrator a farsighted person F.J. Tickner believed that the study of comparative public administration widens and broadens the outlook of the administrator and provides good scope for the improvement of the country's own administration. Ferrel Heady was of the view that public administration system can be developed on scientific lines and that its study can help in developing international understanding. Nimrod Raphaeli feels that this study helps us in knowing as to why administrative system of one country has succeeded while that of the other has failed. It enables the administrator to know what changes are needed in his administration and also how these can be brought about. This also brings to light the socio-economic and political factors that led to the failure of a particular type of administration in one country and its success in another.

In addition to the views of the scholars about the importance of the study of comparative public administration, attention may also be paid to the following clear - cut advantages of this subject.

(i) It discourages narrow regional outlook. Every administrator considers that the system of administration he follows is the best suited system of administration. This develops a narrow outlook and the comparative study takes him out of this narrow thinking and broadens his outlook. The comparative study of administration widens the thinking horizon of an administrator and develops his capacity to effectively deal with the challenges which new problems throw on him. It also develops a scientific outlook in the administrator.

(ii) It has widened the scope of study of public administration. Before the emergence of the study of comparative public administration an administrator thought that his only responsibility was to execute policies of the politicians, maintain law and order and maintain a distance both from his subordinates and the people whom he served. A new era has now

begun with the study of comparative public administration. Under the influence of behaviouralism, the subject has now developed a scientific outlook.

(iii) It has brought administration and politics closer to each other. The administrator now feels that his success or failure in administration depends on the extent to which he can successfully administer and implement politics framed by his political bosses. Similarly, political bosses have also started realizing that no policy formulated by them can be a success unless the administrators have 'will' to implement it and find it practical for implementation. Thus both have started appreciating each other's point of view.

(vi) The study has brought social sciences closer to each other. It has now been realized that a study of social sciences like Sociology, Economics, Psychology, History and Political Science is necessary for the development of public administration. This has resulted in an interdisciplinary approach for the subject. It is now believed that without proper study of social, economic and political problems of the people and the country as a whole no meaningful comparison can be possible. Stress is now laid on environmental studies. Earlier, the administrators did not care for social, economic or cultural environments on the one hand and the effect of ecology on formulation and execution of policies on the other. Now due attention is being paid to the study of impact of environment of administration.

(v) It has paid attention to social analysis. Social analysis and study of social problems was a neglected area in public administration. This area is now getting due attention and it is accepted that social analysis, when fully developed can prove socially and administratively of great utility. After behavioural revolution, need for social research was increasingly felt. With the study of comparative public administration this research has now received more attention because it believes in wider perspectives of social science subjects rather than in their narrow outlook.

(vi) It lays stress on timely administrative reforms. Public administration is a dynamic subject of study. Administration cannot stick to static concepts because in every society new social, economic, cultural and environmental problems are arising. If administration does not study these at national and international levels, it is bound to fail. Comparative public administration acquaints the administrator with the nature of reforms being introduced in other countries and the extent to which these are immediately needed in his own country.

It can thus be concluded that the study of comparative public administration is useful both for the administration as a whole and the individual administrator as well. It enhances the understanding of one's own national system of administration by placing it in a cross-cultural setting.

Model Question

Trace the evolution of the Study of Comparative Public Administration.

Lesson - 3

MODELS OF COMPARATIVE PUBLIC ADMINISTRATION

This lesson gives attention to some important models used in studying comparative public administration. Some confuse models with approaches. There are significant differences between the two. An approach is based primarily on one central concept that is thought to be especially useful in studying basic features of public administration. Models can be thought of as refined and more specific versions of approaches. Within one approach different models can be developed. Models are very specific towards a particular study. On the other side, approaches are more general in nature. The world model as treated by Waldo, is to mean simply the conscious attempt to develop and define concepts or cluster of related concepts. It is useful in classifying data, describing reality and hypothesising about it. We must also distinguish between the term model and theory. In fact, both model and theory are used interchangeably. Generally speaking theory is a more sophisticated tool than Model. However Herbert Simon, Allen Newell, Waldo and Mimrod Raphaeli used Model theory interchangeably in practice.

Models in public administration was first introduced impressively by Herbert Simon. His work like *Administrative Behaviour*, *Public Administration and Organisations* are important contributions to model building in public administration. Herbert Simon's bounded relational model explained the rational way of arriving at decisions. Decisions makers are more contented with satisfying rather than optimizing model in decision making which is a major contribution to model building in public administration.

Use of Models in Public Administration

The general use of models are discussed. There are many models that are frequently used or referred to in studying comparative and development administration. Max Weber's Bureaucratic model has the most popular use in comparative study of bureaucracies. The model advanced by Down emphasized the importance of career interests as determinants of administrative process. Riggs's prismatic-sala model is an intellectual creativity of the model-building clean in comparative public administration, particularly with reference to Third World governments. Dorsey's Information-energy model is

Scholars of Public Administration have made use of different models to the study of comparative Public Administration in a broader perspective in the following manner.

- Institutional Model
- Behavioural Model
- Systems Model
- Structural functional approach and
- Ecological approach

Let us discuss the different models in detail in this lesson.

Institutional Model

The important contributors to the institutional model are F.W. Taylor, Max Weber, Henry Fayol, Luther Gulick, Lyndal Urwick, Mooney, Reiley and so on.

According to Taylor Management is a true science. By applying science to the management problems, more efficiency and productivity could be brought about in an organization. He has given four principles of organization through which science to be applied to the management. They are :

Develop a science for each element of a man's work, which replaces the old 'rule-of-thumb' methods. By this the 'one best way' of doing a task can be decided and the standard output can be determined. Scientifically select and then train, teach and develop workmen. Management should fully cooperate with workers, so as to ensure that the work is done in accordance with the scientific principles developed for this purpose. There must be equal division of work and responsibility between management and workmen. The management should take over all work for which they are better suited. In the past all the work and a greater part of responsibilities was thrown on the workmen.

Max Weber is an important contributor to the study of bureaucracy. He has written a number of books and articles on bureaucracy. But he has not defined bureaucracy anywhere in his works. He has elaborately mentioned about the characteristics of legal rational bureaucracy.

Rules

Sphere of competency

Hierarchy

Personal and public ends

Written documents

Impersonal Order

Hierarchy

Authority of an official should be derived from positions and not from persons. Therefore, the employees should obey the orders which are impersonal. They need not obey the personal orders of the superior.

Rules

Official functions in the bureaucratic organization should be carried on the basis of the rules of the organization. If the rules do not permit to carry out a work, the officials should restrain from doing it. Otherwise, they will be held responsible if something goes wrong in carrying out that work.

Sphere of Competency

Employees in the organisation should be recruited purely on the basis of their competence. Merit should be the only consideration for the recruitment of officials so that efficient person will be available to carry out the different functions of the organisation.

Modern organisations employ thousands of employees. The authority to run the organisation is vested in one individual. One individual vested with authority can not control all the thousand persons directly and thereby can carry out the different functions of the organisation. Therefore, every organisation has to be organised on the principle of hierarchy. Hierarchy means graded organisations. There will be different levels in the hierarchical organisations. Each level in the organisation is divided on the principle of span of control. Employees at each level are immediately subordinate to the next higher level. In this type of organisation authority flows from top to bottom and responsibility from bottom to top. Through the proper channel is followed in the process of communication.

Personal and Public Ends

The officials working in the organisation should consider public ends are more important than personal ends.

Written Documents

According to Weber efficiency and productivity of organisation could be brought about by it is Government or private if it is organized on the characteristics of legal rational bureaucracy. Henry Fayol is another important scholar who has contributed to the institutional model to the study of Comparative Public Administration. He says by creating an organization on the basis of certain principles and applying them carefully more efficiency and productivity could be brought about in the organization. They are :

Division of Work

Authority and responsibility

Discipline

Unity of command

Unity of direction

Subordination of individual interest to general interest

Remuneration

Centralisation

Scalar chain (line authority)

Order

Equity

Stability of tenure of personnel

Initiative

Esprit de corps

Division of Work

Every organization big or small should place the employees according to the talents and experience of each of them. Division of work leads to specialization.

Authority and responsibility

Authority means the right to give orders and the power to extract obedience. Responsibility means the task assigned to be carried out with a sense of accountability. Authority should be commensurate with responsibility.

Discipline

Obedience should be observed in accordance with the standing agreements between the firm and employees.

Unity of Command

For any action, an employee should have only one boss. If an employee has more than one boss it leads to lot of confusions. So no employee should have more than one superior.

Unity of Direction

There should be one head and one plan for one activity. This is called as unity of direction.

Subordination of individual Interest to General Interest

The interest of one employee or group should not prevail over that of the total organization.

Remuneration of Personnel

The remuneration paid for services rendered should be fair and afford satisfaction to both personnel and the firm.

Centralization

The degree of initiative left to managers varies depending upon top managers, subordinates and business conditions.

Scalar Chain

The line of authority of superiors should flow ranging from the ultimate authority to the lowest ranks through different levels.

Order

Once the basic job structure has been devised and the personnel to fill the various jobs have been selected, each employee occupying different jobs wherein he or she can render the most effective service.

Equity

For the personnel to be encouraged to fulfill their duties with devotion and loyalty there must be equity based on kindness and justice in employer-employee relations.

Stability of Tenure of Personnel

Suitable conditions should be created to maximize the turnover of employees.

Initiative

The ability to think afresh would act as a powerful motivator of human behaviour.

Espirit De Corps

Harmony or union among the personnel of an organization is a source of great strength in the organisation.

Luther Gulick and Lyndal Unwick opine that organizational efficiency could be brought about by creating the organization on the basis of ten principles. They are :

- Division of work or specialization
- Bases of departmental organizations
- Coordination through committees
- Decentralisation or the holding company idea
- Unity of command
- Staff and line
- Delegation and
- Span of control

Mooney and Reiley have enunciated four principles for the efficient functioning of organization. They are :

- Co-ordination,
- Scaler process,
- Functional differentiation, and
- Line and Staff

Thus, the institutional models to the study of Public Administration are based on the creation of organization on the basis of certain principles to bring about more efficiency and productivity in the organization.

Down's Model

Anthony Down's explains the life cycle of bureaus by first specifying the four ways in which bureaus are created. In his explanation he refers to the routinisation of charisma as one of the type of bureau-genesis. Thus, according to Anthony Downs bureaucracy is the result of the common consequences of routinisation of charisma. Secondly, he mentions about the creation of bureaucracy by social groups is due to splitting of the existing ones and the last kind of bureau as a result of entrepreneurship of a few zealots. His central hypothesis is that bureaucrats are motivated by self-interests.

He goes on to list the various functions performed by non-market oriented organizations, namely, those social functions incurring external most of benefits, the allocation of resources to collective goods which provide indivisible benefits, the implementation of policies dealing with redistribution of incomes, the regulation of monopolies and the maintenance of the framework of law and order in the society.

Downs emphasized the importance of career interest as determinants of administrative process. The application of economic 'market type' analysis to administrative process saw 'bureaucracy' as basically derived from the lack of exposure to an adaptive medium of the market type. In this theory Law of counter the behaviour of subordinate officials, the greater the efforts made by those subordinates to evade or counteract such control. K the central assumption is that rational administrative agencies will tend to be 'imperialistic' competing with one another for 'space'. Downs model is much useful in comparing the origin of civil bureaucracies from the above mentioned perspectives. He differentiate five categories of bureaucrats: climbers, conservers, zealots, advocates and statesmen. Further development of each of these types, he argued, could lead to prediction on the forms of bureaucratic politics that would be practiced. By classifying bureaucrats on these categories, Down's model is helpful in comparison of employee's behaviour which could be predicted form the assumption of each model.

Behavioural Model

A number of scholars have contributed to the behavioural model to the study of Comparative Public Administration. They are : Chester I. Barnard, Herbert A. Simon, Abraham Maslow, Douglas McGregor, Chris Argyris, E.W. Bakke, Herzberg, Rensis Likert, Warrent Bennis, George Homans, Kurt Lewin, Carl Rogers, J.L. Moreno and the champion was Herbert Simon.

Behavioural Model is also known as 'Socio-psychological Model' and 'New Human Relations Model'. It aims at a scientific study of organizational behaviour. Thus, it seeks to develop practical propositions about human behaviour in the organizational setting by

undertaking systematic, objective and empirical studies. Behavioural approach is concerned with the application of techniques and conclusions of sociology, psychology, social psychology and anthropology to understand organizational behaviour in a scientific manner. In brief, behavioural approach is the scientific study of human behaviour in organizations.

It is descriptive and analytical rather than prescriptive. It is concerned with the actual behaviour of people in the organization. In other words, it deals with the facts of organizational behaviour. It believes that the behaviour of people in the organization can be studied and investigated objectively with the intention of developing generalized statements. It emphasizes the informal relations and communications patterns among the people working in an organization. It pays more attention to the dynamics of organizational behaviour, that is motivation, leadership, decision-making, power, authority, and so on.

It is mainly concerned with quantification, mathematisation and formal theory construction. It seeks to promote the scientific content of the study of administration. Thus, unlike the classical thinkers who stressed the provincial approach, the behaviouralists stressed the universal approach, that is, they claim to explain the organisational processes which are common to many kinds of organizations. It is interdisciplinary in nature. Hence, it draws concepts, techniques, data and perspectives from other social sciences like sociology, psychology, anthropology and so on.

The behavioural model to the study of Comparative Public Administration has certain features. They are :

The contribution of Barnard to the growth of behavioural Model can be studied under different heads. They are :

Formal Organisation as a Cooperative System

Informal Organisation as Natural System

Theory of Contribution -Satisfaction Equilibrium

Acceptance Theory of Authority

Principles of Communication

Strategic Factors in Decision-making and

The Executive functions.

The Contribution of Chris Argyris to the growth of behavioural model can be studied mainly under three heads. They are :

Immaturity - Maturity Theory

Fusion Process Theory

Integrating Individual and Organisational Goals

Rensis Likert is mainly concerned with managerial efficiency for achieving organisational goals. He has conceptualized four different types of management systems, which are depicted on a continuum. They are :

System 1 Management

System 2 Management

System 3 Management

System 4 Management

He observed that those manager who applied system 4 Management in their management, were more successful as leaders. This is due to the participation of subordinates in management of affairs.

The behavioural studies are now prominently being used in organizational redesigning and problem solving. The focus of behavioural approach is to explain administrative process that are common to many forms of organization. It has made social science modern because it deals with what is and not with what ought to be.

Systems Model

The Oxford English Dictionary defines the term "system" as "organized whole" "an organized or connected group of object", "a set or assemblage of things connected, associated or inter-dependent, so as to form a complex unity; a whole composed of parts in orderly arrangement according to some scheme or plan". Ludwig Von Bertalanffy, who first used this approach in biology, defines system as a 'set of elements standing in inter-action. A Hall and R. Fagan define system as a 'set of objects together with relationships between their attributes". Colin Cherry defines it as "a whole which is compounded of many parts-an assemble of attributes. Talcott Parsons defined a system as, "the concept that refers both to a complex of interdependencies between parts, components and processes that involves discernible regularities of relationship and to a similar type of interdependency between such a complex and its surrounding environment."

According to Ramesh K. Arora, "the concept of system involves the study of

The parts of a system,

Interactions among such parts, and

Interactions between the system and its environment."

Thus, a system is a complex whole having a number of parts. These parts of the system are called sub-systems. These sub-systems are interrelated and interdependent for their functioning. They, in turn, contribute to the functioning of the system as whole. The system has a defined boundary through which it interacts with its environment. The external environment of a system is called a supra-system.

According to Nigro and Nigro systems Models starts with the proposition that all social organizations share certain characteristics. They are :

Organizations, as open systems, "constantly seek and impart resources in both human and material form and transform these inputs and products and services, using internal social and technological processes. Organizations as open systems, "export their products to the external environment and these outputs usually become the inputs of other organizations. Organization structures develop around patterned activities that form stable and predictable input, throughput and output cycles. Overtime, structural differentiation of resources and adaptiveness, and, as the organization becomes more complex, managerial structures for coordination and control become more elaborate. "Feedback in the form of information about environmental responses to organizational activities is used to keep the system on course with regard to its goals and to evaluate the performance of the organization and its sub-units. Organizations, as systems, seek equilibrium "or a stable state, both internally and in relation to external forces, and they achieve equilibrium through a constant process of adoption to their environment".

The systems Model considers the informal relations and environmental factors in addition to the formal structure of the organization. It views an organization as an open system. Ie, influenced by the changes in the environment in which it is embedded. Thus, it views organization in the adaptive and ecological sense.

It emphasizes on the dynamic process of interaction in the organization.

It assumes people in the positive sense.

It considers all the dimension of the organization.

It favours a flexible-participative structure of the organization.

It explains human motivation in terms of several factors, ie. economic, social psychological etc.

It views organizational order as a situational phenomenon and not so imposed from the top.

It describes only the organizational phenomena and does not suggest anything to improve its functioning. Thus it is descriptive.

It tends to be probabilistic.

It assumes multi-factor causation.

Dorsey's Information - Energy Model

Another prominent source of comprehensive model building was equilibrium theory by Dorsey postulating a system with inputs and outputs as a basis of analysis. He believed that it might be useful in the analysis of social and political system in general as well as for a better understanding of administrative system. It is popularly known as 'Information-Energy model'.

John F. Dorsey's Information-Energy model is based on a synthesis of concepts of general system theory of communications and cybernetics and as energy and energy conversion. Dorsey's model conceptualizes individuals, groups, organizations and societies as complete information-energy converters. Energy is defined as the ability to effect some change of form, time or space in physical relationship that is, to do work. Energy conversion, conversely, is the manifestation of this capacity or the process of effecting such changes. Information can be viewed as energy in certain forms or configurations. A system converts inputs such as demands and intelligence through various conversion processes of screening, selecting and channelising into outputs. Generally high level of information input, storage and processing permit a high energy output. An administrative system produces outputs in various forms, for example, regulation of services for sub-systems and systems forming part of its environment.

Dorsey presented a certain general hypothesis that helps to explain the administrative problems of developing countries in terms of the non-availability of surplus information and energy. His basis hypothesis is that a society's degree of development is a measure of the information of energy surplus. Developing nations administrative systems usually have scarcity of information input, storage results in an ineffective administrative process, ritualistic procedures, conservatism and a lack of rationality.

Dorsey has stressed that research in comparative public administration should focus, if possible, on all of the inputs, conversion and output aspects of the administrative system, though he adds in particular cases of study, much would depend on the needs and orientation of a scholar. His approach views administrative system in the context of their environment, it is essentially ecological. Moreover as noted previously it has certain elements of a developmental perspective. However it is probably because of the model's complex variables and the operational problems associated with it that other scholars have not used this approach in the analysis. Dorsey used his model in his study about Vietnam's political development. The model was later tested by Berenson who used aggregate data from 56 nations to examine the validity of propositions drawn from the information energy model linking three ecological variables such as energy, information and energy conversion in bureaucratic development in the Third World. He concluded that the model was a total failure in explaining the bureaucratic changes in the countries studied.

The systems approach is criticised on various grounds. They are :

It is criticized as too abstract, over-conceptual and vague approach to the study of organization. The critics say that the conceptual framework provided by the systems theory for understanding organization is too abstract. The critics say that the approach lacks the property of direct application to practical situations. The approach is criticized on the ground that it does not offer any technique or tools of analysis and synthesis. It is that the systems approach neither recognizes the differences in systems nor specifies the nature of interactions and inter-dependencies.

In spite of the above limitations, the systems approach has made a valuable contribution to the organizational theory. The following points explain its significance:

It has integrated and synthesised the classical, neo-classical and modern concepts associated with organisational thought.

Its conceptualisation of organisation-environment interactions eventually became the precursor of the ecological approach expounded by F.W. Riggs.

It has facilitated the "contingency management"

Structural Functional Model

Talcott Parsons made use of the structural Functional approach in sociology. According to him the stability of a society depends upon its carryout the four functions more efficiently. They are :

Pattern maintenance,

Pattern adaptation,

Goal attainment and

Integration.

Pattern maintenance refers to the ability of a society to maintain law and order. Pattern adaption refers to the adjustment of society to the various problems. Goal attainment refers to the ability of the society to achieve its goal. Integration refers to the ability of the society to integrate the individuals and groups to achieve the goals of the society.

If the above four functions have to be carried out more efficiently according to Talcott Parsons there should be structural differentiation. To carry out the above four functions of society there are structures and substructures manned by a number of individuals in the society. According to Parsons each individual should be allowed to carry out only one function so that there will be specialization and the work will be carried out more efficiently. If the same individual is asked to carryout a number of functions he will not able to carryout any of the functions very efficiently. Therefore, Parsons says that the stability of a society depends upon its ability to carryout its function through structural differentiation.

G.A. Almond has made use of structural functional model in the study of political science. According to him every political system should carry out four input functions and three output function. The four input functions are :

Interest articulation,

Interest aggregation,

Political socialization and

Political recruitment

The above four input functions are carried out through the internal structures of the political systems namely, political parties and political groups.

The output functions are carried out by the three branches of the government. They are :

The Legislature

The Executive and

The judiciary

The legislature is concerned with the rule making functions. The Executive is concerned with the rule application function. And the judiciary is concerned with rule adjudication function.

In order to carry out the different functions of the political system a number of structures and substructures have been created and they are manned by a number of individuals. According to Almond each structure or sub-structure manned by individuals should be allowed to carry out only one function so that the various functions of a political system could be carried out more efficiently.

Thus Almond says in the structural functional model that the stability of the political system depends upon its ability to carry out different functions structural differentiation.

Fred. W. Riggs has made use of the structural functional model in the study of contemporary public administration. He has classified the political systems under three categories. They are :

Agraria

Transitia and

Industria

According to Riggs political systems fall under Agraria are the most backward political systems. In these political systems each individual working in the governmental machinery carries out a large number of functions. Therefore he is not able to carry out any one of his functions more efficiently. The political systems under Agraria are the most backward political systems because there is no structural differentiation.

Political systems fall under Transitia are developing political systems. These political systems lie between Agraria and Industria. In these political systems polyfunctionalism is present. The different individuals are allowed to carry out the same function. As a result there is overlapping and less structural differentiation. These factors do not enable these political systems to become completely developed.

The political systems under industria are the developed political systems. In these political systems the different functions are carried out through structural differentiation. This factor has enabled these political systems highly developed.

Thus Riggs has made use of the structural functional approach to group the different political systems under three categories and has pointed out the variation of structural differentiation in these categories have enabled them to be highly developed, developing or under developed political systems.

Ecological Model

Ecological model studies the dynamics of interaction between administrative system and its environment consisting of political, social, cultural and economic dimensions. It assumes that administrative system is one of the various sub-systems of society and is influenced by other sub-systems of society and in turn, also influences them.

The ecological model in the study of public administration was initiated by J.M.Gaus (1947), Rober A. Dahl(1947), Roscoe Martin (1952), and F.W. Riggs(1961). But Fred W.Riggs is the foremost exponent of the ecological approach in public administration.

F.W.Riggs in his book entitled *The Ecology of Public administration* (1961) explored the dynamics of interaction between public administration and its external environment.

F.W.Riggs constructed various "ideal models" (theoretical models) to explain the ecology of public administration. In 1956, he developed the "agraria-industria" typology taking the examples of imperial China and contemporary USA. In the following year, he postulated an intermediate model called "transitia" which bears the characters of both agraria and industria and thus represents a transitional society. However, Riggs abandoned this typology of "agraria-transitia-industria" and formulated another new "fused-prismatic-diffracted (refracted)" model which represents the underdeveloped, developing and developed societies. To quote Riggs, "Traditional agricultural and folk societies (agraria) approximate the fused model, and modern industrial societies (industria) approach the refracted model. The former is 'functionally diffuse', the later 'functionally specific'. Intermediate between these polar extremes is the prismatic model-So-called because of the prisms through which fused light passes to become diffracted".

According to Riggs, these three types of societies have the following attributes.

Riggs says, "If a society is highly differentiated and well integrated, then it is diffracted, but if it is differentiated and poorly integrated, mal integrated then I can call it prismatic. If a society is not at all differentiated, if there are no specialists, if everyone can do everything, then I call it a fused system. The definition of a 'prismatic society', then, is one which has achieved a certain level of differentiation of specialisation of roles, that is necessary for dealing with modern technology, but it has failed to integrate these roles".

Riggs was mainly interested in analyzing the interaction between the administrative system and its environment in prismatic societies. For this purpose, he constructed the 'prismatic-sala' model in which 'prismatic' represents the prismatic society (transitional or developing society) and 'sala' represents the administrative sub-system of a prismatic society. He identified the following three features of prismatic sala model.

Heterogeneity

A prismatic society has a high degree of heterogeneity, that is, the simultaneous presence, side by side, of quite different kinds of systems, practices and viewpoints. The sala is also heterogeneous as it combines the elements of 'chamber' of a fused society and 'bureau' of a diffracted society.

Formalism

A prismatic society has a high degree of formalism, that is, a degree of discrepancy or incongruence between the formally prescribed and the effectively practiced, between norms and realities. In short, it refers to the gap between theory and practice.

Overlapping

A prismatic society has a high degree of formalism, that is the extent to which formally differentiated structures of a diffracted society co-exist with undifferentiated structures of a fused society. Overlapping in sala, refers to what is described as administrative behaviour and is actually determined by non-administrative criteria, that is, by political, economic, social, religious or other factors. It has five different aspects.

Nepotism

Riggs says that 'sala' is characterised by nepotism in recruitment.

Polynormativism

This means co-existence of modern traditional 'norms' leading to lack of consensus on norms of behaviour.

Polycommunalism

This means simultaneous existence of various ethnic and religious groups in a hostile interaction with each other. Riggs calls them 'clefts', this is, club plus sect.

Bazaar - canteen model

Riggs calls the economic sub-system of a prismatic society as the 'bazaar-canteen model'. This combines the elements of market economy of diffracted society and traditional economy of fused society. Such a situation produces a kind of 'price indeterminacy'. This implies that the prices of goods and services keep fluctuating.

Authority versus control

The authority structure of a prismatic society is highly centralised and concentrated while the control system is highly localized and dispersed. Hence, a prismatic society has an 'unbalanced polity' in which administrators dominate the politico-administrative system.

The Developmental Model

Closely related to the study of comparative public administration an indispensable tool in the attainment of the goals of the 'good' society has attracted the mainstream of comparative administrators seeking ways and means to improve administrators performance and to strengthen the planning and execution of developmental programmes. The idea has its origins in the desire of wealthier countries to aid poorer countries and more especially in the obvious needs of the newly emerging national-states to transform their colonial bureaucracies into more responsible instruments of social change.

It should be noted, however, that developmental administration is not the same as administrative development. Essentially, it is that aspect of public administration that focuses on government influenced change towards progressive political, economic and social objectives, once confined to recipients of foreign aid but now universally applied.

Developmental administration thus encompasses the organizations and development corporations; the reorientation of established agencies such as departments of agriculture, the delegation of administration powers to development agencies and the creation of a cadre of administrators that can provide leadership in stimulating and supporting programmes of social and economic development. It has the purpose of making change as attractive as possible. Strictly speaking it may not be referred to as the applied side of comparative public administration as there is no sharp distinction in intent, concept and involved personnel between the two. Those interested in developmental administration are interested in and draw on many sources other than comparative public administration and some of them are trained in disciplines other than political science or public administration.

Developmental administration is related to goal and action oriented administrative systems. Since most definitions of the word 'administration' connote the aspect of goal attainment, the inclusion of the word 'developmental' might at first seem to be redundant. Nevertheless, the term refers to a particular focus on certain key aspects of socio-administrative change. Also to Edward Weidner, its foremost proponent, the concept of developmental administration refers to the process of guiding an organization towards the achievements of progressive political, economic and social objectives that are authoritatively determined in one manner or another. Weidner has urged a separate focus on developmental administration whose end objectives are related to different administrative roles, practices, organizational arrangements and procedures to the maximizing of developmental objectives. In research terms the ultimate dependent variables would be the developmental goals themselves. The concept of

developmental administration has two important dimensions. First, it is concerned with the process through which a public administrative system directs socio-economic and political change in the society and secondly, it studies the dynamics of change within the administrative system. The system enhances its capabilities to withstand undesirable change coming from the environment and to direct desired change. In the first phase an image of political scientists interested in variants among legal and party systems who also described and explained cross-national differences among bureaucratic practices emerged.

Developmental administration has come to mean the study and practice of induced socio-economic change in the developing countries. The image is transformational, directive and cross-cultural. In the field of developmental administration two shifts in perspectives have occurred during the last two and a half decades. They are Pragmatic values and goal orientation and;

Weidner used a goal-oriented model to study developmental administration. This model demands great respect in comparative public administration. Cross-cultural studies is possible only by this model. Weidner stressed the goal oriented model because of the problem in applying Weber's model in his study on Third World Countries. He started with Egypt as a case study on Third World countries he contends that it is possible to have variance in pursued by the different countries. Among all other views Weidner much stressed the importance to encourage innovations in non-administrative areas, socio-cultural changes in man's mind and an overall environmental change. These are among the goals of highest priority in the countries most committed to change.

Factor Analysis

The above analysis reflects the inclination of the scholars to the revival of comparative public administration for the study of administrative system from micro level and at macro-level perspective. Such studies can be made by employing factor analysis technique. This technique can reduce the original number of variables to smaller number of independent factors in terms of which the whole set of variables can be understood to provide a simpler and more compact explanation of the regularities apparent in the attitudinal space of interest. Thus the factor analysis is useful on the following grounds:

1. It takes thousands and potentially millions of measurements and qualitative observations;
2. It resolves them into distinct pattern of occurrence;
3. It makes explicit and more precise the building of factors linkages going on continuously in the human mind; and
4. There is a shift from purely descriptive normative explanation to empirical cross-cultural experimentation and interpretation.

Problems in the Applications of Models

The foregoing brief review of some of the models constructed by American public administration for the study of public administration on a comparative basis raises a number of questions about their applications in understanding the administrative problems in developing world.

Which particular model is most appropriate and for what purpose and where should it be applied? The central problem in the study of comparative public administration is that it is large enough to embrace all the phenomena that should be studied. The second problem is of relating the universal model and the unique in one system. The idea of universal model runs through administrative study, for example in the assertions of the founding fathers to the most sophisticated of our contemporaries in the field. But no one makes comparisons implies not only the identification of the universals but also discovering a criterion of differentiation.

The existing models for comparison are of limited use because they fail to explain the causes of bureaucratic change. And even if they do they may be inaccurate. Most of the conclusions of comparative studies are very abstract. However, without, models or framework by which we can accumulate and relate information there is a difficulty of comparison. This proves the importance of familiarizing ourselves with appropriate models to make a reasonable comparison. The choice of models thus is intimately related to the choice of a research strategy and to the most effective employment of limited resources. None of these models listed previously may present a perfect analysis of contemporary administrative scenes in diverse cultural settings. But if carefully used they do serve as a frame work for analyzing different aspects of administrative phenomena in a comparative perspective. These models may be useful in revealing more clearly the social, economic and political basis on which administrative institutions depend. In public administration they are impressionistic and non-quantitative. It is only when we understand their limitations that we can use these models intelligently and safely to help us towards and understanding of administrative behaviour.

Model Question

Examine the different models used in the study of Comparative Public Administration.

COMPARATIVE STUDY OF POLITICAL SYSTEMS

The administrative study of a country depends on its political system. It is the political system which directs and influences the process of administrative actions. It is only through political system the policy is made and policy implementation is left with administrators. Therefore, policy making or policy choice is the major function of political system. But in modern political systems the line of demarcation between policy making and policy implementation is very difficult to make, particularly in the higher echelons of administration. Most of the advice regarding policy choice and decisions are quite often made by the civil servants. However, from the constitutional point of view, it is the political system (more specifically, the legislature) which has been assigned the most difficult task of modern government, viz, articulation of public interest in the form of public policies. The political choice of policies again is not only the function of elected representatives, but also there are other 'actors'. In liberal democratic countries like India, USA, UK and France the other main actors are : competing parties, a free press, pressure groups, the rule of law, free elections and public opinions. These different groups act in a different way on the proposed policy of the legislature. There may be competitive claims and counter-claims from different quarters. The government law making agency has to satisfy these different claims. Thus, the pattern of political system and its nature of making laws is of foremost importance for the study of administration. Because, it is only after the choice of policy, the question of administering comes to the picture. The four countries which we have selected share common features, yet they differ in other ways: The main features are : India - a Parliament - Liberal Democracy, the United Kingdom - a constitutional monarchy, the USA - true constitutional - federal state and France - the mixture of both presidential and parliamentary democracy.

There are also basic differences among these countries with reference to their political system. For example, the USA, as its official reveals, is a federal republic, the United Kingdom is a monarchy. In USA the president is elected almost directly by the people, and is politically powerful, whereas in India, the president is elected by the electoral college. India is a constitutional republic with quasi-federal features.

Such variance in political systems create another problem, the problem of comparison. Besides, it is also difficult to comprehend their political systems with their similarities and differences. Such problems of comparison can be solved by selecting the most appropriate paradigm of comparison political systems.

Among vast areas of comparison of political system the most appropriate framework is the use of David Easton's "Political System Model". We can use the abstract model of Easton to reveal the basic features of political process and the major purpose served by the political systems. There are practical forms of comparison which the academicians can use, in a less scientific mood, and useful ends can be served by such practical activity. The studies of

political system most often presents a more complicated form of comparison and it can be satisfactorily compared in the most unsophisticated way. Here, the purpose of comparison is successful, when it is able to describe two or more political and Policy Making Institutions.

Comparative Political Systems

It is the constitution of a country which lays down the basic structure of the political system. In fact people are governed only through a constitution. It is the constitution which establishes the three organs of the government. Viz, the legislature, the executive and the judiciary. It defines their responsibilities and regulates their relationship with each other and with the people.

India, USA, France and USSR have a written constitution. The Constitution of UK is unwritten and based on convention, traditions and customs. United Kingdom is the only political system having an unwritten constitution. Besides, some authors use to classify a constitution as federal and unitary. The UK and France are unitary constitutions. The classic example of federal constitution is the USA. In a unitary constitution all power are vested in the central government to which the authorities in the units are subordinate. They function as the agents of the government at the centre and exercise authority by delegation from it. In federal polity the constitution has some general features, viz., a rigid written constitution, supremacy of the constitution and a provision to divide the power between the center and the state. The Indian Constitution has been variously described as quasi-federal, federal with a strong unitary or procentre bias. It is federal in structure but unitary in spirit. It cannot be claimed as federal because the residuary powers are vested in the Union.

As mentioned earlier both Britain and France are Unitary Systems, concentrating power in the central government. France is more strongly unitary than Britain, because in Britain local government like cities and countries enjoy a certain autonomy. A comparative political study of Britain and France is more feasible, since both of them are unitary governments. But the basic difference is that the British Constitution grew gradually and peacefully while it is not so with France. The present Constitution of France was Promulgated in 1958 as Fifth Republic Constitution. The Constitution devised, has been called a "Semipresidential" System. It is a combination of both parliamentary and presidential system. But in practice, the Fifth Republic functioned as a presidential or even "super-presidential" system. The Fifth Republic has concentrated on giving the executive every facility to govern. Thus, the Fifth Republic Constitution favoured a centralized system for national and local governance.

To have a complete picture of constitutional characters of these countries we can state as follows:

The American Constitution is written, federal, rigid and there is application of separation of powers between three organs of the government. It is a classic example of presidential system with constitution assuming supremacy.

The British Constitution is unwritten, unitary, and practices conventions, customs and tradition. UK is a typical example of constitutional monarchy.

The French Constitution is written and offers a quasi-presidential regime. There is a highly centralized system envisaged by the Fifth Republic Constitution. The French National Assembly delegated its constitutional power to the executive in 1958, but it do not permit the executive to establish a presidential executive on American lines.

Model Question

Write an essay on the comparative study of Political Systems.

Lesson - 5

BRITISH POLITICAL SYSTEM

The British Constitution is the Constitution of the United Kingdom of Great Britain and Northern Ireland. Great Britain consists of England, Wales and Scotland. England and Wales were united in 1535 and Scotland joined them to form the state of Great Britain in 1707, while the United Kingdom of Great Britain and Northern Ireland was formed in 1921. The British Constitutional system is the oldest in the world and is also the oldest democratic system. In fact, the British Constitution is the 'mother of constitution'. The principles and institutions of representative government were first developed in Britain.

The British Constitution is a blend of monarchy, aristocracy and democracy. The salient features of the British Constitution are explained below.

An Unwritten Constitution

Unlike the American Constitution, the British Constitution is unwritten. In the UK most of the principles governing the distribution and exercise of the governmental powers are not written. Only a small portion of the British Constitution is covered by written documents. The British Constitution is an evolved Constitution, not an enacted one. It is a product of history and a result of evolution. It is a child of chance (accident) as well as wisdom (design). It is not a static constitution but a remarkably dynamic one. Hence, L.S. Amery in his book *Thought on the Constitution* says that the British Constitution is "a blend of formal law, precedent and tradition".

The various elements or sources of the British Constitution are explained below.

Conventions

Conventions constitute a major element of the British Constitution. These are the unwritten principles of political practices and customary principles of constitutional behaviour which have developed in the course of time. J.S. Mill described them as the "Unwritten maxims of the Constitution". However unlike the laws, they are not recognized and enforced by judicial courts. But they play a very significant role in the actual working of the British political institutions. They are generally observed as they are backed by tradition and public opinion. The well-known conventions in Britain are:

- (a) The King or Queen should exercise his/her legal powers on the advise of the Cabinet headed by the Prime Minister.
- (b) The King should appoint the leader of the majority party in the House of Commons as the Prime Minister.

- (c) The King should dissolve the lower House of Parliament on the advise of the Prime Minister.
- (d) The King should give his assent to all the bills passed by the Parliament.
- (e) The Cabinet is collectively and individually responsible to the House of Commons.

Great Charters

These are also called as constitutional charters or constitutional landmarks. They are historical documents which define the powers of the Crown and liberties of the citizens, and so on. They have a significant bearing on some of the basic aspects of the British Constitution. The important amount such charters are the Magna Carta (1215) the Petition of Rights (1628) the Bill of Rights (1689), and others.

Statutes

These are the laws made by the British Parliament from time to time. They define and regulate the principles, structure and functions of many British political institutions. The important statute in Britain are the Habeas Corpus Act (1679), the Statute of Westminster (1931), Ministers of the Crown act (1937), the Peoples Representation Act (1948), and others.

Case Law

It is a judge made law. The judges can proclaim certain decisions while interpreting the statutes and charters. Such judicial decision fix the meaning and scope of the formal laws. Their significance lies in the fact that the judgement of the higher courts are binding on lower courts in similar cases. Some of these case laws have determined the constitutional rights and liberties of the people.

Common Law

It is a body of judge made laws. It has defined some of the significant rules and principles pertaining to the powers of the government and its relationship with the citizens. They are accepted and enforced by judicial courts. Dr. Ogg defines common law as "the vast body of legal precept and usage, which through the centuries has acquired binding and almost immutable character."

Legal Commentaries

These are the commentaries or text books written on the constitutional law of the country by the constitutional experts. They provide insight into the working of the British political institutions. They clarify the meaning and fix the scope of certain constitutional principles. Some of the popular legal commentaries on the British Constitution, are A.A.Dicey's 'Law of the Constitution' Bagehot's 'English Constitution', Blackstone's 'Commentaries on the Laws of England' and others.

A Flexible Constitution

Unlike the American constitution, the British Constitution is flexible in nature. It requires no special procedure for its amendment. It can be amended by the Parliament in the same manner as the ordinary laws are made. Thus, in Great Britain, there exists no distinction between the constitutional law and the ordinary law.

A Unitary Constitution

The British Constitution provides for a unitary state. Hence, all the powers of the government are vested in a single supreme central government. The local governments are created only for administrative convenience and they work under the complete control of the central government located at London. They derive their authority from the central government which can also abolish them altogether at any time.

Parliamentary Government

The British Constitution provides for parliamentary form of government in which the executive hails from the legislature and remains responsible to it. The features of the British parliamentary system of government are as follows:

- (i) The King is the *nominal* executive while the Cabinet is the real executive. The King is the head of the state while the Prime Minister is head of the Government.
- (ii) The party which secures majority seats in the House of Commons, forms the government. The leader of that party is appointed as the Prime Minister by the King/Queen.
- (iii) The ministers are individually as well as collectively responsible to the House of Commons for their acts. They remain in office so long as they enjoy the majority support in the House.
- (iv) The King can dissolve the House of Commons on the advise of the Prime Minister.
- (v) The ministers (*members of the executive*) are also the members of the British Parliament. This avoids conflicts between the executive and the legislature and facilitates better coordination between them.

Sovereignty of Parliament

Sovereignty means the supreme power within the state. That supreme power in Great Britain lies with the Parliament. Hence sovereignty of Parliament (or supremacy of Parliament) is a cardinal principle of the British constitutional law and political system. This principle implies the following things.

- (i) The British Parliament can make, amend, substitute or repeal any law. As we said, "The British Parliament can do everything except make a woman a man and a man a woman."

- (ii) The Parliament can make constitutional laws by the same procedure as ordinary laws. In other words, there is no legal distinction between the constituent authority and the law-making authority of the British Parliament.
- (iii) The Parliamentary laws cannot be declared invalid by the judiciary as being unconstitutional. In other words, there is no system of judicial review in Great Britain.

Rule of Law

The doctrine of rule of law is one of the fundamental characteristics of the British Constitutional System. It lays down that the law is supreme and hence the government must act according to law and within the limits of the law. A.V.Dicey in his book *The Law of the Constitution* (1885), has given the following three implications of the doctrine of rule of law.

- (i) Absence of arbitrary power, that is, no man can be punished except for a breach of law.
- (ii) Equality before the law, that is, equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.
- (iii) The primacy of the rights of the individual, that is, the Constitution is the result of the rights of individual as defined and enforced by the courts of law, rather than the Constitution being the source of the individual rights. The rights of the citizens of Great Britain flow from judicial decision, not from the Constitution.

A Constitutional Monarchy

Great Britain is a monarchical state. It is described as a limited hereditary monarchy. The hereditary monarch (King or Queen) is the head of the state. The Crown is the visible symbol of the supreme executive power. However, the King or Queen only reins, but does not rule. These powers are actually exercised by the Cabinet headed by the Prime Minister. The cabinet is collectively responsible to the Parliament for its actions and ultimately to the electorate. Hence, what Great Britain has is a "constitutional monarchy."

The distinction between the Crown and the King is the distinction between the monarchy as an institution and the monarch as a person., In other words, the King is a person whereas the Crown is an institution (i.e. the institution of kingship). The King is mortal whereas the crown is immortal. This is clearly expressed by the popular statement in Great Britain that "the King is dead; long live the King". It means that the person who occupied the throne is dead but the institution of kingship survives.

Bicameralism

The British Parliament is bicameral, that is, it consists of two Houses namely the House of Lords and the House of Commons.

The House of Lords is the upper house. It is the oldest second chamber in the world. It consists of lords, peers and nobles and hence, represent the aristocratic element of the British Political system. At present it has 1150 appointed members who fall into seven distinct groups. It is mostly a hereditary body.

The House of Commons is the Lower House but more important and powerful than the House of Lords. It is the oldest popular legislative body in the world. It consists of the representatives elected by the people on the basis of universal adult franchise. There are at present 650 seats in the House of Common and these are distributed among England, Wales, Scotland and Northern Ireland.

Model Question

Bringout the salient features of the British Political System.

AMERICAN POLITICAL SYSTEM

American Constitution and Government

The American Constitution is the constitution of the United States of America which was formed in 1787 following the American Revolution (1775-83). The Constitution was adopted in 1787 at the Philadelphia Convention and came into force in 1789. The salient features of the American Constitution are explained below.

A Written Constitution

The American Constitution is usually cited as a classic example of a written constitution. In fact, it is the oldest among the existing written constitutions of the world. It is contained in a document of some pages and consists of 7 articles and amendments. However, the actual working constitutional system includes, apart from the 'Constitutional Document' the following.

- (i) The statutes of the Congress (i.e. the legislature of the USA) which determine the organisation and functions of a number of government agencies.
- (ii) The orders issued by the President on some occasions for giving practical shape to the statutes made by the Congress.
- (iii) The judicial decisions interpreting the Constitution through a system of judicial review. For example, the Supreme Court has increased the scope of federal jurisdiction through the doctrine of 'implied powers'.
- (iv) The political conventions, which have grown gradually around the Constitution. For example, the Cabinet of the President is totally a product of convention.

Thus, the American Constitution or Constitutional system, as it exists today, is a product of the constitutional document and subsequent amendments, the Congressional statutes, executive orders, judicial interpretations and the political conventions.

A Rigid Constitution

Unlike the British Constitution, the American Constitution is a rigid one. It cannot be amended by the Congress in the same manner as the ordinary laws are made. It can be amended by the Congress only by means of a special process provided by the Constitution for the purpose. Therefore, in the USA, there exists a distinction between a constitutional law and an ordinary law.

The American Constitution, the most rigid constitution in the world, lays down the following two methods of its amendment.

- (i) An Amendment can be proposed by two-third votes of both the Houses of the Congress. It should be ratified by the legislatures of three-fourths (38 out of 50) of the states within a seven-year time span.
- (ii) Alternatively, an Amendment can be proposed by a constitution conventional called by the Congress on the petition of two-thirds (34 out of 50) of the state legislatures. It should be ratified by conventions in three-fourths (38 out of 50) of state legislatures.

Hence, the procedure prescribed by the American Constitution for its amendment is very difficult, complicated and slow. Its rigid character is obvious from the fact that it has been amended only 26 times since its promulgation in 1789.

A Federal Constitution

The American Constitution provides for a federal state. In fact, the USA is the first and the oldest federal state in the modern world. It is a federal republic comprising 50 states (originally 13 states) and the District of Columbia. The Constitution provides for division of powers between the federal (central) government and the state governments. It confers limited and specified powers on the Centre and vests the residuary powers (which are not enumerated in the Constitution) in the states. Each state has its own constitution, elected legislature, governor and supreme court.

Presidential Government

Unlike the British Constitution, the American Constitution provides for the presidential form of government. The features of the American presidential system of government are as follows:

- (i) The American President is both, the head of state and the head of government. As the head of state, he occupies a ceremonial position. As the head of government, he leads the executive organ of government. The President of the USA is the chief real executive.
- (ii) The President is elected by an electoral college for a fixed tenure of four years. He cannot be removed by the Congress except by impeachment for a grave unconstitutional act.
- (iii) The President governs with the help of the Cabinet, also called as 'Kitchen' Cabinet. It is only an advisory body and consists of non-elected departmental secretaries. They are selected and appointed by him and are responsible only to him. They can also be removed by him any time.
- (iv) The President and his secretaries are not responsible to the Congress for their acts. They neither possess membership in the Congress nor attend its sessions.
- (v) The President cannot dissolve the House of Representative - The lower House of the Congress.

Separation of Powers

The doctrine of separation of powers is the basis of the American constitutional system. The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government. The first three articles of the Constitution clearly manifest this feature of the Constitution. Article I says that all legislative powers herein granted shall be vested in the Congress. Article II states that the executive powers shall be vested in the President. Article III provides that the judicial powers shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Checks and Balances

The system of checks and balances in the American Constitution is an outcome of the adoption of the principle of separation of powers. The system of checks and balances enables each organ of the government to exercise partial control on others so that no organ becomes autocratic and irresponsible. This means that no organ of government has unrestricted powers even in its own sphere.

Some aspect of the working of the system of checks and balances in the American Constitutional system are :

- (i) The President can veto the bills passed by the Congress. He enjoys two kinds of vetos - Pocket veto and Suspensive Veto.
- (ii) The Senate confirms the higher appointments made and international treaties concluded by the President.
- (iii) The Congress determines the organization and appellate jurisdiction of the judiciary.
- (iv) The President appoints the judges with the consent of the Senate.
- (v) The Supreme Court can declare the congressional laws and Presidential orders as ultra vires.

Supremacy of Constitution and Judicial Review

The American Constitution embodies the principle of 'hierarchy of laws.' The written constitution is regarded as the highest (supreme or fundamental) law of the land. The statutes of the Congress and state legislatures must conform to this supreme law. If these statutes are against the provisions of the Constitutions, they can be declared by the Supreme Court as ultra vires and hence, null and void. The Supreme Court thus acts as the custodian of the Constitution through its power of judicial review.

Bill of Rights

The American Constitution is the first constitution in the world to carry the Bill of Rights. It guarantees a large number of rights to the people. It says that no person is to be deprived of life, liberty and property without due process of law. These rights impose restrictions on the authority of the government. The Supreme Court acts as the protector of these rights through its power of judicial review. This Bill of Rights was added to the original Constitution in 1791 through the first ten amendments.

Bicameralism

The American Federal Legislature called the Congress is bicameral, that is, it consists of two Houses namely the Senate and the House of Representatives. The Senate is the upper House while the House of Representatives is the lower House. The Senate consists of 100 members, two being elected from each state to serve for a fixed six-year term. The House of Representatives consists of 435 members elected from single member constituencies to serve for a fixed two-year term. The Senate is the more powerful chamber of the Congress. In fact, the American Senate is the most powerful second chamber (upper house) in the world.

Model Question

Explain the main features of American Political System.

POLITICAL SYSTEM OF FRANCE

French Constitution and Government

France was formed as a united state first in 741 AD. The French Revolution (1789-1799) had a significant impact on the growth of the French constitutional system. Since the revolution, France has changed its constitution on an average after every 12 years. It adopted three monarchy, two dictatorial, three imperial and four republican constitutions. The present French Constitution, which established the Fifth Republic, came into force in 1958. It was prepared under the instructions of General de Gaulle. It was designed to give France a strong and stable government.

The salient features of the Constitution of the Fifth French Republic are :

A Written Constitution

The 1958 Constitution of France is a written Constitution. It contains a Preamble and 92 Articles divided into 15 chapters. It declares 'Liberty, Equality and Fraternity' as the motto of the Fifth Republic. Article 2 of the Constitution states that "France is a republic, indivisible, secular, democratic and social." The Preamble to the 1958 French Constitution reads as follows:

"The French people hereby solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the declaration of 1789, reaffirmed and completed by the Preamble to the Constitution of 1946."

A rigid Constitution

Unlike the British Constitution, the French Constitution is rigid in nature. It contains a special procedure for amendment. It can be amended by the Parliament by 60 per cent majority vote in both the Houses. Alternatively, the President can call a national referendum on constitutional amendment. However, the republican form of government in France is not subject to amendment. Thus there is no place for monarchy in France.

A Unitary Constitution

The French Constitution of 1958 provides for a unitary state. There is no division of powers between the central and local or provincial government. All powers are vested in the single supreme Central Government located at Paris. The local governments are created and abolished by the Central Government only for administrative convenience. In fact, France is more unitary than Britain.

Quasi-Presidential and Quasi-Parliamentary

The Constitution of the Fifth Republic provides neither presidential nor parliamentary government. Rather, it combines the elements of both. One hand, it provides for a powerful President who is directly elected by the people for a seven-year term, on the other, there is a nominated council of ministers headed by the Prime Minister which is responsible to the Parliament. However, the ministers shall not be the members of the Parliament.

Bicameralism

The French Constitution provides for a bicameral legislature. The Parliament comprise the National Assembly (the lower House) and the Senate (upper House). The National Assembly has 577 members who are directly elected for a five-year term. The Senate has 321 members who are indirectly elected for a nine-year term. The National Assembly is more dominant and powerful than the Senate.

A Rationalised Parliament

The 1958 Constitution of French established a rationalized Parliament, that is a Parliament with restricted and limited powers. The powers of the French Parliament are restricted vis a vis the political executive. It can make laws only on those items which are defined in the Constitution. On all other matters, the government is empowered to legislate by executive decree. The Parliament can also delegate law-making power to the executive branch. These limitations on parliamentary authority were imposed to provide for a strong executive.

The Constitutional Council

The Constitution established a Constitutional Council. It consists of nine members who are appointed for a term of nine years. It functions as a judicial watchdog and ensures that the executive decrees and parliamentary laws conform to the provisions of the Constitutions. However, it is only on advisory body and its opinion is not binding.

Recognition of Political Parties

The New Constitution of France gives constitutional recognition to political parties and their role. It is for the first time in France that a Republican Constitution not only mentions parties but also acknowledges them as a normal part of political life. Article 4 of the constitution states that the “parties must respect the principles of national sovereignty and democracy.”

Model Question

Explain the salient features of the French Political System.

COMPARATIVE STUDY OF ADMINISTRATIVE INSTITUTIONS AND PROCESSES

Among the three organs of the government, executive domination is a common fact of any political system. Executives are the major actors in duly organized political systems. However, there is considerable variation in executive powers of UK, USA, and France. Such variations are related to the extent to which executives manage to make the most of their potentiality with large array of political resources available to them.

Parliamentary Executive

British Parliament is known as 'Mother of Parliament'. The basic features of Parliamentary form of governments is that the executive is responsible to the legislature and the decisions of the government are taken collectively by the members of the cabinet. In parliamentary system two kinds of executives are to be noted down. They are the nominal and real executives. Thus in UK and in India there are the nominal and real executives. Thus, in UK and in India there is a clear distinction between "head of state" and "head of government". In USA such distinction is ignored because the two are merged into one i.e., President of USA. He is elected by an electoral college consisting of members of the parliament and the state assemblies. In Britain the nominal or ceremonial head of the state is the Monarch., The constitutional monarchy in UK is hereditary. Sir Walter Bagehot mentioned that British monarch, as head of state, holds lot of symbolic but not real, political power. He or she 'reigns' but does not rule". The British government is headed by the Prime Minister and the Council of Ministers. The Prime Minister of UK is the real executive, a politician and periodically has to fight an electoral battle. The Prime Minister is the lynch pin of the British political system. He is appointed by the Monarch from the single largest party after the general elections. Later, the Prime Minister selects his Cabinet Colleagues and this controls the Cabinet which is the supreme policy making body. Both in UK and in India the head of the state is only a nominal or constitutional head of the executive branch. They act only with the aid and advice of the real political executive which is the Council of Ministers. While the British nominal executive is hereditary, the Indian nominal executive is republic with an elected president. The concept of "republic" is unique to India. It refers to that of state in which people are supreme. There is no privileged class and the public offices are open to every citizen without any discrimination.

The American President is the real and the only political executive. He is both the chief of state and chief of government combining the status and influence of offices which are separated in the British, India and French political systems. The USA president has guaranteed tenure for at least four years while India, British and French executives may be overthrown by parliamentary votes of no confidence. He is the chief of the executive branch, while the Indian, British and French Prime Ministers are not clearly the hierarchical superiors of the

other members of their cabinet. American and French Presidents are directly elected by the people. Comparatively the American President is relatively stronger than his French counterpart. Yet the stronger position of the USA President is somewhat neutralized by his lack of control over the legislature. The Congress (legislative branch of USA) is a powerful participant in the contest to control the executive branch. In fact, the conflict between executive and legislature is deliberately built into the constitutional system, making presidential control of the legislature difficult, if not impossible. There is a cabinet to assist the American President who appoints them. But they are not responsible to the legislature as in India, UK and France. There is also no collective responsibility among the member of the American Cabinet. While in others, parliamentary cabinet members are politicians who are elected directly by the people. The American Cabinet consists of experts from universities, law officers and politically unknown personalities.

The French executive is possibly the strongest executive. The French President makes all major policy decisions. He is subject to weak external control of the electorate, and he controls a government with extensive, though far from total, control of French society. The rules of the Constitution of the Fifth Republic provide executive powers in many ways. Since 1962, they have provided for the direct election of the president of the republic. He is the effective head of both the government and the state like that of the American President. The French executive since 1958 exercised considerable powers and it is regarded that the executive is independent of the government. Thus, in some respects the French executive resembles the American executive and in some other respect it follows the practices of parliamentary system like the appointment of Prime Minister to run the government, cabinet with collective responsibility, etc. the French system has been rightly called "Semi-presidential".

The comparative study of executives in these five countries clearly demonstrates that each of these countries developed varied types of executives according to their political needs and from their own historical experiences. Further, the power of executive never remained static and they are constantly changing to the changing needs of politics. As we mentioned in the beginning whenever there is a slight change in the executive branch, it is immediately felt in the following core characteristic features; they are as follows:

a) United Kingdom

- 1) Parliamentary System
- 2) Nominal Executive (Constitutional Monarch)
- 3) Real Executive (Prime Minister and the Council of Ministers)

b) India

- 1) Parliamentary System
- 2) Nominal Executive (Republic President)
- 3) Real Executive (Prime Minister and the Council of Ministers)

c) USA (President Type)

- 1) Real Executive: The President who is both the Head of the State and the Government

d) France (Quasi-Presidential Type)

- 1) Real Executive : President
- 2) Prime Minister and the Council of Ministers

Model Question

Compare the administrative institutions and processes in U.K., U.S.A., and France.

ADMINISTRATIVE INSTITUTIONS AND PROCESSES IN UK

One of the salient feature of the British Constitution is the great divergence between Constitutions forms and the actualities of Government. The position of the king is the most striking example of this divergence. In theory the king is an absolute monarch. All the Governmental powers vest with him but in reality they are exercised by the Crown which is an Institution. However, the nominal powers of the king are extensive and embrace all fields and functions of the Government.

Following are the powers and position of the king :

- 1. Executive Powers:** The king is the head of the state. All administrative powers are vested in him. He appoints the Prime Minister, ministers and all the civil and military officers and they remain in office so long as it pleases His Majesty. He is the Supreme Commander of the armed forces. He declares war, makes peace, concludes treaties with foreign powers, sends and receives ambassadors and other diplomatic agents.
- 2. Legislative Powers :** The Legislative powers of the king are extensive. He summons, prorogues and dissolves parliament. When a new session of parliament commences, he reads to the members of both the chambers the Speech from the Throne. He assents to bills passed by Parliament. He can refuse to assent any bill. The king creates the peers.
- 3. Judicial Powers :** The king is the fountainhead of justice. He has the prerogative of granting pardon to criminals or reducing or postponing their sentence. Judges are appointed by the king and all criminal proceedings are started in the name of the king.
- 4. Fountainhead of Honour :** The king is the foundainhead of honour. It means that all honours, titles etc. flow from the king. He bestows decorations and titles such as peerage and knighthood upon those who have done meritorious service to the nation.
- 5. Head of the Church :** The king is called 'definer of the faith'. He is head of the Established Churches of England and Scotland. In that capacity he appoints archbishops and bishops.

Actual Position of the King

In theory all the above powers are exercised by the king, but in reality they are exercised by various other agencies. The king must cut on the advice of his ministers. All his acts are countersigned by a minister who is responsible to the House of commons. The king thus has no power. He reigns but does not govern. When he has no power, he cannot be held responsible for the acts that are performed in his name. Therefore he can do no wrong. If any act done in his name be wrong, the minister concerned would be held responsible.

6. Personal Powers

But the above description does not mean that the king is nonentity. There are certain functions which the king actually performs. He has a right to advise his Cabinet and this right he does exercise. Winston Churchill once said about the position of the monarch, "Under the British Constitutional system the sovereign has a right to be made acquainted with everything for which his ministers are responsible, and has an unlimited right of giving counsel to his Government." Because the king has more experience of Government and politics and is supposed to be above party politics his counsel commands respect and cannot be easily dismissed by his ministers. Moreover there are certain functions which the king personally performs. He personally receives ambassadors, reads the speech from the Throne, and approves the election of the Speaker of the House of Commons. However, these functions are also performed by him on the advice of his ministers. The Speech from the Throne is prepared by the Prime Minister and approved by the Cabinet. The king simply reads it: he cannot make any alterations in it. Similarly he accords formal approval to the election of the Speaker. But there are two things which the king alone may do. One is designating a political leader to form a new ministry, the other is authorizing a dissolution of Parliament entailing a general election. Ordinarily, the sovereign enjoys no discretion in naming a Prime Minister. He has to summon the leader of the majority party in the House of Commons and appoint him the Prime Minister. But in case when no party has a clear majority or when a Prime Minister has resigned or died without indicating a successor, the sovereign has to exercise his prerogative and designate a Prime Minister. The situation with regard to dissolution is the same. The decision to the King's consent before proceeding with the plan. Though consent is never withheld, some constitutional pundits are the view that in very unusual situation it may be denied.

Position of the King

There is a great divergence between the theory and practice of the British Constitution. The position of the king is the best illustration of this divergence. In theory the British king is an absolute monarch. He is above law and can do no wrong. He is head of the state, all the executive functions of the state are performed in his name. He appoints the Prime Minister, ministers and all civil and military officers and all of them hold office during his pleasure. He receives and sends ambassadors, declares war, makes peace and concludes treaties with foreign powers. He is the supreme commander of the armed forces. He summons, prorogues and dissolves Parliament. No bill passed by Parliament can become law without his assent which he can deny. He is the fountainhead of justice, appoints judges, can pardon criminals or reduce or postpone their sentence. He is also the fountainhead of honour. He bestows honours and titles such as peerage and knighthood in those who have rendered meritorious service to the nation.

But all this is in theory. In reality the king has no powers. All his powers have been transferred to the Institution known as the Crown. He must, and always does, act on the

advice of his ministers. All his acts are countersigned by a minister who is responsible to the House of Commons. He only reigns, but does not rule. He can do no wrong, because he does nothing.

Why does Kingship Survive?

A question is often asked: Why does kingship survive in England? England is a democracy. Sovereignty resides in the people who exercise it through Parliament. The king is a mere figurehead. In a democratic political setup a hereditary monarchy is an anachronism.

Some of the reasons given for the survival of monarchy are as follows:

- 1. Conservative Temperament:** The British are essentially conservative by temperament. They hardly like to give up an Institution which has been with them for ages. Monarchy is the oldest political Institution in England. The British people have developed a sentimental attachment to the Institution. The idea of the removal of monarchy has never been popular with them. Jennings rightly remarks, "We can damn the Government but we always cheer the king".
- 2. Services of the Monarchy :** Monarchy has performed some distinct services to the nation. An able monarch is not by any means a figurehead. He or she must be consulted and kept informed by Government ministers. In the words of Bagehot the sovereign has the rights-the right to be consulted, the right to encourage, and the right to warn. The monarch receives the minutes of Cabinet meetings. A monarch of any considerable ability who has genuine interest in public affairs can easily exercise much influence with the Cabinet. His exalted station alone gives weight to his advice. Besides, a sovereign who has been on the throne for a period of time is likely to have wider knowledge of public affairs than that possessed by almost any of the ministers. Even more important is the fact that the sovereign's personal fortunes are not affected by party politics as those of other people are, and, therefore, he can usually be depended upon.
- 3. Leadership by Monarchy :** The monarchy furnishes leadership for British society. It presents social and cultural ideals before the people of England. During the past century it has had generally good effect in matters of taste, manners and morals. It personifies the nation, as distinct from any party or class and provides a useful focus of patriotism. In an age of lightning change, it lends a comfortable, even if merely psychological sense of anchorage and stability; 'with the king in Buckingham Palace, people sleep more quietly in their beds.' Dr. Earnest Jones says, "The relationship between the king and subject is like that between father and son."
- 4. No Bar to Democracy :** The existence of monarchy does not act as a brake on the popular will; it has not proved a bar to the development of democratic Institution in the country. The tradition is now firmly established that the king only reigns, but does not govern;

monarchy has now definitely become constitutional. It is not incompatible with the theory and practice of popular sovereignty. If monarchy had been found to be an obstacle in the way of fuller realization of the democratic principle and ideals no force of tradition could have kept it alive for such a long period of time.

5. Does not Cost Much : The institution of monarchy does not cost much to the nation. The expenditure on the royal establishment is only a fraction of one percent of the annual budget.

6. Limitation of Titular Head : If kingship were abolished, some titular head, independent of electoral influences, would seem to be necessary in the place of the king. A parliamentary system of Government cannot function without a titular head. In the republican states where parliamentary system of Government prevails there is always a provision for a president with some of the attributes of kingship. But an elective titular head does not command the dignity and respect that the king of England does. If the king in England is replaced by a weak head like the Indian President, the change will be no good. Ian Gilmour is of the opinion "Free Government lasts much better with a king than a President.

7. Symbol of Commonwealth : The British king is not only the symbol of national unity but also the symbol of the free association of the members of the Commonwealth including the Republic of India. The king provides the link, which brings about the free association of sovereign nations. It can be thus safely concluded in the words of Herbert Morrison : "No monarchy in the world is more secure or more respected by the people than ours".

The Powers and Functions of the Crown

The powers of the Crown are derived from two sources :

1. Statutory Powers : These are those duties of the Crown, which have been assigned to it by Acts of Parliament. Any Act of Parliament that assigns new duties to the executive authorities or in other way extended the functions of the national government, adds to the powers of the Crown. The powers of the Crown under this head are various, wide and are growing.

2. Prerogative : Prerogative has been defined by Dicey as "the residue of discretionary or arbitrary authority which at any time is left in the hands of the Crown". Originally, all the powers of the king rested on this basis; all were conceived of as prerogatives inhering in the person of the king. Later, the Parliament deprived the king of some of the prerogatives; some fell into disuse and became obsolete. Such powers "as survived on the old basis, together with the new ones as were picked up by usage as distinguished from statute, continue to

form the prerogative." "Prerogative, therefore" say Ogg and Zink, "denotes powers possessed without having been granted or conferred -powers acquired by prescription, confirmed by usage - and accepted or tolerated even after Parliament gained authority to abolish or alter them at pleasure.

Important Powers of the Crown

1. The Crown is the Supreme Executive Head : All executive authority is exercised in its name. It enforces national law. The Crown appoints the Prime Minister, other ministers and all the higher executive and administrative officers, judges, bishops and officers of the army, navy and air force, regulates the conditions of services, and suspends and removes these officers except judges, from service. The crown directs the work of the administrative branches and national services. It collects and spends, according to law, national revenues. It holds supreme command over the armed forces of the country.

2. The Crown conducts the Foreign Relations : It appoints ambassadors, ministers and consuls accredited to foreign states. It receives ambassadors and consular representatives of the states. All foreign negotiations are carried on in the name of the Crown. The crown can declare war, make peace and conclude treaties with foreign powers. Treaties concluded by the Crown are not subject to ratification by Parliament.

3. The Crown is an Integral Part of the National Legislature : The Crown alone can summon Parliament, prorogue it and dissolve it. It alone can set in motion the processes by which a new House of Commons is elected. Ministers of the Crown guide and control all that Parliament does. They prepare the King's speech, they decide what bills shall be introduced and they pilot them and try to get them enacted. No bill passed by Parliament becomes law unless it has received royal assent.

4. The Orders-in-Council are issued by the King and Privy Council, which in Effect Means the Cabinet : These are of two kinds. First, those which are merely administrative rules and govern the various branches of government in their routine business. Others are issued in pursuance of authority conferred by Parliament. Such orders have the force of law because they are based upon the authority of parliament. This power is subordinate legislation is steadily growing.

5. The Crown is the Foundation of Justice : In that capacity the Crown appoints judges and wields the power of pardon and reprieve, subject only to the restriction that no pardon may be granted in cases in which a penalty has been imposed for a civil wrong or by impeachment.

6. The Crown is the Head of the Establishment Churches : As the head of the Anglican Church in England, it appoints the bishops and the archbishops. The 'convocations' of Canterbury and York meet only by licence of the Crown and their acts require assent of the Crown. As the head of the Church of Scotland its functions are insignificant.

Salient Features of the Cabinet

The Cabinet is the most powerful institution in the political system of England. The fact that the British system of government is known as Cabinet system indicates the key position the cabinet occupies in the governmental machinery of the country. It is in Bagehot's phrase, a hyphen which joins, a buckle, which fastens, the legislative part of government. Lowell calls it 'the keystone of the political arch'. Ramsay Muir describes it as 'the steering wheel the ship of state'. The Cabinet system of Britain functions on the basis of certain principles, which may be termed its salient features. They are given ahead :

- 1. Monarch as Titular Head of Government :** In the British Cabinet system there are two heads of the government, one titular and the other real. The king is the titular or nominal head of the government. Legally, all executive powers are vested in him and all the functions of the government are conducted in his name. He appoints the ministers and can dismiss them. But he is the head only in name. He does not wield real power. He reigns, but does not govern. In reality the powers of the government rest with the Cabinet headed by the Prime Minister. The Prime Minister is the real head of the government. The king does not attend the meetings of the Cabinet. But he has a right to be consulted and the right to advise.
- 2. Close Relation Between the Executive and the Legislature :** In the British system there is no separation of powers. The executive and the legislature are not independent of each other as they are in the USA. The two are closely connected. The members of the executives, i.e., the ministers are members of parliament with a right to vote. They prepare the kings' speech, they decide what bills shall be introduced and when they defend these bills and try to get them enacted. They guide and control practically all that parliament does.
- 3. Political Homogeneity :** It is a very important feature of the British system. It means that all the members of the executive, i.e., ministers are of the same party. England has developed a party system in which one of the two parties is always in clear majority in the House of Commons. All ministers are, therefore, drawn from the same party. In times of grave crisis or national emergency ministers may be drawn from the different political parties and a coalition or a national government may be formed. During World War I, and afterwards until 1992, England experimented with coalition government. In World War II also the Churchill ministry was a coalition one. But generally speaking, the British people do not like a coalition government. The Cabinet system in England is successfully working because of its party character. Its party complexion gives it unity of purpose and provides the sanction with which that unity of purpose is maintained.
- 4. Leadership of the Prime Minister :** The Prime Minister is real head of the executive. The government is known as his government. When a new government is formed, he is the first to be appointed. It is he who selects other ministers and distributes portfolios among

them. A minister who does not agree with the prime minister cannot stay in office. He must resign. The prime Minister himself can ask a minister to resign. He can request the Queen to dismiss a minister. The prime minister presides over the meetings of the Cabinet. It is he who guides the work of the ministers individually and collectively. His resignation means the resignation of the entire ministry.

5. Responsibility to Parliament : The members of the executive, i.e., the ministers are answerable to the House of Commons for every policy they embark upon and for every action that they take. They hold their office only so long as they command the confidence of the House of Commons: When they cease to do so, they resign. It follows that the policy, which they adopt, must be acceptable to the House. The House can indicate its want to confidence in the ministry by rejecting a bill introduced by a minister, passing a non-official bill opposed by the ministry refusing supply, reducing the salaries of ministers and finally by a vote of confidence.

6. Collective Responsibility : The responsibility of the ministers to the House of Commons is collective. Quinton Hogg says, "Collective responsibility is the cornerstone of the British Cabinet system". As a general rule every important piece of departmental policy is taken to commit the entire Cabinet, and its members stand or fall together. The Chancellor of the Exchequer may be driven from office by a bad dispatch from the foreign office, and an excellent Home Secretary may suffer from the blunders of a stupid Minister of war. Lord Morley says: "The swim and sink together." The cabinet is a unit as regards the sovereign, and a unit as regards the Legislature. Its views are laid before the sovereign and before Parliament, as if they were the views of one man. It gives its advice as a single whole, both in the royal closet, and in the House of Lords or the House of Commons. The first mark of the Cabinet is united and undivided responsibility. When a decision has been taken by the whole Cabinet, every member is fully responsible for that decision. No minister has a right to say that "he agreed in one case to a compromise, while in another he was prevailed upon by his colleagues." If he is actually did not agree with the decision he must immediately quit the government.

7. House of Commons can be Dissolved Earlier : The House of Commons is elected for a period of five years. But it may be dissolved by the Crown on the advice of the prime minister before the expiry of its term. Generally the House is dissolved earlier than its legal term and general election is held. It all depends on the prime Minister's perception of the political situation in the country. If he feels that the political climate is in favour of his party and its chance of winning is brighter he may advise the king to dissolve the House and order a fresh election. Besides, if the Cabinet is defeated in the Commons on any issue, it can, instead of resigning, advise the Queen to dissolve the House, and a general election may be held. Thus, the Cabinet, which is creature of the House, has the power of destroying its creator. This power of the Cabinet is very significant. As every member likes to retain his seat, a government supporter rarely votes against the government.

8. Secrecy : The secrecy of the proceedings of the Cabinet is also a very significant feature of the system. In the Cabinet meetings ministers discuss the issues before them frankly and even contradictory views are expressed. Ultimately decisions are taken unanimously. But whatever is said by a minister in the Cabinet meetings or in official discussions among ministers or with the prime minister is confidential, it cannot be made public. The Cabinet always presents before Parliament and the public, a united outlook. If the discussions in the Cabinet were made public that would destroy the team spirit of that body. The ministers are oath-bound to maintain secrecy. If they do not adhere to this norm this consults them their ministership. Dalton and John Profume had to quit their office because they leaked the secrets of their department much before they were made public.

Distinction between Ministry and Cabinet

The two terms, the ministry and the Cabinet are sometimes used closely as if synonymous, but in reality they denote two different groups of officials, which need to be carefully distinguished as follows :

1. Difference in Composition : The term ministry is the collective designation for all the Crown officials, who have seats in Parliament, are responsible to the House of Commons and hold office so long as they enjoy the confidence of the working majority in the chamber. In the words of Munro all members of Parliament who hold important administrative posts of a political character and who give us such positions when a Cabinet reigns, are known as ministers. Unlike the permanent officials of the Crown known as civil servants who hold office during good behaviour and up to a certain age, the ministers are political officials whose tenure depends upon the wishes of the prime minister. There are four categories of ministers. The first is the heads of the executive departments, e.g., the Secretary of State for Foreign Affairs, the Minister of Defence, the Chancellor of Exchequer, and the Minister of Health etc. Second, there are other high officials of state not in charge of departments, e.g., Lord Chancellor, Lord Privy Seal, and the Lord President of the Council. Third, there are parliamentary under secretaries and other junior ministers. Finally there are five officials of the royal household, including the Treasurer, the Controller and the Vice-Chamberlain. Today the number of ministers is between seventy and ninety.

There is an inner group within the ministry consisting of important ministers who are collectively referred to as the Cabinet. This group today numbers about twenty, exact six depending upon the prime minister in office. In the words of Ogg and Zink the Cabinet consists of such members of the ministry as prime minister invites to join him in tendering advice to the king on the government of the country. All Cabinet members are ministers, but all ministers are not Cabinet members.

2. Difference in Functions : The two groups, the ministry and the Cabinet, differ in their functions also. The ministry unlike the Cabinet does not meet as a body for the transaction of business, because it has no collective function in respect of the determination of policy or

administration. The function of non-Cabinet Minister is to be in charge of a particular portfolio of government. Cabinet members have collective responsibilities. They hold meetings, deliberate, decide upon policy, coordinate and in general “head up” the government. They play the most important role in the leadership of the party. All ministers, whether or not of Cabinet rank, are collectively responsible to the House of Commons, which can vote them out of office. Thus, the ministers not of Cabinet rank are bound by Cabinet decisions in the making of which they do not participate, and they must stand and fall with their Cabinet colleagues.

Composition of the Cabinet

When a new government is to be formed, the first step is the appointment of a prime minister by the monarch. Now it is a well-established convention that the prime minister must be a member of the House of Commons. The monarch has to summon the leader of the majority party in the House of Commons to form government. It is possible that on some occasion the monarch may have to accept as prime minister a leader whom personally he does not like. As soon as the prime minister has been designated, he proceeds to draw up a list of other ministers. All ministers must have seated in one or the other of the two chambers of Parliament. But it is not essential that a minister should be Member of Parliament at the time of appointment. He may be first appointed, then he may qualify himself with a seat either by election to the House of Commons or by being created a peer. The prime minister also assigns to each minister his individual portfolio in consultation with him and with others. When the list is finally completed, the prime minister submits it to the king by whom the formal appointments are made. Formerly, there was no mention of the Cabinet: for the Cabinet was unknown to law. Nowadays the ministers who are to sit in the Cabinet are also separately announced.

Functions of the Cabinet

1. Executive Functions : The Cabinet is “the principal custodian of executive power and coordinator of administrative action.” But legally, the Cabinet is not the executive. In legal form the executive is the king. In reality the personal king has given way to the Crown. But the Crown is a mere concept; it is not a tangible authority that may execute. It is the ministers who carry out the day - to - day business of government. But the ministers do nothing collectively; they even do not hold meetings. So in the ultimate analysis the exercise of executive power is directed and controlled by the Cabinet.

2. To Formulate Policy : As the ultimate custodian of executive powers the most important function of the Cabinet is to formulate a clear policy. It is a deliberative and policy-formulating body. It discusses and decides upon all sorts of problems, national and international. In the Cabinet meetings attempts are made to reach unanimous decisions. Inside the cabinet ministers can express their opinions freely and frankly, but when decisions have been taken, all of them, whether or not they are members of the Cabinet, have to implement the policy laid down by the Cabinet : failure to do so would have disciplinary consequences, perhaps, not stopping short of removal.

3. Coordination : The day-to-day business of government is carried out by ministers in charge of various departments, but administrative functions cannot be rigidly divided between them and the activities of one department may affect other departments. It is, therefore, the essential function of the Cabinet to coordinate the activities of various departments, iron out their differences and impart coherence and unity to the administration as a whole.

4. Orders in Council : It may be remembered that legally speaking, the Cabinet has no authority "to direct anybody or order anything." This difficulty is surmounted by the Cabinet by resorting to the device of Orders in Council.

5. Legislation : In England there is no separation of powers; the executive and the legislature are not independent of each other. All ministers are members of Parliament and responsible to the House of Commons. The Cabinet, therefore, has very important role to play in legislation. Though legally all legislative power is vested in Parliament, "nowadays it is the Cabinet that legislates, with the advice and consent of Parliament." The Speech from the Throne in which a programme of legislation is set forth at the opening of every session, is prepared by Cabinet ministers. They introduce legislative measures for adoption upon all matters of subjects. All bills introduced by the Cabinet are invariably passed due to the assured support of the majority party. Measures moved by private members have no chance of being adopted unless supported by the Cabinet.

6. Controlling the Budget : Finally the Cabinet controls the national finance. It is responsible for the whole expenditure of the state and for necessary revenue to meet it. The estimates for expenditure are prepared by the government and proposals for taxation are decided upon by the Treasury. The Cabinet places the budget containing proposals of expenditure and revenue before the House of Commons. Like other legislative measures all financial proposals of expenditure and revenue is placed before the House of Commons by the Cabinet. Like other legislative measures all financial proposals made by the Cabinet are always approved by Parliament. It must be remembered that the general layout of financial policy emanates from the Chancellor of the Exchequer personally and is submitted to the Cabinet only in its final form only a few days before the opening of the budget. But if there are some great schemes of new taxation, the Cabinet can ask for a longer notice and more effective discussion.

Dictatorship of the Cabinet

Some constitutional pundits have observed that in England all governmental power has passed into the hands of the Cabinet, so much so that there is now a virtual dictatorship of the Cabinet. "A body which wields such powers" observes Ramsay Muir, "As these may fairly be described as omnipotent in theory, however, incapable it may be of using its omnipotence. Its position, whenever it commands a majority, is a dictatorship only qualified by publicity. This dictatorship is far more absolute than it was two generations ago." Similarly Brogan and Verney observe, "The struggle of the seventeenth century have fought the Lords,

and in the both battles the Commons was triumphant. Or at least it appeared to be. It is apparent today... that much of power has in fact been transferred not to the Commons but to the Cabinet."

Causes of Dictatorship of Cabinet

1. Historical Causes : In the seventeenth century there was a prolonged struggle between the king and parliament in which the latter was ultimately triumphant. Powers of the king were transferred to Parliament. Monarchical absolutism gave way to parliamentary supremacy. In Britain there is no such thing as supremacy of the constitution. There is no difference between constituent authority and lawmaking authority. Parliament can enact any legislation, ordinary or fundamental. There is no authority above Parliament.

Later, with the development of the party system in the twentieth century the powers of Parliament passed into the hands of the Cabinet. As Parliament was supreme, so the Cabinet to which its powers were transferred became supreme. In other words Parliamentary supremacy was replaced by Cabinet supremacy. If there had been a constitutional check on the authority of Parliament, the Cabinet would not have become so powerful as it is today. So, if there is a dictatorship of the Cabinet today, it is because Parliament is sovereign.

3. Nature of British Party System : As said above, it is the peculiar nature of the British party system that has made the Cabinet so powerful. England has developed a bi-party system in which one of the parties is always in a clear majority in the House of Commons. Party discipline is very rigid. All members of the party are enjoined upon to attend Parliament at the critical moment of voting and the party Whip sees to it that every member gives blind support to the party. If a member disobeys the party Whip he may have to face disciplinary consequences not stopping short of expulsion from the party. But the most effective weapon to enforce party discipline in Parliament and to keep the House of Commons under control is the Prime Minister's power of dissolution. No individual member likes to take the risk of election contest. It demands a lot of time and involves huge expenditure of money, and at the end he may be defeated at the hustings. It is, therefore, rarely that a government supporter votes against the government. It is this assured and blind support of the majority of the House of Commons that has made the Cabinet so powerful. It can formulate any policy, initiate any legislation and embark upon any course of action with full confidence that ultimately it would succeed in carrying it through: the opposition would not be able to thwart its will. The Cabinet is supreme not only in the executive field; it enjoys supreme authority in legislative affairs also. With a solid majority behind it, it can even violate the solemn pledges it made at the general election. In Parliament it can choke the normal channels of discussion by applying the guillotine to its proceedings. Thus the Cabinet, in reality, has become supreme by assuming the power of Parliament, which is sovereign in theory.

4. Delegated Legislation : Another factor that has enabled the Cabinet to assume dictatorial powers is the device of delegated legislation. Nowadays due to a number of factors

which need to be enumerated here, governmental functions have grown more numerous and taken on ever-increasing complexities. Parliament has no time to consider in detail all of the multifarious questions that have to be settled as the day-to-day business of administration proceeds. Often Parliament is not in session when decisions have to be reached. Most important of all, the matters to be regulated are often extremely complicated and highly technical, quite beyond the knowledge and competence of the average run of legislators. It is only experienced administrators and technicians who can deal with them successfully. Under these conditions, Parliament lays down only broad principles, policies and objectives, leaving it to the king-in-Council or to an appropriate department of other agency to supplement them with orders and regulations. This development has, in reality, stripped parliament of its authority and considerably enhanced the power of the Cabinet. parliament has actually abdicated its powers and functions.

5. Growth of administrative Law : The growth of delegated legislations has led to the growth of administrative Law, which has gravely menaced the Rule of Law, and freedom of the citizen. "When the legislation confers," says Barker, "a measure of legislative powers on the executive it takes something away from itself; but when it confers upon the executive a measure of judicial power, it is diminishing not itself but an organ other than itself."

Thus, Parliament supremacy, the rigidity of party discipline, the power of the prime minister to dissolve Parliament, delegated legislation and administrative law has immensely enhanced the power of the Cabinet.

Limitations of Dictatorship

But this is only one side of the picture. As Jennings says, it is not true that a government in possession of a majority forms a temporary dictatorship. In England, as in other democracies, ultimate authority rests with the electorate. The Cabinet is always conscious that it will have to face the people in the next general election. It therefore, cannot ignore public opinion. Every action of the government is dragged into the glare of publicity by the press, radio and televisions. Besides, His Majesty's opposition also exercises a check on the Cabinet. Its duty is to expose and criticize the lapses of the Government. It performs that duty efficiently and diligently. The government cannot ride roughshod over the Opposition. The customs and conventions of Parliament are another check on the supremacy of the government. These demand a scrupulous observance and respect by the majority for those rules of debate and discussion, which generations of men in all parties have agreed upon. The average Englishman has great respect for Parliamentary conventions and democratic norms. He cannot tolerate their violation. It is, therefore, only partially true that there is a dictatorship of the Cabinet in England. Theoretically, the Cabinet may be wielding dictatorial power, but in practice it has to function within the confines of well-established norms of political conduct.

Position of the Prime Minister

No Formal Basis

The British prime Minister stands out head and shoulders above his cabinet colleagues. But his office is not legally established. His powers and functions are not formally defined. For the last two hundred years he has been receiving his salary as the first Lord of treasury. However, his position was legally recognized by the Ministers of the Crown Act of 1937.

Selection of the Prime Minister

In theory it is the sovereign who chooses the prime minister. But in practice his choice is determined by the electorate. When a general election is held, the chosen leaders of the two parties are known to the people. When they go to cast their vote they in fact vote for the future prime minister of the country. After the election the sovereign summons the leader of the majority party in the commons to form Government. Thus, though the prime minister reaches his post by a roundabout route, in reality he is directly elected by the people. However, there may be exceptional situations when the sovereign may have a certain element of personal discretion in the selection of the prime minister, especially if the office falls vacant due to the death of the incumbent or his resignation on grounds other than a defeat in the House of Commons. In such situations if the majority party has not elected a leader and the outgoing prime minister has not indicated his successor, the sovereign may exercise his discretion. For example, after the resignation of Anthony Eden due to unsuccessful military campaign against Egypt in 1957, the Queen chose Macmillan in place of Butler. Similarly after Macmillan's death in 1963 there were many contenders for the post of Prime Minister and Butler was one of them. But unexpectedly the Queen chose Alec Douglas Home as the Prime Minister.

Powers of the Prime Minister

1. Powers in the Cabinet : In the words of Morley the prime minister is the keystone of the Cabinet arch. Although in the Cabinet all its members stand on an equal footing, yet as its head the prime minister is *primus inter pares* (first among equals). But some contemporary writers do not agree with this characterization of the position of the British prime minister. They characterize him as *inter stellas luna minores*, a moon among lesser stars. He chooses other ministers and distributes portfolios among them. Further as Laski says : "he may shuffle his pack as he likes and when he likes." In their appointment the monarch will accept only his recommendation and of none else. He presides over the Cabinet meetings. He exercises a general supervision over the activities of other ministers. He is consulted by them on the major problems of their departments. He settles disputes between departments, controls the Cabinet secretariat and is generally responsible for seeing that department faithfully implement Cabinet decisions. He can require of his colleagues that they accept his views with the alternative of their resignation, for it is necessary that the Cabinet, howsoever divided in its views inside the meeting room, it must present a solid front to Parliament and the world. If

the prime minister finds that any of his colleagues is inefficient, insubordinate or indiscrete he can request and secure from the sovereign his removal from office. In 1962, Prime Minister Macmillan dismissed seven out of twenty members of his Cabinet without a warning. Laski says, "The Prime Minister is central to its formation, Central to its life, and Central to its death."

2. Powers in Relations with the Monarch : The Prime Minister is the confidential adviser of the Crown and the principal channel of communication between the Cabinet and the monarch. Legally, every minister who is head of a department has a right of access to the sovereign. In the past ministers did exercise this right. For instance, Queen Victoria had dealings with individual ministers. But nowadays such practices have been discontinued. Today the prime minister alone has access to the queen. It is his duty to put Government business before her in a systematic manner. A new practice has developed according to which copies of the minutes of all cabinet meetings are regularly sent to the Queen.

3. Powers in Parliament : The Prime Minister is also leader of the House of Commons. In the House he represents the Cabinet as a whole. No other minister can play that role. His statements on the Government's policy are regarded as authoritative. He answers questions on the general conduct of the Cabinet. He can correct errors made by his colleagues on the floor of the House. He speaks on most important bills. In crucial matters the chief burden of defending the position and viewpoint of the Government falls on his shoulders. He can advise the monarch to dissolve the House of Commons. So long his party commands majority in the House of Commons, he can get any law passed, budget voted or treaties entered into with any foreign power.

4. Powers in international Affairs : The prime minister is the principal spokesman of the nation on international problems. The outside world looks to the prime minister for the authoritative pronouncements on the nation's policy on world events. In international conferences it is he who speaks for the nation. His position in foreign affairs is so important that he is always in close contact with the foreign secretary. There may be occasions when an immediate decision has to be taken on some urgent international question and there is no time to hold a meeting of the Cabinet. In such cases the prime minister and the foreign secretary consult each other and a decision is taken. Sometimes the entire course of foreign policy may be determined by the prime minister. Neville Chamberlain had a foreign policy of his own which he forced on the Foreign Office and compelled the foreign secretary Anthony Eden to resign. These days summit meetings of heads of Government have become very common. This has led to greater involvement of the prime minister in foreign affairs. During the Second World War Churchill met American President Roosevelt many a time to decide the war policy of the allied powers. Similarly, John Major was in constant touch with American President George Bush over Kuwait issue in 1991 and Iraq Issue in 2003. He also maintains close relations with Commonwealth countries. Prime Minister Harold Wilson and Edward Heath held many talks with Commonwealth countries before deciding to join the European Common Market.

5. Powers of Dissolution of House of Commons : The prime minister wields this supreme power. He can request the sovereign to dissolve the House of Commons at any time. It means that the members of the House hold their seats at his mercy. This terrifying power enables him to maintain discipline in his party in Parliament and to control the Commons. The members of the House do not like to run the risk of a fresh election. The threat of dissolution, therefore, restrains them, curtails their independence and motivates them to rally round the Government.

Some Opinions on powers and position of Prime Minister

1. Laski : Laski made the following observations on the position of the prime minister of England. The Prime Minister is the pivot of the whole system of Government. Normally, he is not only the leader of the majority party and the head of what Bagehot termed the efficient party of the executive. he settles differences between departments. He can, with the assent of the sovereign, call for the resignation of any of his colleagues. He has a decisive voice in all-important Crown appointments. He has to keep a general eye on all departments, in particular, that of Foreign Affairs, and to act as the coordinator of policy. He is the Leader of the House of Commons, and members there, especially in times of difficulty, will look to him as the reserve power to whom appeal beyond ordinary ministers may be made. He is further, the effective channel of communication between the Cabinet and the Sovereign.

“It is certain that the modern Prime Minister can for the most part, hope to do no more than control the large outlines of policy. That does not mean that his authority is less than before. In modern democracy a general election is nothing so much as a plebiscite between alternative Prime Ministers. The result is to give him a national standing, which no colleague can rival so long as he remains prime minister. The party is built round his personality, and so long as he retains the hold of his party, no one can really rival his standing. after all he appoints and their difficulties. He has a large share in making foreign policy. He settles differences between departments, and if their dispute becomes a Cabinet question, his voice in the settlement will carry special weight ...Revolt against him, in the light of all this, is obviously difficult unless he had handled his job so badly that there is a widespread feeling of this unfitness for it.”

2. Lord Homes : According to Lord Homes, “Every cabinet minister is in a sense the prime minister’s agent, his assistant. There is no question about that. It is the prime minister’s cabinet, and he is the one person directly responsible to the Queen for what the Cabinet does.

“If the cabinet discusses anything, it is the Prime Minister who decides what the collective view of the cabinet is. A Minister’s job is to save the Prime Minister all the work he can. But no Minister could make a really important move without consulting the prime minister, and if the prime minister wants to take a certain step, the Cabinet Minister concerned would either have to agree, argue it out in Cabinet or resign.

3. **S.E.Finer** : S.E.Finer rightly says, "The current thesis is that Cabinet Government has given way to Prime Ministerial Government."

4. **Crossman** : Crossman also speaks in the same tone thus : "The post-war epoch has been the final transformation of Cabinet Government into Prime Ministerial Government."

Unique position of the Prime Minister

It is clear from the above that the prime minister occupies a unique position in the Government system of England. In the words of Ramsay Muir, 'he is in fact, though not in law, the working head of the state, endowed with such a plenitude of power as no other constitutional ruler in the world possesses, not even the President of the United States.' According to Jennings, "the Prime Minister is not first among equals, he is not even a moon among the lesser stars. He is rather, a sun around which planets move." The actual power of the prime minister, however, depends on his own personality and the measure of support that he can command from his party. "But within the limits of prudence and common sense", as Byrum Carter observes, "he may exercise a directing authority which is the envy of political leaders of other states." Sir Sydney now observes, "An English Prime Minister with his majority in Parliament can do what the German Emperor and American President cannot do for he can alter the laws; he can propose taxation or repeal it and he can direct all the forces of the State."

Model Questions

1. Explain the administrative institutions and processes in the British Political System.
2. Examine the unique position of the Prime Minister in the British Political System.
3. Evaluate the position and powers of the King / Queen in the British Political System.

ADMINISTRATIVE INSTITUTIONS AND PROCESSES IN USA

The President of the United States is the most powerful elected executive in any democratic country of the world. His powers may be discussed under three heads, executive, legislative and judicial.

Executive Powers : The President's executive powers are derived from the Constitution, from the statutes, and from the implications of his office.

(i) Head of Administration : He is the head of the administration. It is his duty to see that the constitution, laws and the treaties of the United States and judicial decisions rendered by the federal courts are duly enforced throughout the country. In the fulfillment of this duty, he may direct the heads of departments and their subordinates in the discharge of the functions vested in them by the Acts of Congress. The constitution empowers him to require the opinion, in writing, of the principal officer in each of the executive department. This gives him control over the Cabinet.

(ii) Power of Appointments : As administrative head, the President appoints, with the advice and consent of a simple majority of the senators present, ambassadors, ministers, consults federal judges, and other officers of the United States whose appointments are not otherwise provided for in the Constitution. If vacancies occur in such offices while the Senate is not in session, the president may fill them until the end of the next session of the Senate. Congress may by law vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of departments. It is now a convention that the Senate does not normally refuse its consent to the President's choice of the heads of the departments who act as his principal advisers.

(iii) Senatorial courtesy : There are a number of federal officers, especially those of a local nature, who are subject to a rule known as senatorial courtesy. This rule decrees that the Senate will refuse to confirm the President's nomination of an appointee in a particular state if either senator from the state objects.

(iv) Power of Removal : The power to appoint according to Supreme Court interpretations includes the power to remove. Thus the Senate's consent is not necessary for the removal of officers by the President. The President is the commander-in-chief of the Army, Navy, and Air Force and of the militia of the states when called into the service of the United States.

(v) Power in Foreign Affairs : The conduct of foreign affairs is in the hands of the President, but a treaty made by him requires ratification of two-thirds of the Senate.

(vi) Power in War : Though the power to declare war belongs to Congress as a whole, clearly executive action may bring negotiations to such a pass as to make war almost inevitable.

(vii) Control over Cabinet : It should be noted that the Cabinet, as a collective body for the purpose of formulating the policy of the nation, is not mentioned in the Constitution. It is made up of his personal choices and is completely subordinate to him. He is not bound by its decisions. One President Lincoln found in a Cabinet consultation that all members of the Cabinet were opposed to his views. He said, "Seven nays, one aye-the ayes have it." The President can force any Cabinet member to resign or to pursue particular policies within his department.

2. Legislative Powers : American political system being non-parliamentary, the President is neither chosen by the legislature, nor can be removed by it. He and his advisers do not have the right to be present in Congress and take part in its deliberations. They are, therefore, not in a position directly to provide initiative and guidance in the law making. Besides, the President does not have the right to dissolve any of the Houses of Congress. It does not, however, mean that the President's role in legislation is insignificant. His legislative powers are as follows:

(i) Informative Power : The Constitution states that the president "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

(ii) Power to Summon Session : The President is authorized to summon extraordinary sessions of one or both Houses of Congress.

(iii) Recommendation Power : He can recommend legislation to Congress.

(iv) Budgetary Power : The Budget and Accounting Act of 1921 gives him power over the preparation of the national budget which he submits to Congress with his annual budget message.

(v) Refusal of Assent to Bill : He may refuse his assent to a bill passed by Congress; this must be done within ten days (Sundays excepted) after the bill has been submitted to him. If he does, it must, in order to become law, again be passed in each House by a two-third majority. This is an effective power to prevent hasty and unwise legislation and has been frequently used.

(vi) Power of Veto : In certain circumstances this limited or suspensive veto may become an absolute veto. If Congress adjourns within ten days after the President receives the bill and he takes no action, the bill is automatically killed. This is termed as pocket veto.

(vii) Ordinance Power : Under the legislative functions of the President may be included the ordinance power, i.e., the power exercised under the Congressional authority to supplement general legislation with rules and regulations that have the force of law.

3. Judicial Powers : The President has the power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. It is this constitutional power that President Ford exercised in 1974 when he pardoned former President Nixon, for his role in the Watergate cover-up.

4. Powers of Head of the State : The President of the United States is not only the head of the executive branch of the Government, he is also the head of the state and performs, like the British Queen, the ceremonial dignified functions. The functions of the head of the state and the head of the Government are combined in his person. This fact imparts special dignity and prestige to his office.

Office of Great Power and Dignity

The Presidency of the United States is an office of great power and dignity. Its occupant has become the most powerful head of a democratic Government known today. The American President really governs, though he does not reign. "The President of the United States", says Harold Laski, "is both more or less than a king, he is both more or less than a prime minister." Amaury de Reincourt observes, "In truth, no mental effort is required to understand that the President of the United States is the most powerful single human being in the world today. The President represents the people and is their spokesman in domestic and foreign affairs. The office is respected more than any other in the land. It gives a position of leadership that is unique.

American President and British Prime Minister

In the democracies of the world the office of the President of America and that of the prime minister of England are regarded as most powerful, prestigious and dignified. The two offices represent two different systems of Government, one Presidential and the other parliamentary. Besides, each is regarded as a model of the system it represents. It has, therefore, become a custom with scholars of modern political system to compare the position and powers of the American President with those of the British Prime Minister. This comparative study is not only interesting, it is also fruitful.

(1) Different Methods of Election : Firstly, the methods by which the President and the Prime Minister acquire their respective positions are basically different. Constitutionally and legally the President is elected indirectly by an electoral college, but in effect his election is direct. He, therefore, enjoys prestige and popularity of a popularly elected head of the state. He represents the nation; his voice is the voice of the American nation. The British Prime Minister on the other hand is appointed by the titular head of the state, i.e., the Queen, though her choice is confined to the leader of the majority party in the House of Commons.

Constitutionally the Prime Minister is not elected by the nation : he represents only one parliamentary constituency. But in effect he is a representative of the people. The Primary voter knows in advance who would be chosen as prime minister if the party for which he is voting is returned to power. Nevertheless, the President enjoys more prestige as the leader of the nation than the Prime Minister.

(2) Duration of Office : Secondly, the President is elected for a fixed term of four years. He cannot be removed from office except by impeachment. But no President has so far been removed. A fixed tenure gives continuity, firmness and certainty to administrative policy. The Prime Minister, on the other hand, remains in office only as long as he commands. Although the rigidity of party discipline and the prime minister's right to get the House of Commons dissolved have diminished the chance of a minority in parliament acquiring the status of a majority and overthrowing the party in power, yet an element of uncertainty is always there, particularly when the party in power does not command a comfortable majority. From this point of view, the President of America is undoubtedly in a better position than the British Prime Minister.

(3) Difference as Head : The President of America is the head of the state as well as of the Government. The functions of the head of the state and the head of the Government are combined in his person. He performs those ceremonial functions, which the Queen in England does. He is both in theory and effects the highest dignitary in the state. The British Prime Minister on the contrary, is only the head of the Government. The Queen as sovereign performs ceremonial functions and is regarded as the leader of the society in matters of moral and social standards and cultural values. Besides, she has a right who may claim a right to advise him.

(4) Difference in answerability : The American constitution is based on the theory of separation of powers. The executive power is exclusively vested in the President. The executive and legislative spheres of the Government are clearly demarcated, and the authority of the President in his sphere is supreme. He is not responsible to Congress for his acts.

The position of the British Prime Minister is totally different. He is responsible to parliament and answerable to it not only for his own acts but also for those of his Cabinet members. He and the members of his Cabinet have every day to pass through the ordeal of question hour as long as Parliament is in session. Besides, they have from time to time to face adjournment motions and sometimes no confidence motions too. This always keeps them on tenterhooks. The American President is the supreme master of his own house and absolutely free from such worries.

(5) Difference in Power over Cabinet : The American President appoints the members of his Cabinet and can dismiss them at will. They are his secretaries and not his equals. They are completely subordinate to his wishes. He can force any Cabinet member to resign

or pursue particular policy within his department. Lincoln is said to have put a question to his Cabinet and called for a vote. Lincoln voted "aye" and all the rest "no" whereupon Lincoln declared, "The ayes have it."

Though the Prime Minister chooses his ministers and can dismiss them, they are not completely subordinate to his wishes. In many respects they are his equals. Sometimes the Prime Minister has to include in his Cabinet a man who occupies an important position in the party organization or is very popular with the electorate, although he does not personally like him. The Prime Minister of England can never behave as Lincoln is reputed to have done on the occasion referred to above. It goes without saying that as the head of the executive the President of America is much more powerful than the British Prime Minister.

(6) Difference in Legislative Power : In the legislative sphere the position of the *American President* is definitely weaker than that of the British Prime Minister. The Constitution authorizes the President to summon special sessions of one or both Houses of Congress, to deliver or send to it messages on the state of the Union and to recommend legislation, and also to adjourn both Houses if they cannot agree on a date of adjournment. The Budget and accounting Act of 1921 gives him power over the preparation of the national budget. He also has power to veto bills passed by Congress directly or by pocketing them. But in spite of all this Congress remains supreme in the legislative sphere. It may or may not enact a bill on the lines suggested by the President. If Congress happens to be dominated by the party to which the President does not belong the position becomes critical. The President often has to use extra constitutional pressures and allurements to influence the deliberations of Congress.

In this respect the British Prime Minister's position is much stronger. He and the members of his ministry directly control and guide the legislative proceedings of Parliament. They initiate legislative measures and introduce the budget; they pilot them and see to it that they are passed. And so long as they command a majority in Parliament they can get enacted the measures they like. Parliamentary sovereignty makes the position of the British Prime Minister formidable. He not only can get enacted an ordinary piece of legislation, he can get amended the constitution itself. So a British Prime Minister who commands a comfortable and unshakeable majority in Parliament becomes a virtual dictator.

(7) Difference in Conduct of Foreign Affairs : The conduct of foreign affairs is in the hands of the President, but a treaty by him requires ratification by a two - third majority of the Senate. But in England the treaties negotiated and concluded by the executive are not subject to ratification of Parliament. This gives the British Prime Minister more freedom in the conduct of foreign affairs.

(8) Difference in Power to Declare War : The power declare war belongs to Congress as a whole. But the President is the Commander-in Chief of the army and the navy. As such he can create a situation so as to make war inevitable. In England power to declare war is vested in the Crown, which in the ultimate analysis means the Prime Minister and his Cabinet.

U.S. President's Position is Higher than that of British Prime Minister

Being the head of the state the president of America occupies constitutionally a higher position than the Prime Minister of England. Constitutionally the Prime Minister is subordinate to the Queen who is not only the ceremonial head of the State but also has a right to advise him. The President is subordinate to none. There is no authority above him who may claim a right to advise him. But considering all the aspects of the question, it can be safely asserted that in effect the Prime Minister of England wields more power than the American President. The fact that the Prime Minister remains in office only so long as he enjoys the confidence of parliament is not very significant. The important point is that so long he is the Prime Minister there is not check on his powers. He is the leader of both the executive and the legislature. He can get the constitution itself amended through the ordinary law-making process. The President of America can never dream of such power. Besides, in matters of foreign affairs, war and peace, the Prime Minister is far more powerful than the President. It is, therefore, not an exaggeration to say that "all roads in the Constitution lead to the Prime Minister." He is "the keystone of the Constitution." "The Government" as Greaves says, "is the master of the country and he is the master of the Government." Similar statements cannot be made about the American President. The written constitution as interpreted by the Supreme Court is a great check on his powers. There are no such checks on the powers of the Prime Minister of England.

American President Vs British King

According to Prof. Laski, American President is both more or less than a king. Though both are the heads of their respective states yet when we deeply analyse their position and powers, we find that both of them are more or less same in many ways.

American President is more than the king

- 1. Head of the State :** British King is only the Head of the State. The king reigns but does not rule. He does no wrong for he has dignity but no powers. Whatever he does, he does on advice of the Cabinet. But on the other hand, American President reigns as well as rules. He is not the nominal executive head but the real executive head of the State.
- 2. Power of Veto :** American President has the power to Veto a Bill passed by the American Legislature - the Congress but after Queen Anne, the British Monarch has ceased to exercise this power in view of the rise of the Cabinet System.
- 3. Administrative Ordinances :** American President can issue administrative order or ordinances under the delegated authority of the Congress but the British king has no such power.

4. Master of Cabinet : American President is the complete master of his Cabinet. In the selection, removal and seeking the advice from his secretaries of the Cabinet, the President is completely free. The British monarch in the words of Bagehot has the customary rights to warn, to advise, to encourage his ministers who in fact decide all the policies of the Governance of the country. In American it is the President who takes the decisions and his Cabinet secretaries act accordingly.

American President is less than the king

Respect and Dignity : American President lacks *being* the king in so far as the respect and the dignity are concerned. The British King, because of his neutrality in politics, enjoys the respect from everyone. Ogg and Zink are right in their words: "with the king in buckingham palace people sleep quietly. " Jennings also said, "we may damn the Government but we always cheer the king." The American President being a party man cannot command that respect from his people. His words, policies and actions are open to public scrutiny whereas the actions of the British King are free from such criticisms.

Hereditary Vs Elected : Moreover, the king being hereditary, reigns till he or she dies. The present Queen Elizabeth II is head of the State for more than four decades whereas no American President can contest the election for the third term consecutively. As such, he can be a President for two terms, i.e., 8 years.

American Cabinet

Position

The Cabinet as a collective body is not mentioned in the Constitution. It has no status as a policy-making body. The President is authorized only to require the opinion, in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective officers. The Cabinet, therefore, has been described as an extra statutory and extra constitutional body. It is a mere creation of President's will and made up of his personal choices. It exists only by custom.

President Washington started the practice of calling heads of departments for consultation, and these meetings soon came to be known as the Cabinet meetings. Since 1793 the Cabinet has been an accepted and recognized part of the executive branch of the American Government.

Composition

The heads of twelve executive departments constitute the Cabinet. They are appointed by the President with the consent of the Senate. They hold office during the pleasure of the President. He can force them to resign or pursue particular policies within his department. The Cabinet members are not members of the legislature, nor do they take part in its proceedings. Unlike the members of the British Cabinet they are not responsible to the

legislature nor can they be removed by it. A senator or a representative cannot be a member of the Cabinet. However, if a Congressman is appointed to a cabinet post he has to resign his seat in the legislature. The proceedings of the Cabinet are informal and confidential. The Vice-President is usually invited. Sometimes the heads of administrative agencies, which do not have the status of a department, are also invited. Cabinet discussions are confined only to those subjects, which the president lays before it. Discussions are useful in clarifying view and helping the President to make up his mind, but he is not bound by any decisions arrived at; his responsibility remains single and undivided. President Lincoln once put a question to his Cabinet and called for a vote; Lincoln voted 'aye' and all the rest 'no' Lincoln declared, "the ayes have it".

Powers

The functions of the Cabinet as an advisory body are different from those of the heads of departments individually and separately. The Cabinet is purely consultative body. It has no rule of procedure; President discusses the special affairs of each department with its head separately. In the Cabinet meetings only affairs concerning general policy are discussed. President Taft explained the position in these words, "As it is, the custom is for the President to submit to its members' questions upon which he thinks he needs their advice, and for the members to bring such matters in their respective departments as they deem appropriate for Cabinet conference and general discussion." As regards the relationship between the Cabinet and Congress, the position was very clearly explained by President Jackson. Once the President read a paper to the members of his Cabinet. The senate wanted him to transmit to it the contents of that paper. President Jackson replied. "I have yet to learn under what constitutional authority that branch of legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of the departments, acting as Cabinet Council."

Cabinet As President's Family

The description of the Cabinet as the President's family is correct. The position of the President in relation to his cabinet is like that of the head of a patriarchial family. The Cabinet is a creation of the President, consists of his personal choices who are absolutely subordinate to him. He may or may not consult them. He is not bound by the advice tendered by them. He can dismiss them at will.

Model Questions

1. Explain the administrative institutions and processes in the American Political System.
2. Analyse the position and the powers of the President in the American Political System.

ADMINISTRATIVE INSTITUTIONS AND PROCESSES IN FRANCE

The President of France

The President of the France is elected by direct universal suffrage for a term of seven years. There is no bar to re-election. Article 7 provides that the President is to be elected by an absolute majority of the votes cast. If this is not obtained on the first ballot, there is a second ballot on the second Sunday following? Only the two candidates who have received the greatest number of votes on the first ballot, present themselves, taking into account the possible withdrawal of more favoured candidates.

In the event that the Presidency has been vacated or impeded in its functioning, the functions of the President are temporarily exercised by the President of the Senate and if the latter is in his turn impeded in the exercise of these functions, by the Government.

Powers of the President

Powers and Functions as Constitutional Head of the State : The President performs all those functions, which are usually performed by a constitutional head of a state. They are :

1. He appoints the Prime Minister and terminates his functions when the latter presents the resignation of the Government.
2. On the proposal of the Prime Minister he appoints other members of the Government and terminates their functions.
3. He presides over the meetings of the Council of Ministers and over the higher councils and committees of national defence.
4. He is the Commander of the armed forces of the country.
5. The President accredits Ambassadors and Envoys Extraordinary to foreign powers; foreign Ambassadors and Envoys Extraordinary are accredited to him.
6. He makes appointments to civil and military posts of the State.
7. He signs ordinances and decrees decided upon in the Council of Ministers. He promulgates laws passed by Parliament and sends messages to the two assemblies of Parliament.
8. He negotiates and ratifies treaties.
9. He is kept informed of all negotiations leading to the conclusion of an international agreement not subject to ratification.
10. The President has the right of pardon.

In exercising these powers the President acts with the concurrence of the Prime Minister. His acts are countersigned by the premier, and should circumstances so require, by the appropriate Ministers. However, while appointing the Prime Minister he acts in his discretion.

(2) Discretionary Powers : Besides the above powers, the constitution vests President with discretionary powers in exercise of which the countersignature of the premier is not required. The Constitution specially mentions four such powers:

(i) Dissolution of National Assembly : First the President can declare the dissolution of the National Assembly.

- (a) The only limitation his power of dissolution is that he cannot dissolve it twice within a year following the fresh elections after dissolution.
- (b) The other limitation is that the president must consult the Prime Minister and Presidents of the assemblies before declaring the dissolution. But it is a sheer formality. The President may refuse dissolution when asked by the Prime Minister.

(ii) Submission of Bill : The second discretionary power of the President relates to submission of bills to a referendum. Article 11 states that the President on proposal of the Government during Parliamentary referendum any bill dealing with the organization of the Governmental authorities, entailing approval of Community agreement, or providing for authorization to ratify a treaty that without being contrary to the constitution might affect the functioning of the existing Institutions. Further, the President need not be submitted to a referendum. In that case, the proposed amendment is submitted to a joint sittings of the two assemblies (congress) and if its accepted by a three-fifth majority of the votes cast it becomes an amendment of the constitution. Thus initiative for referendum lies with the President.

(iii) Emergency Powers : The third discretionary power of the President is related to emergency. When the Institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfillment of its commitments are threatened in a grave and immediate manner and when the regular functioning of the constitutional Governmental authorities is interrupted, the President of the Republic shall take necessary measures and inform nation of these measures. However, he shall take these measures after official consultation with the premier, the Presidents of the assemblies and the Constitutional Council.

(iv) Organic Laws : Finally, the President must submit to the Constitutional Council organic laws before their promulgation and regulations of Parliamentary assemblies before they come into force. This act of the President does not require the counter signature of the premier.

(3) The President as Arbiter : Article 5 of the Constitution authorizes the President with the responsibility to see that the Governmental Institutions function properly. It states, "The President of the Republic shall see that the constitution is respected. He shall ensure by

his arbitration, the regular functioning of the Governmental authorities, as well as the continuance of the State. He shall be the guarantor of national independence, of the integrity of the territory: and of respect for Community agreement and treaties.

Thus, the President of France wields extensive powers. His position is entirely different from that of the British Queen and of the Indian President.

Comparison with the American President

Similarities

- (i) Election :** The President of France is elected by direct suffrage. The U.S. President is formally elected by an electoral college, but in actual practice his election also has become direct.
- (ii) Tenure :** Both Presidents have a fixed tenure, and cannot be removed except by the process of impeachment.
- (iii) Functions :** Both make civil military appointments, nominate ambassadors to foreign countries and receive foreign ambassadors. Both preside over the Council of Ministers and issue ordinances.
- (iv) Rights :** Both are commanders of armed forces of their countries. Both are entitled to send messages to Parliament and both have the right of pardon. Both have the right to return a bill to Parliament for reconsideration.

Differences

- (1) More Powers of French President :** But the President of France has some special powers, which the US President does not possess.
 - (i)** The French President can dissolve the assembly. The US President has no such right.
 - (ii)** The French President enjoys emergency powers. The US President has no such powers.
 - (iii)** The French President makes appointments to civil and military posts. Such appointments are not subject to ratification of any of the chambers of the legislature. On the contrary the appointments made by American President require the approval of the Senate.
 - (iv)** The French President negotiates and ratifies treaties with foreign countries. But the treaties negotiated and concluded by the American President require the approval of the Senate.
 - (v)** The French President has the discretionary power to submit a bill to a referendum. The American President has no such power.

(2) More powers of American President : In some respects the American President enjoys more powers than his French counterpart.

- (i) In the US the Cabinet is responsible only to the President. It is not responsible to congress. In France the Council of Ministers is responsible to Parliament.
- (ii) The American President is the sole executive authority. All executive powers are vested in him. The French President does not enjoy that position. There is a Council of Ministers, which determines and directs the policy of the nation.

Comparison with the British Prime Minister

Similarities

- (i) The French President presides over the meetings of the Council of Ministers. The British Prime Minister presides over the Cabinet meetings.
- (ii) Both have the responsibility of supervising the functioning of the various Governmental departments.
- (iii) Both have the right to dissolve the lower chamber of the legislature. The French President can dissolve the National Assembly in his discretion, whereas the British Prime Minister recommends the dissolution of the House of Commons to the Queen.

Differences

(1) French President is Superior : In several matters the position of the French President is superior to that of the British Prime Minister.

- (i) The French President is directly elected by the entire electorate of the country, whereas the British Prime Minister represents only one constituency. The tenure of the French President is fixed. He is elected for seven years and cannot be removed except by impeachment. The British Prime Minister remains in office only so long as he enjoys the support of the majority of the House of Commons.
- (ii) The French President is head of the state, as well as of the Government. The British Prime Minister is only the head of the Government.
- (iii) The French President possesses vast emergency powers whereas the British Prime Minister enjoys no such powers. The French President is the commander of the armed forces. In England this position is occupied by the Queen. The French President promulgates the law. He can ask Parliament for a reconsideration of the laws. The British Prime Minister enjoys no such power. The French President makes appointments to civil and military posts. In England this function is performed by the Crown. The French President has the discretionary power to submit a bill or an amendment to a referendum. The British Prime Minister has no such power. Unlike the British Prime Minister the French President has the right to send messages to Parliament.

(2) British Prime Minister is Superior : In Several respects the position of the British Prime Minister is superior to that of the French President.

- (i) The British Prime Minister is a member of Parliament and the leader of the House of Commons. He directly controls and guides the proceedings of Parliament.
- (ii) The British Prime Minister has initiative in legislation and finance. The French President has no such initiative. In France the initiative in legislation rests with the Prime Minister and other members of Parliament.
- (iii) The French President does not control his Council of Ministers in the same manner and to the same extent as the British Prime Minister controls his Council of Ministers. The British Prime Minister can dismiss his ministers, but the French President cannot do it.
- (iv) In France, the Council of Ministers is responsible to the National Assembly. In Britain, the right to declare war and conclude peace vests with the Crown which in practice means the Prime Minister. In France it is Parliament that authorizes the declaration of war.

The Council of Ministers

Composition and organization : The Constitution provides for a Council of Ministers. It is composed of the Prime Minister and other Ministers. In the language of the Constitution this Council is the Government of the Republic. The President of the Republic appoints the Prime Minister, and on the proposal of the Prime Minister appoints other Ministers. The Prime Minister and other members of the Government are not members of Parliament. Article 23 of the constitution states that the office of member of the Government shall be incompatible with the exercise of any Parliamentary mandate.

The Council of Ministers is a collective body and its decisions are the decisions of all of its members. The collective nature of the Council is implicit in Articles 13 and 20. Article 13 states, "The President of the Republic shall sign the ordinances decided upon in the council of Ministers,." Similarly, Article 20 declares that the Government (the Council of Ministers) shall determine and direct the policy of the nation.

Methods of enforcing Responsibility : The Council of Ministers is responsible to Parliament. The Constitution prescribes the method of enforcing the Government's responsibility to Parliament.

1. The first method is laid down in Article 49. It states, "The Premier, after deliberation by the Council of Ministers, may pledge the responsibility of the Government to the National Assembly with regard to the programme of the Government, or with regard to a declaration of general policy, as the case may be." Thus, the National assembly can defeat the Government either on its programme or on a declaration of general policy. In such a situation the Government as a whole resigns.

2. The National Assembly can force the Government to resign by passing a motion of censure against it. Such a motion of censure is admissible only if it is signed by at least one-tenth of the members of the National Assembly. Only those votes are counted that are favourable to the motion, which is adopted only by a majority of the members comprising the Assembly. If the motion is defeated, its signatories may not introduce another motion in the course of the same session.

3. The premier may, after deliberation by the Council of Ministers, make any issue a matter of confidence. He may pledge the Government's responsibility to the National Assembly on the vote of a text. In this case the text is considered as adopted and confidence is presumed to have been accorded, unless a motion of censure, filed in the succeeding twenty-four hours, is voted under the conditions described above.

The President of the Republic presides over the Council of Ministers. In exceptional instances, the Prime Minister may replace him as chairman of a meeting of the Council of Ministers by virtue of an explicit delegation and for a specific purpose.

Functions of the Council of Ministers

The Government (the Council of Ministers) determines and directs the policy of the nation.

It has at its disposal the administration and the armed forces. The Prime Minister directs the operations of the Government. He is responsible for national defence. He ensures the execution of the laws.

Article 13 states that the President of the Republic shall make appointments to civil and military posts of the State. But the order of the President has to be countersigned by the Prime Minister. It means that the appointments are made by the President on the recommendation of the Prime Minister. The council of Ministers decrees martial law.

Although the Prime Minister and the other Ministers are not members of Parliament, they play an important role in legislation. Article 31 states that the members of the Government shall have access to the assemblies of Parliament. They shall be heard when they so request. Article 29 lays down that Parliament shall convene an extraordinary session at the request of the Premier.

The Prime Minister has the right to initiate legislation. Government bills are first discussed in the Council of Ministers and then filed with the Secretariat of one of the two assemblies.

The subjects on which Parliament can make laws are enumerated in Article 34. Matters other than those that fall within the domain of law are of a regulatory character. Legislative texts concerning these matters may be modified by decrees if the Constitutional Council has stated that they have a regulatory character.

The Government may, in order to carry out its programme, ask Parliament to authorize it, for a limited period, to take through ordinances measures that are normally within the domain of law. The ordinances are enacted in the meetings of the council of Ministers. They come into operation after their publication but become null and void if the bill for their ratification is not submitted to Parliament before the date set by the enabling Act.

The Prime Minister has the right to propose amendments to the constitution through the President of the Republic.

Model Questions

1. Explain the administrative institutions and processes in the French Political System.
2. Examine the position and powers of the French President.

Lesson - 12

COMPARATIVE STUDY OF CIVIL SERVICES

This lesson is devoted to the comparison of civil services / servants who assist the government in day - to - day affairs of various executive functions. We know that, the government acts only as an agency of the state in carrying out the orders of the state. What constitutes a civil service? There is no universal accepted explanation. For instance, in India and United Kingdom, there is no legal definition for civil servants. Strikingly in France, college professors and school teachers are included in the civil servants list. The former Soviet Union presented the most peculiar example. In USSR, both the party and state organizations possessed administrative staff, concerned with executive functions related to government. In India and USA there are many field services wherein civil servants are appointed to take care of administration of behalf of the central or federal government. Besides USA, India and USSR have provincial or state civil services because of their structures as federal states. In all these countries (USSR was to some extent an exception) there are independent or quasi-independent governmental agencies such as civil service commissions (UK), Ecole Nationale Administration (France), Executive Personnel Department (USA), Union Public Service Commission (India) and departmental recruiting agencies (USSR) for the purpose of recruiting civil servants. Federal countries like USA and India have state-level recruiting agencies normally controlled and directed by national as well as state executives. Though there are some uniform pattern of establishing the civil service system in these countries, there are also significant differences among them in terms of recruitment, conditions of services, etc., This lesson is largely confined to the national level civil service. Occasional references are also, provided in case of federal units in India. USA and the Soviet Union. Let us first define the general meaning of civil services.

What is Civil Service?

Traditionally in political science subject, there has been a distinction between policymaking and implementing the same. The two major functions assigned to the government are rule making and rule application. It is also customary to distinguish between different roles of the political executives are amateur administrators and the professional administrators are civil servants. Further in democratic countries the political executive is answerable to the parliament directly and the civil servants, through several hierarchies are indirectly answerable to their political executives. The political executives are not permanent element of the government while the civil servants are. However, the dividing line between politicians and the civil servants is not clear. It is impossible to see top civil servants without any degree of policy initiative, especially given the increasing complexity and scope of the policy-making process in modern 'welfare' states. Thus, in short, we can define the term civil service to those members of the executive staffs of ministerial departments and local level who occupy responsible positions in relation to the formulation and execution of the government policy. The civil service system provides a degree of continuity from government to government. No doubt, in most of the

countries, the civil service positions are regarded as 'political' where the occupants will change, as governments change. But it varies in degrees in different countries. In India, UK, USA it is less, in France it is moderate and it was the extreme case wherein the civil service was highly political. Despite these political connections of civil service system there are certain significant features which are as follows:

Generally civil services are regarded as politically neutral

- i. The basic function of the civil service in all modern states is to assist the political executive to conduct the affairs of the government.
- ii. A general code of discipline and harmony exists in the work place;
- iii. Permanency of the post held by the civil servants;
- iv. The work of the civil government is mostly governed by written procedures and rules
- v. They are trained for general and specialised tasks set by the government.
- vi. They enjoy certain privileges compared to the ordinary citizens.
- vii. They are holders of administrative powers but subservient to their political masters.
- viii. Civil servants are usually referred to those persons who are occupying the top administrative post rather than the subordinate or clerical level employees.
- ix. There are certain professional ethics which should be followed by the civil servants.

It is from these major paradigms that a meaningful comparison can be made. The variance in the civil service system arises because they evolved from various historical - political settings. Further they are continuously changing and the change agents are different in different countries. Thus, time is an important factor in analyzing the features of civil services. Administrative reforms and modern public demands further erode the static nature of civil service. Internally, the organizational aspects of civil service affect the performance of governments and the output they produce. However, the principle structural features of civil services even today stand to make a reasonable comparison.

Sources of Civil Services

During the early years of the nineteenth century in Europe well established civil service organizations were developed by Napoleon. The political and economic philosophy of Jeremy Bentham expanded the need for wide governmental activities. There were historical landmarks which rejuvenated and revitalized the civil service system in different countries in different ways. For instance, the Report of Sir Stafford Northcote and Trevelyn has transformed the British Civil Service. It was mainly concerned with the reconciliation of intellectual qualities with loyalty, integrity and discretion. The Haldane committee of 1918 was concerned with the question of about how an administrator should reflect and think in the context of First World

War reconstruction process. The Victorian Model of civil service system survived virtually unscathed in the post 1945 era of Welfare State and regulated the British economy also. The British civil service was further expanded and diversified during the Second World War and successfully met the challenges of that crucial time. However, the basic inputs into civil services in UK remained the same which was formulated by Northcote Trevelyn reforms. The recent structural reforms in British Civil Service was largely inflicted by the recommendations of the Fulton report (1968). According to Nevil Johnson, the civil service since 1979 has been radically changed by imposing strong managerial view of civil service functions. Of late, the Management consultancy Group's report offered the best and most radical reassessment of the scope and purpose of civil services in the central government and the qualities they require. During 1988, Sir Robins Report emphasized the need for greater accountability and responsibility of the civil servants with regard to budget proposals, policies and the increase of managerial efficiency. Therefore the civil service in UK at present has been gradually evolved from a traditional pattern to a modern managerial orientation.

The American experiences in relation to civil service development is quite in contrast with the British evolution. The civil service in USA was first initiated to increase the efficiency of public service towards nurturing the federal polity and to strengthen the powers of presidential executive. The civil service system in USA was created in the year 1883. Intellectual development and innovation in public administration has been largely a product of American experiences. Interest in the machinery of administration took a firm root in 1887 after the publication of Woodrow Wilson's article in the political science quarterly entitled The Study of Public Administration. The Institute for government research in Washington established in 1927 promoted the scientific study of government in order to discover principles which could lead to its improvement. The influence of scientific management movement by F.W. Taylor had a great impact on American civil service. However a great number of changes in the structure of Federal State and local governments were initiated by the first Hoover Commission (1937) and the second Hoover Commission (1949). The first Hoover Commission suggested the creation of separate staff agencies for the coordination of Federal grant-in-aid, center-field relationship, methods of overseas administration and the selection of public work projects. Managerial efficiency was firmly supported by the second Hoover Commission. But these reports were not very specific about civil service reforms. The civil service reforms initiated by president Carter constitutes the first major overhaul of the civil services since the system was created in 1883. Jimmy Carter proposed the civil service reform package to fulfil his promise of a government that was efficient, open and truly working for its citizens with understanding and respect.

While members of civil service are recruited by the open competition which is generally open to the society at large as it is practiced in USA, UK, and India, the French system is somewhat different. The French civil service has been organized on the basis of 'corps' categories of staff which form the groups into which recruitment occurs. Members of the 'Grands Corps' (Senior administrators) are recruited from the graduates of specialist,

competitive - entry training schools founded by the state. It has been claimed that among all the countries civil service system the one which is practiced in France, is the most efficient. Not only its organization but the history and tradition of France are responsible for its significance. Modern outlook and reform zeal appeared in French civil service during the reign of Fourth Republic. In the nineteenth century conditions of service in some corps were highly regulated. As far as specific codes for civil servants are concerned it is left to the individual ministries and the general code, even today, is prescribed by the counsel. The political instability factors were the major cause for initiating civil service reforms. Codifications of laws for civil service took place during the Vichy government in 1941. A general charter to civil service was drafted in the year 1946. The present civil service system in France is mainly governed by the new Constitution which was promulgated in the year 1959. Even in the present codification it retains most of the basic laws of 1946. By taking some cues from the British administration, the French government established a civil service division (Direction generale de la fonction publique) in 1945. Its Parallel body in India is personnel and Administration Reform Ministry, in UK the Ministry of Treasury and in USA the Department of personnel Management(1978). In these countries they are placed directly under the control of the chief executive (real). Thus the Prime Minister of India, France and UK are directly responsible for the management of the civil service.

India has been in the transitional stage of development since its independence (1947). It engaged in the tasks of bringing about fundamental changes in the values, structures and the process of civil service. According to Riggs a phenomenon of the utmost significance in transitional societies "is the lack of balance between political policy-making institutions and bureaucratic policy implementing structures". Despite independence of India, we have deliberately inherited the colonial civil service system. During the British rule in India the colonial administrators were less concerned with development and change. They were more concerned with revenue collection, law and order problems. However since independence several efforts have been made towards administrative modernization in India starting from the Ayyangar Committee Report on the machinery of government in 1949, Gorwala Committee in 1951 and Paul Appleby Report (1953). They gave reports based on their survey of public administration in India. But the greatest thrust on administrative reforms at the national level came with the appointment of the Administrative Reforms Commission in 1966. It brought out 22 reports with over 500 recommendations. The Commission was given a very wide power with the task of "give consideration" to the need for ensuring the highest standard of efficiency and integrity in the public service and for making public administration a fit instrument for carrying out the social and economic goal of development. The committee on recruitment and selection methods (Kothari Committee 1976) was appointed to examine and report on the system of recruitment to All India Services and Central A and B services. The colonial administrative practice was structurally inadequate and functionally unprepared to meet which came to be accepted by the nation as the new primary concern of the state policy. Thus the civil service in India has been moulded and oriented in order to face the challenges of new a nation. During the earlier stages of civil service development it was characterized by rigid adherence

to rules, precedents and procedures, reluctance to delegate authority, feudalistic sycophancy towards superiors and wide disparities in caliber between higher and lower levels. Such problems are less in degree in countries like USA, UK, and France.

In short we can say that USA civil service system and managerial background which has been groomed by scientific management movement. The UK civil service system has been by and large evolutionary in its development and rooted firmly with conservative outlook. In France efficient civil service system took place in order to compensate the political system's weakness created by political instability factors. Significantly, India has been distinct from the above said countries on the three accounts.

1. The need to face new challenges of a newly emergent nation;
2. The need to reform the civil service inhibited with colonial ethos to more responsible civil service system; and
3. To cope with the development that is taking place outside India, particularly with developed nations.

Past colonial connections have made India face some unknown civil service problems, which are irrelevant in most of the advanced countries. The other differences in the civil service is only marginal and differ only in terms of degrees rather than character. One can assume that such variation in degrees occurs because of its distinctive historical development of civil service system. Therefore a theme or topic or issue wise comparison will definitely help us to appreciate the differences and similarities.

Civil Servants and Executive Relationship

It is important to study the relationship between the civil service and other sectors of the political system, viz, government(executive) the legislature and intermediary organizations like political parties and pressure groups. Relations between civil servants political parties and pressure groups. Relations between civil servants and their ministerial departmental superiors will not only vary from system to system but also depend on the personalities involved. Proper understanding between the executive and the civil servants will mitigate the problems they are supposed to manage. While these mitigate the problems they are supposed to manage. While these aspects of relationship are different to identify and to quantify in various countries, it can be relatively understood by comparison of one country with others.

The permanent status of senior civil servants in UK and France contrasts with the politically dependent status of top civil servants in USA and India. Secondly, in the parliamentary form of government the minister spends less time in matters of administration like in India and in United Kingdom. Therefore, it can be said that the relationship between ministers and civil servants is largely confined in the areas of policy making. Apart from policy matters, the civil servants in USA and France have many interactions on non-policy matters. It is more true

with USA since interaction between executive and legislative responsibility is less evident there, due to the separation of powers between them.

The political power of civil servants is quite often determined by the relationship between them. In some instances of power of civil servants is increased by the delegation of powers of the executive to the civil servants. This is particularly the case of France, India and United Kingdom. To a lesser extent it is present in USA. Complex administrative factors are by and large the domain of the civil servants. But the powers to control the civil servants, their removal and reforming the civil service develops a complex political relationship between the politicians and the civil servants.

Political Rights of Civil Servants

No aspect of administration in modern times aroused more heated political controversy than the issue of granting certain political rights to the civil servants. Civil servants in different countries enjoy a variety of political rights enjoyed by the civil servants in different nations may be helpful in understanding the relative advantages and disadvantages of the same. These political rights are delegated to civil servants because of their organized bargaining strength together with their influence which they exert on legislature and executive. In most of the countries there are constitutionally protected political rights for the civil servants. Of course the constitution and various judicial pronouncement also limited the enjoyment of certain political rights by the civil servants. Generally the following are the important right that have to be studied under a comparative perspective:

Right to Vote in Elections

1. Right to contest in election;
2. Right to criticize policies of the government;
3. Right to form association; and
4. Right to strike.

All these political rights are again constitutionally protected for the public. But it is applicable for the civil servants with some restricted sense or with some limitations. The purpose of such limitations is to ensure that the civil servant should not take partisan political attitude and develop political prejudice while extending public service to the public. Besides, politically charged civil servants quite often would be loggerheads with the political executive in case they belong and subscribe to different political attitudes or groups. Sometimes the government deliberately emphasizes that its civil servants should follow some kinds of prescribed political values as it happened in former Soviet Union. Nearly all Soviet civil servants are members of the party-controlled Octobrists and pioneers. The young recruits to civil service in Soviet Union once served as members of the Konsomol, the Youth Wing of CPSU. In western countries, the most important politicizing agencies are the family, church and political parties. Despite the politically neutral stand of the civil servants many studies have revealed that civil servants are taking an active role and politically commit themselves to the politics of

the ruling powers. Such tendency on the part of civil servants would lead to creation of parallel political institutions within the executive branch. As early as in 1975, M. Ruthnaswamy described that Indian secretaries at the central level no longer play their rightful role of giving independent, objective information and advice to their ministers but first find out the views of the ministers and adapt their information and advice accordingly, thus defeating the very purposes of their existence and functions. According to Fry's view, the Central Civil Service Department in UK which symbolized the civil service being treated as an interest in its own right had by 1981 itself become an apolitical to radical reform of the service. They took the reason why during the Thatcher period (1979 to 1989) there was an attempt to 'deprivilege' the political role of career civil service. In France the government extended an absolute freedom to civil servants to take part in active party politics. They can become members of the political parties and participate in their activities. The only restraint to the political role of the civil servants is that they must not disclose the fact that they are civil servants when engaged in political activities and that they must not use information which they have acquired by virtue of their office. If strictly followed, these restraints would prevent a senior civil servant to take part in an active political role. In USA the civil service system still retains a paradigm that was largely developed by the civil service reform movement with strict regard to public employment as opposed to wider political interests. The reforms of USA civil service stood for political neutrality, a higher level of morality and greater administrative efficiency. However non-partisan political expression by civil servants was constitutionally protected in USA. Thus in USA political neutrality led to the enactment of restrictions on the partisan political activity of the public employees in various judicial decisions. Some of the most important administrative positions within the executive branch are held by individuals who are covered by Civil Service Classification Act. These civil servants of the top-level in the executive branch can be removed from their positions only as a result of gross insubordinations, undesirable personal habits, negligence, criminal acts, or as a result of their jobs being abolished. Many civil servants in USA at the top level executive branch play a dual role. They belong partly to civil service and partly to the political objectives of the executive branch. According to J.L. Freeman describing them as political entrepreneurs is an over statement. If any conflict develops between and their politically appointed superiors, the degree of security they enjoy is considerably reduced. Whatever may be the restriction imposed by the government on the political role of the civil servants, one must note that the civil servants are influenced in their choice of priorities partly by the way they perceive the demands of the political system.

Right to vote in elections is generally granted to civil servants in USA, UK, India and France within the framework of democracy. In USSR such rights were granted to civil servants under the strict directions of the central communist party machinery at various levels. anti-communist expressions or dissent opinions have resulted not only in expulsion but also imprisonment. They were branded as enemies of working labourers. Political participation of civil servants is not confined to exercising the votes alone. It also includes the right to collect political funds, to canvas for some elections, to share public political platforms and to use

media to propagate the policies of a political party and thereby to solicit the support of the public. For various reasons these rights are restricted in degree, to civil servants in different countries.

The political activities of civil servants in France is monitored by the conseil d'etat. Public employees in France enjoy absolute not taking active political role pervade the British civil service. However, there has been a debate on the desirability of making higher level posts in the civil service more 'political' and to allow for passive political role for the civil servants. But so far it has not been granted by the Parliament of Britain. The British conservative attitude believes that when a government changes in response to the expressed verdicts of voters, then the political neutrality of the civil servants is an essential prerequisite of bureaucratic continuity. Incoming governments would not trust civil servants appointed by their predecessors, if neutrality was not guaranteed. In Contrast, French occupants holding senior posts change when the presidency changes. It is interesting to note that in USA even today there are about 10,000 senior civil service positions which are politically made after every election of a new president. To a lesser extent in India there has been politicization of civil service at the top level both in central and state governments.

It should be remembered that strict vigilance over the political perception of the civil servants is neither possible nor desirable. However neutral the civil servants may be they may involve themselves in terms of partisan politics, because day-to-day business of a civil servant has to do with 'politics' in many ways. For example, preparing policy options for ministers (UK and India) assessing the strength and weaknesses, objections and desires of various interests is likely to be affected by choices among policies or by different ways of implementing policies; comparing relative costs of various methods of administering policy; evaluating on-going policies and so on. In these activities the civil servants are directly involved in 'politics' of their political bosses. Particularly the role of special advisers and planning staff both in India and UK and fundamentally political in nature. By politically committing themselves, the civil servants may also want to promote their self-interest or thereby form a cordial relationship with the politicians. Likewise the senior executive service in USA is composed of top-ranking civil servants. By virtue of Federal Civil Service Reform Act of 1948, 10 per cent of allocated positions in the Services can be purely political appointees. The rationale behind the Services was to make these highranking administrative officials responsive to political executive. In India also after every election of a Prime Minister and the council of ministers there was reshuffling and reassignment of posts in the top ranks of the civil service. Therefore a realistic appreciation of the civil servant and politician warrants that under some context the political role of the civil servants at the top level is inevitable.

Right to Contest Elections

The right to contest elections by the civil servants has a divergent practice in different countries. Particularly France is noted for its liberal electoral laws for the civil servants.

Irrespective of their level in administrative hierarchy, civil servants are allowed to contest in elections to any representative office in the country. Besides they are also eligible to enjoy their pensionary benefit and seniority of service rights while serving as representatives of certain public offices. But in USA, the civil servants are allowed to contest for elections only at the local level provided that such participation would not affect his efficiency. On the contrary in India the Public service conduct Rules (PSCR) does not allow any public servant to participate in the national, state or local political activities. From 1947 to 1960 the Government of India allowed the civil servants to contest for elections at the local level but later even this was prohibited. In USSR there was not much difference between politicians and the civil servants and the civil servants were allowed to contest for election under the direction of the communist party command at appropriate levels.

Right to Freedom of Expression

Both in India and the UK civil servants do not enjoy the right for freedom of expression. Besides, civil servants are also expected to seek the prior permission of the competent authorities for publishing books, articles and speaking to general audiences. In USA, the federal employees are allowed to express their views on political subjects not on the capacity of a civil servant but only privately. As noted earlier the Second Hatch Act (1940) allowed state public employees to express their opinion on 'candidate' as well as on political subjects. Above all, France further allows its civil servants even the right to criticize governmental policies and their manner of implementation subject to the observance of the principle of reverse. A French official outside his official work can criticize the government and express his views contrary to the general policy of the government. However there should not be any personal criticism directed at the work of the particular service to which he belongs.

Right to Association

Right to form a group of persons with some common interests has been recognized by the Constitution for the general public. But such rights are extended with some limitations to civil servants in various degrees in different countries. The professional associations were recognized by the Soviet Union again under the strict observation of the communist party, but such an association should not associate itself against the interest of the communist part. In France, civil servants enjoy the right to association including the right to associate with the trade unions. The French civil servants can uphold their political ideologies by joining any of the trade unions. But both in India and UK there are certain restrictions imposed upon public servants are not allowed to form association. Particularly in UK, civil servants are not allowed to associate with the outside unions which believe in communism. In India the right to association has been guaranteed to public servants by virtue of Article 19 of chapter of Fundamental Rights of the Indian Constitution. Civil servants therefore are free to form associations or join associations already in existence but the government would consult or negotiate with only those associations which have been recognized by it. So there is a mandatory requirement that every association in order to negotiate or to interact with the

government should register itself under the Registration of society Act 1956 and thus become eligible for recognition by the government. As note earlier the right to join unions has been upheld by the US Supreme court in several of its judgements. However the court in its verdicts prohibit civil servants joining illegal or unlawful objectives of the association lies with the employer (federal, state or local government).

Right to Strike

Strikes are the general means to convey the anguish of the employees over certain matters to their employer. It is mostly adopted only by the organized labourers in the industrial sector. But today such labour tactics have influenced the minds of civil servants as a means to negotiate with the government, while in former Soviet Union strikers by civil servants were considered as an act against the state and ruthlessly controlled by state machinery. The KGB was the organ which was responsible for preliminary investigation of anti-communist activities of the civil servants. Disciplinary penalties were imposed on the Soviet civil servants who stood against government policies or orders. The criminal codes contained more or less clearly defined cases of offences which could not be committed by the holders of office (civil servants). Besides the committee of party and state control which was set up in the year 1962 enjoyed considerable power in punishing the highest category of administrators. They could stop any action of officials which could cause harm to the interests of the state. So the right to strike was absolutely non-existent in the former Soviet Union.

In France, barring certain categories such as top civil servants, foreign service and policy personnel all the other categories enjoy the right to strike. But the right to strike can be used only as a last resort of collective bargaining with the government. In contrast both in India and UK civil servants have not been specifically denied the right to strike under the law but the constitution of India never granted the right to strike to public servants as means of collective bargaining. In regard to the right to strike the US has a distinctive future. Under the US Labour Relation Act public servants do not enjoy the right to strike. But gradually the various federal unions are asserting their rights to strike. However, Federal employees live under specific statutory prohibition of the strike. The law is turned against the employment or retention in employment of any person who participates in any strike or asserts the right to strike against the government of USA. Of course there has been wide misconceptions about the right to strike. In a recent court case the United Federation of Postal Clerks sought the invalidation of portions of several federal laws that denied employment to those participating in any strike against the US government or asserting a right to strike. Thus there is confusion over the issue of strike in USA. However it should be understood by us that at present public servants in the USA remain overwhelmingly prohibited to strike under law.

Political System and Political Rights

The foregoing analysis of political rights of civil servants in four democratic (UK, USA, India and France) and one non-democratic (USSR) country provides an array of hypothetical

questions. The first question would be to seek an answer as to why different countries allocate varied degrees and kinds of political rights to its civil servants. It is generally believed that UK, because of monarchical system, is likely to grant relatively limited amounts of political rights to its public servants. But according to G.B.Sharma, "UK which has monarchical form of government appears to be much more liberal towards political rights of their public servants than either India or USA both of which happens to be republics. He adds further that parliamentary form of government, where there is no rigid separation of legislature and executive, provides for a fairly reasonable amount of political freedom to their public servants. France, where there is a mixed type of parliamentary and presidential executive type, appears to be much more flexible than pure parliamentary type and presidential type of countries (Britain and USA). So the answer to our first question is that because there exists different historical, circumstances, countries differ among themselves and are close to one another in granting political rights for civil servants. It can also be said that there is only a limited correlation between the political system vis-a-vis the enjoyment of political rights by the civil servants.

An overall comparative evaluation of political rights in the three countries can be reasonably listed as follows:

India

Still adheres to the colonial concept of political neutrality. Mass political participation and new administrative actors with economic, social background may tilt the concept of political neutrality. However as far as granting of political rights to civil servants are concerned the government is rigid and conservative in outlook.

United Kingdom

There exists a fairly high degree of political rights for public servants despite the important factors enumerated below.

That there exists a constitutional monarchical form of government; and Generally the British is noted for their high esteem of tradition and more influenced by conservative thoughts.

United State of America

Political rights to civil servants are rigid and recently the Supreme Court granted and safeguarded the legitimate constitutional right to civil servants that would be normally allowed to the public.

France

It is noted for its most liberal position in granting political rights for its civil servants. Such liberal granting of political rights helps in coordinating the relationship between the politicians and civil servants in policy making areas.

Conditions of service and Discipline

According to Glen Stahl, "No organization is so perfect, no executive so indigenous, and no personnel system so infallible that measures of correction and punishment can be completely avoided." A good condition of service and common codes of conduct are prerequisites for modern civil service system. Today many governments adopt certain rights and liabilities of civil servants. If there is any violation from the codes of conduct the civil servants are liable for punishment. Disciplinary action can be taken for inattention to duty, carelessness, lethargy, loss of property, inefficiency, immorality, insubordination, lack of integrity, viz, corruption, bribery etc. and violation of the established code of ethics and failure to pay debt.

In USA, UK, France and India there is restriction for remunerative activities outside the service. It is also mandatory for the civil servants in these countries to declare the occupations of their spouse. Civil servants are generally prohibited business activities. All such restrictions are imposed on civil servants not only to safeguard the interest of the state but also to protect civil servants from becoming an easy prey to corruption.

In France civil servants could not be sued in any civil court of law unless the government permitted such an action. This particular privilege was repealed in the year 1870 and now suits can be filed against the civil servants when the damage in question was caused by the decision of a civil servant acting in his official capacity. The conseil d'etat now allows the state to recover damages in certain circumstances. On the other hand the Soviet counterparts were only answerable to the party apparatus for their omission and commission. The involvement of party officials in administration prevented clear lines of authority from becoming established. There was no scope to get any sort of compensation from the erring public servants or from the government. However there were checks of varying frequency by the procurators, the party and the various commissions or committees. Under the control of communist party various laws were enacted to streamline the attitude, behaviour, and conduct of the Soviet civil servants. Unlike other western democratic countries, there were no common civil service conduct rules but there were specialized application of disciplinary laws to particular branches of service.

Insubordination to official hierarchies was severely dealt with in the former Soviet Union. The penalties imposed generally consisted of a reprimand of varying degrees of severity, reduction in rank, or dismissal. Appeal by the civil servants was limited only to next authority in the hierarchy. When officials caused material damage by his neglect, his salary could be surcharged. Like in India, USA, UK and France, the Soviet counterparts were liable for ordinary breaches of the criminal law such as embezzlement or fraud.

In USA the common conduct rules of civil servants are again derived from the Hatch Act 1940. But the Act does not specify what the prohibit. However in case of India, the All India Services (Discipline and Appeal Rules, 1995) are specific in nature and wider in its scope. The rules of disciplinary procedure are similar for both central and state services. In USA,

federal employees are forced to discourage the political activities of their spouse. Generally public goals being pursued by the elected government and the political community as a whole. Subscribing to communist ideology was considered as disloyalty to federal government during the 1940s and 1950s which is known as "Mccarthyism". The loyalty of public servants was examined by a loyalty review board. Any adverse report of the board would result in the dismissal of the servant. A dismissed civil servant could appeal to Supreme Court. Today in USA public employees enjoy constitutional rights to appeal to the higher court if :

1. The basis of their actions was the exercise of an ordinary constitutional right such as freedom of association;
2. Labelled as dishonest or immoral; and Dismissed

There is also much scope for public employees' liability in civil suits for damages resulting from the violation of an individual's constitutional rights, through an employee's action within the sphere of his or her official duties. Prescribing to democratic norms the civil servants are consulted in determining the nature of working conditions in government employment as in India, France and UK.

Like in USA the Indian civil servants arbitrary dismissals are protected by virtue of Article 311 of the Constitution. There is scope of appeal in disciplinary proceedings but it can be withheld by the deciding authority. The Government of India in order to check corruption in public services appointed a committee in December 1965 known as the Santhanam Committee on prevention of Corruption. The committee recommended and effected amendments in the Discipline and Appeal Rules for central government and ensured the satisfaction of a government servant that his case has received due consideration. There are also some special agencies to initiate, conduct and conclude disciplinary proceedings against civil servants (Central Administrative Tribunal and State Administrative Tribunal).

In UK upto a certain level every civil servant's work is the subject of confidential annual reports by the head of his unit in which he serves. Like USA, India and France discipline is maintained by the administration of reprimands and penalties such as stoppages and forfeiture of annual increments, loss of promotion, suspension from duty, in the last resort dismissal without pension or gratuity.

Other General Conditions of Work

1. There are certain general conditions of work which are similar in UK, USA, India, France and USSR which are listed below:
2. Five days work in a week;
3. Overtime is allowed for civil servants of lower grade in UK, USA and France. In India and the former USSR it was abolished.

4. There are public holidays and privilege holidays and special leave with pay.
5. Sick leave (paid and unpaid) is allowed.

Insurance coverage by the government is available in UK, USA, USSR and France.

established women civil servants are entitled for maternity leave which is allowed for two months with payment; and Equal employment opportunity for representation of minorities in the public services (UK and USA). In India there is reservation of jobs for scheduled castes and scheduled tribes. Today in India even the most backward classes were included in the reservation category after the Mandal Commission Report.

Evaluation of Civil Servants

Top civil servants in India are evaluated on the basis of seniority - cum - merit and half yearly confidential report. The members of Union Public Service Commission are also involved in preparing the list of names for top civil service posts and the ministers select civil servants from the prepared list. But in UK and France capacities and qualifications of employees are closely scrutinized and will be selected by the departmental head. In Soviet Russia a combination of political agencies were involved in evaluating a person on various aspects. One is that officials must be evaluated with due regard to their political and practical or professional abilities.

The USA has an edge over other countries in evaluating their public servants known as Efficiency Rating System and it was the result of scientific management movement (1920). It is a system for discovering, analyzing and classifying the differences among employees vis-a-vis job standards. Appraisals are generally done by supervisors, peers, or by some combination of these. The major techniques in the appraisal are as follows:

1) Rating Scale

Essay reports-Focussing on an employee's need for further training and his or her potential and ability to obtain results.

2) Checklist

It consists of statements about the employee's performances. The rater checks the most appropriate statements. Some of these may be given greater weight than others in reaching an overall appraisal.

3) Critical incidents

It is an approach requiring the supervisor to keep a log of employees performance, indicating incidents of both good and poor performance.

4) Forced Choice

This requires supervisors to rate employees on the basis of descriptive statements.

5) Ranking

It is process where there is comparison of one employee with the other.

6) Forced Distribution

It requires the rater to place employee in categories such as top 5 per cent next 10 per cent next 25 per cent and so on.

A combination of these techniques are used in appraising the civil servants for their promotion or for appointing them in top civil service posts. Thus there is a strict application of scientific management principles in selecting meritorious people. In India public servants have to pass the efficiency test which is required to justify for promotion or for an increment. A committee is constituted in each department and it records its findings to the suitability or otherwise of an employee to cross the efficiency bar and the competent authority on the basis of the funding of the committee, issues orders either permitting or stopping the employee cross the efficiency bar.

Innovations were added to evaluate the efficiency of the civil servants in UK during Thatcher's period. The government appointed Rayner as an adviser on administrative efficiency. An 'efficiency unit' was formed which was composed of civil servants and outside consultants. The unit aimed to improve the efficiency of civil servants within the White Hall. It was considered to be the first step towards managerialism of public service in Britain. But unlike USA, the efficiency unit was applied only to an organization as a whole than individuals. It is now placed under the control of cabinet office.

There are problems in using these appraising techniques in the different social settings of different countries. The problem with this system is that it is prone to subjectivity and negligence of the rating officer. However in USA the federal government established a Bureau of efficiency in 1916 for looking after rating work in various departments. Any discrepancies, if found by any employees can be referred to Personnel Arbitrary Council and the minorities can make a representation to the body, if there is any kind of racial prejudice. Such management orientation is conspicuously absent in India due to various social problems like rigid caste system and heterogeneity of the population. Despite the rhetorics about equal opportunity to all castes in India (particularly SC and ST) little progress has been made. A more realistic and humanistic appraisal method is of utmost important for the increase in the efficiency of the civil servants.

Model Question

Compare the civil services in U.K., U.S.A., and France.

Lesson - 13

CIVIL SERVICE IN UK

History

Till the middle of the nineteenth century, Britain had the patronage system of civil service. The civil service posts were given as a political reward or a personal favour. An ordinary citizen who had the required merit but no patronage could not enter the civil service. This type of civil service led to corruption and inefficiency in administration. However, the increased concern about corruption, economy, efficiency and popular right to public office gave rise to the modern civil service by the middle of the 19th century.

The British Civil Service, as it developed in the course of time, came to be organised on the principles recommended by the Northcote-Trevelyan Report of 1854. Later, some changes were introduced on the recommendations of the Playfair Commission (1875), Ridley Commission (1886-90), MacDonnell Commission (1912-15), Haldance Committee (1918), Bradbury Committee (1918-19), Tomlin Commission (1921-31), Barlow Committee (1943), Assheton Committee (1944), Masterman Committee (1948), Priestley Commission (1953-55), Plowden Committee on Control of Public Expenditure (1961), and the Morton Committee (1963). It was again reorganized on a large scale only in the late 1960s on the basis of the diagnosis made by the Fulton Committee Report of 1968. In the recent period, some minor changes were effected in the civil service as a result of the recommendations made by the Davies Report of 1969 (on Method -II), the Franks Report of 1972 (on the Official Secrets Act of 1911), Megaw Report of 1982, the Atkinson Report of 1983, Sir Robins Report of 1988, and the Ibbotson Report of 1988.

The Northcote-Trevelyan Report (1854) : The British Treasury appointed the Northcote-Trevelyan Committee in April 1853. Its report on the 'organisation of the permanent civil service in Britain' was published in 1854. Its main recommendations are :

1. The patronage system of recruitment should be abolished.
2. Recruitment should be by open competitive examination.
3. A civil service commission should be established. It should be an autonomous semi-judicial body and made responsible for proper administration of recruitment process.
4. Promotion within the service should be by merit and not seniority.
5. The intellectual side of administration should be separated from the mechanical side. In other words, the civil service posts should be divided into two classes, namely, the superior class and the inferior class. The superior class should perform intellectual work while the inferior class should do mechanical work. These two classes should have separate methods of recruitment.

6. Recruitment age for inferior posts should be 17 to 21 and for superior posts 19 to 25. Thus, it confined entry into civil service to young men only which reflected the idea of recruiting mature men.
7. Superior civil servants should be selected on the basis of general intellectual attainment rather than specialized knowledge. In other words, the open competitive examination should be in liberal arts rather than technical or professional subjects and should be of the university level.
8. Unification of the civil service with unified recruitment and inter-departmental promotions. The committee felt that this unification would remedy the 'fragmentary character' of the civil service.

The Civil Service Commission was established in 1855 by an order-in-council as an independent body to test candidates for recruitment. In the beginning, it tested, by examination, only those candidates who were nominated by the heads of departments. But after 1870, open competition organized by it became the only method of entry into the civil service. As such merit system became a reality in Britain in 1870.

The Fulton Report (1968)

In 1966, the British Government appointed the Fulton Committee on the Civil Service to examine the structure, recruitment, training and management of the Home Civil Service and to make recommendations for improvement. The Committee submitted its report in 1968 and observed that "the Home Civil Service today is still fundamentally the product of the nineteenth century philosophy of the Northcote-Trevelyan Report. The task it faces are those of the second half of the twentieth century. That is what we have found; it is what we seek to remedy." It made totally 158 recommendations and the significant ones related to the civil service are mentioned below.

A new civil service department should be created to manage the civil service. It should be headed by the Prime Minister and should absorb the Civil Service Commission. The Permanent Secretary of the civil service department should be designated as Head of the Home Civil Service.

All classes should be abolished and replaced by a single unified grading structure covering all civil servants from top to bottom. The correct grading of each post should be determined by job evaluation.

A civil service college should be setup to provide post-entry training for recruits. It should offer training courses in administration, management, economics and other allied subjects. The training courses should include management training for specialists also. Further, the college should provide a wide range of shorter courses and have important research functions.

There should be greater mobility between the civil service and other employments, that is, the universities and the private sector. The opportunities for late entry, and short-term appointments should be expanded.

When recruiting university graduates, the relevance of their courses to the job should be taken into account. In other words, preference should be given to relevant degrees when recruiting.

The civil service should encourage greater professionalism both among specialists and administrators (i.e. generalists). The specialists should be given more training in management and should have opportunities for greater responsibility and wider careers. The generalists should be encouraged to become specialists in particular areas of financial administration or social administration. More attention should be given to career management.

A planning unit should be set up in each department. The director of the unit should have direct access to the minister under whom the department is placed.

The post of a Senior Policy Advisor should be created in major departments. This should in addition to the post of Permanent Secretary. The official secrecy rules should be relaxed. The process of administration should be made more open to public knowledge and consultation.

Central Personnel Agency

Till October 31, 1968 the British Treasury was the Central Personnel Agency and managed the civil service. But on November 1, 1968 the Civil Service Department was established on the recommendation of the Fulton Committee Report. This department replaced Treasury as the Central Personnel Agency and also absorbed the Civil Service Commission as an independent unit within it. However, this department was disbanded in 1981 to effect economy, and its functions were distributed between the Treasury and the Management and Personnel Office. In 1987, the Management and Personnel Office was abolished and replaced by the office of the Minister for the Civil Service. To sum up, the British Civil Service as of now is managed by the Treasury and the office of the Minister for the Civil service, which works under the control of the Prime Minister of Britain.

Classification

In the Pre-Fulton era, the British Civil Service was divided into the following four major classes; each with its own internal grading structure.

- Administrative Class
- Executive Class
- Clerical Class
- Specialist Class

The Fulton Committee Report of 1968 recommended that the classes should be abolished and replaced by a single unified grading structure., To quote the Report, "All civil servants should be organized in a single grading structure in which there are an appropriate number of different pay level matching different levels of skills and responsibility, and the correct grading for each post is determined by an analysis of the job." In order to implement this recommendation, former classes were merged to form new entities known as 'groups' and 'categories'.

In 1971, an 'administrative group' was formed by merging the lower rung of administrative class with the executive class and the clerical class. The different grades within this group were as follows:

- Senior Executive Officer
- Higher Executive Officer
- Administration Trainee
- Executive Officer
- Administrative Officer
- Administrative Assistant

However, vertical barriers within the service still exist. Only in 'Open Structure', created in 1972, there was a unified grading structure. In 1986, it (open structure) consisted of the following top seven grades.

- Grade 1 - Permanent Secretary
- Grade 2 - Deputy Secretary
- Grade 3 - Under Secretary
- Grade 4 - Executive Director
- Grade 5 - Assistant Secretary
- Grade 6 - Senior Principal
- Grade 7 - Principal

Recruitment

In the UK, recruitment to the civil services is based on competitive examinations conducted by the Civil Service Commission. The Commission forwards the list of the successful candidates to the heads of departments for appointment.

Till 1945, Method-I was the only avenue of entry into the higher civil service, that is, the Administrative Class. The examination under Method I consisted of a qualifying written examination followed by a interview. The written examination comprised of essay, language, current affairs and optional subjects.

In 1945, an alternative approach called Method II was introduced. This method emphasised on a series of individual and group interviews, in addition to a qualifying written examination. The candidates were taken by the Civil Service Selection Board to a country house for an extended interview for two days. Hence, this method was also called the Country House Method. Therefore, selection under Method -II was by the method of 'extended interview' or 'reconstruction competition'. In 1969, Method-I was totally discontinued. Hence from 1970, Method-II is the sole mode of testing the merit and suitability of the candidates for entry into civil services. In 1971, a system of selection of Administrative Trainees on the lines of Method - II, for careers in the new administrative group was introduced on the recommendations of the Fulton Committee. The selected candidates (administrative trainees) had a two-year probationary period followed by sixteen - week training course at the Civil Service College.

Training

The institution of formal training for higher civil service in the UK can be traced to the Assheton Committee Report on the Training of Civil Servants, published in 1944. The Committee which was appointed in 1943 under the chairmanship of Sir Ralph Assheton, recommended centralized arrangements for training entrants to the higher civil service, that is, the Administrative Class. On its recommendation, a training and education division was set up in the British Treasury to coordinate and administer training courses for higher civil servants.

The major training centres in the UK are

1. Administrative Staff College, set up in 1948 at Henley-on-Thames to provide external training in management.
2. Center for Administrative Studies, set up in 1963 at London.
3. Royal College of Defence Studies at London provides training for diplomatic service.

Civil Service College

The Civil Service College is the main training center in the UK. It was set up in 1969 on the recommendation of the Fulton Committee Report. It comprises a head quarter and two original centers. The head quarter is at Sunningdale Park while the regional centers are in London and Edinburgh. It performs the following four main functions.

1. It provides post-entry training for recruits (administrative or generalist) in financial, economic or social areas of administration.

2. It offers specialized courses for specialists in administration and management.
3. It conducts research on problems related to administration.
4. It gives general guidance and advice to departments which carry out training for the executive and clerical staff.

Promotion

In the UK, promotions in civil service are a departmental affair. In every department, the departmental promotion boards are constituted by the head. They advise the minister and Permanent Secretary on matters of promotion.

In annual reports, the employees are evaluated as outstanding, very good, satisfactory, indifferent and poor. Then, the candidates are classified into the following four categories.

- (a) Extraordinary fit for promotion
- (b) Highly fit for promotion
- (c) Fit for promotion
- (d) Not yet fit for promotion

The important elements of the system of promotion in the UK are

1. The candidates are informed well in time of the vacant positions which are to be filled by promotion.
2. The suitability of the candidates for promotion is determined by a board rather than a single individual.
3. The aggrieved party has the right to appeal against the decisions concerning promotion. However, no appeal can be made to any authority above the head of the department.
4. In practice, the consent of the Prime Minister is necessary to make promotions to the positions of Permanent Secretary, Deputy Secretary, Finance Officer and Establishment Officer.

Pay and Service Conditions

- (i) Since 1971, pay for civil servant in the UK is fixed on the basis of the 'Priestly Formula'. This formula recommended higher pay scales based on income policies of government and comparison with private sector pay scales. Pay is fixed and controlled by the British Treasury and Personnel Department.
- (ii) Apart from the pay (salary), civil servants in the UK are also given various kinds of allowances which are fixed on the basis of the prevailing price index.

- (iii) The civil servants in the UK are given the right to form association. They also enjoy the right to associate with the trade union to uphold their political ideologies. However, only the union of post office workers is associated with the Labour Party.
- (iv) The civil servants in the UK are not specifically denied the right to strike under the law. But striking by civil servants is a disciplinary offence.
- (v) In the UK, there is a total ban on political rights and activities of the higher civil servants. This prohibition becomes progressively less strict for the middle and lower grades of the civil service. The lower grade personnel can participate activities. The political activities of the civil servants are monitored by the Treasury. The Masterman Committee on the political activities of civil servants in the UK in its report of 1949 state that:
- (e) In a democratic society it is desirable for all citizens to have a say in the affairs of the state, and for as many as possible to play an active part in public life.
- (f) The public interest demands the maintenance of political impartiality in the civil service and of confidence in that impartiality as an essential part of the structure of government in this country.

Therefore, the Masterman Committee noted that 'any weakening of the existing tradition of political impartial would be the first step in the creation of a "political" civil service....Such a system would be contrary to the public interest and, in the long run, the civil service itself.'

- (vi) The retirement age for civil servants in the UK is 60 to 65 years. They enjoy the usual retirement benefits.

Whitley Councils

UK has the institution of Whitley Councils for the purpose of negotiation and settlement of disputes on service conditions between the employer (state) and employee (staff). The following points can be noted regarding this unique institution of UK.

- i. These Councils were setup first in 1917 in private industries on the recommendation of the Whitley Committee Report on Relations between Employers and Employees.
- ii. The Whitley Council were established in the sphere of civil service in 1919 on the recommendation of the Ramsay-Bunning Committee Report.
- iii. The Whitley Councils in the civil service operate at national, departmental and local levels. The National Council deals with all matters of service conditions affecting the civil service as a whole. Similarly, the Departmental and Local Councils deal with departmental and local matters respectively.

- iv. Whitley Councils at all levels consist of an equal number of representatives of government (employer) and the staff (employee). The officers class (i.e., directing and supervisory staff) represents the government side, while the middle and lower categories of staff represents the staff side.
- v. The official side and the staff side negotiate through the Whitley Council machinery operating at three levels. Whitleyism is therefore, a system of periodical discussion at various levels between the representatives of the government and staff for the purpose of settling the disputes on service conditions.
- vi. The National Whitley Council consists of 54 members, 27 from each side. The Chairman of the Council belongs to the official side, while the Vice-Chairman to the staff side. The head of the Home Civil Service acts as the Chairman of the Council.
- vii. These Whitley Councils have no power of decision, but only of recommendation. They are only advisory bodies. Moreover, the Councils do not take up individual cases. The Departmental Councils (about 70 in number) operate within the ministries and the National Council performs central advisory functions for the government.
- viii. When there is a disagreement between the official side and the staff side on matters of pay, hours of service and leave, provision is made for arbitration.
- ix. The Civil Service Arbitration Tribunal was established in 1936 and consists of the Chairman and two other members. The awards of the Tribunal are final, subject to the overriding power of the Parliament of the UK.
- x. The objectives of the Whitley Councils are:
 - (a) To provide machinery for the discussion and ventilation of the grievances related to the service conditions of the staff.
 - (b) To secure maximum cooperation between the state (as employer) and the general body of civil servants (as employees) for improving efficiency in public service and well being of the staff.
 - (c) To bring together the experience and different viewpoints of the representatives of administrative, executive and clerical civil service in solving the problems.
- xi. To attain the above mentioned objectives, the Whitley Councils perform the following functions.
 - (a) Providing the best means for utilizing the experience and ideas of the staff.
 - (b) Securing, to the staff, a greater share of responsibility for the determination and observance of the conditions under which they carry out their duties.

- (c) Determination of the general principles governing recruitment, hours of work, promotion, discipline, tenure, salary and retirement. Discussion on individuals cases relating to promotion and disciplinary matters is not permitted.
- (d) Encouraging further education and training of civil servants in higher administration and organization.
- (e) Improving office machinery and organization and providing opportunities for the maximum consideration of suggestions made by the staff on this subject.
- (f) Proposing legislation so far as it has a bearing on the position of civil servants in relation to their employment.

Model Question

Explain the civil service in the British Political System.

CIVIL SERVICE IN USA

History

The USA has been the traditional home of the patronage (in the form of the 'spoils system') of civil service. In fact, it remained a norm in the USA for considerably longer time than in the UK. However, in the beginning, the Presidents of the USA, in general, qualified individuals for government jobs, even though they tended to favour their own political supporters. But by 1820's, 'spoils system' developed in which the public office (government post) became a perquisite of political victory, and was used to reward political support. The term 'spoils system' derives from the expression. 'to the victor belongs the spoils.' Under this system, positions in civil service were distributed among the supporters and workers of the political party which had won the election, instead of being filled on the basis of merit, qualification or fitness. Thus, the new President of the USA often dismissed a large number of civil servants originally appointed by the opposition party, and replaced them with members of his own party, regardless of qualifications and fitness. The spoils system became very popular and prevalent during President Andrew Jackson tenure, though it was started by the earlier presidents (Washington, Jefferson and Adam).

In 1829, President Jackson- the father of the spoils system, said, "the duties of all public officers are so plain and simple that men of intelligence may readily qualify themselves for their performance... more is lost by the long continuance of men in office than is generally to be gained by their experience. No one man has any more intrinsic right to official station than another." However, this system resulted in a high degree of corruption, inefficiency and partisanship in administration, and had a demoralizing effect on the government services. As a reaction, a public movement for reforms started, which got intensified after the assassination of President James Garfield in 1881 by Charles Guiteau, a disappointed job seeker.

Merit System

Garfield's death led to the passage of the Civil Service Act of 1883 (popularly known as the Pendleton Act of 1883, after the name of the Senator George Pendleton who introduced the bill) by the Congress.

The important features of the Pendleton Act of 1883 are:

- (i) It abolished the Jacksonian spoils system partially.
- (ii) It firmly established the merit system, that is, principle of employment on the basis of open competitive examinations.

- (iii) It established the United States Civil Service Commission to examine and determine the suitability of all aspiring candidates for appointment to public jobs placed in the category of 'classified services'.
- (iv) It relieved government workers of any obligation to give political service or payments.
- (v) It established the merit principle only in the national government on a partial basis. It was not at all applicable to the state and local level of government service.
- (vi) It placed only about 10 per cent of the federal positions (i.e. national employees) under the category of classified services, that is, positions of civil service which were under the civil service commission and which were filled by the merit principle.

The later laws of the Congress and executive orders of the President have extended the coverage of the merit principle. The Ramspeck Act of 1940 authorised the President to place nearly all federal jobs under the civil service system. This led to further extension of the merit principle and the classification system. By 1940, about 90 per cent of all federal jobs were covered by the civil service system which was created in the USA in 1883 by the Pendleton Act. However, even today there are about 10,000 senior civil service positions which are treated as patronage jobs and are filled on the basis of party considerations (after every election of a new President). Thus, the spoils system in the USA has not yet been completely discarded.

The various recommendations made by the Brownlow Committee (1936-1937), the First Hoover Commission (1940) and the Second Hoover Commission (1955) have also contributed to the growth of civil service in the USA.

Central Personnel Agency

Until 1978, the United States Civil Service Commission was the central personnel agency in the USA and hence managed the federal civil service. It consisted of three civil service commissioners appointed by the President with the consent of the Senate. Their term was indefinite and they could be removed by the President alone. The Pendleton Act required the commission to be bipartisan, that is, the two commissioners should belong to one political party and the remaining one should belong to the other political party. As a central personnel agency, it performed a large number of functions relating to classification, recruitment, promotion, training, pay and service conditions, personnel research, and so on. It was responsible for both administration and adjudication of the merit system. However, it was not found to be very effective in giving staff aid to the President in personnel matters and in protecting the merit system established by the Pendleton Act and other later laws and executive orders. Hence, the Civil Service Reform Act of 1978 abolished the three member bipartisan United States Civil Service Commission and created three separate and independent agencies namely, the Office of Personnel Management (OPM), the Merit System Protection Board (MSPB) and the Federal Labour Relations Authority (FLRA).

(a) The Office of Personnel Management is the central personnel agency in the USA. It manages the federal civil service and determines the direction of the development of the merit system. It assumed all the functions (except the quasi judicial) of the former United States Civil Service Commission. Its responsibilities include the following.

- (i) Preparing personnel policies, rules and regulations
- (ii) Administering civil service examinations
- (iii) Recruiting and promoting civil servants
- (iv) Development and training of employees
- (v) Personnel investigations
- (vi) Personnel program evaluation
- (vii) Administering retirement and insurance programmes
- (viii) Providing guidance to other personnel agencies.

The OPM is headed by a Director. He is appointed by the President with the consent of the Senate. His term of office is four years.

(b) The Merit System Protection Board (MSPB) assumed the quasi judicial functions of the former United States Civil Service Commission. It is the watchdog agency of the federal civil service merit system and protects federal employees on adverse personnel actions like removals, suspensions and demotions. It has the authority to enforce its decisions and to order corrective and disciplinary actions.

The MSPB consists of three members. They are appointed by the President of the USA with the approval of the Senate. Their term of office is seven years. Like the former civil service commission, it is also bipartisan in composition.

Within the MSPB, an Office of Special Counsel (OSC) was created. It functions as an independent investigative and prosecutorial agency and litigates before the MSPB. Its main role is to protect the employees from prohibited personnel practices, especially reprisal for whistleblowing, that is, reporting on waste, fraud and corruption of an administrative agency. Such employees are called 'whistleblowers' and are protected of reprisal in return for information on agency abuses.

(c) The Federal Labour Relations Authority (FLRA) was set up to consolidate the central policy-making functions in federal labour-management relations. It administers the federal service labour-management relations under the provisions of the Civil Service Reform Act of 1978.

The FLRA consists of three members. They are appointed by the President with the approval of the Senate. Their term of office is five years. Within the FLRA, there are two more entities namely, the Office of General Counsel (OGC) and the Federal Service Impasses Panel (FSIP). The OGC investigates and prosecutes unfair labour practices. The FSIP provides assistance in resolving negotiation impasses between agencies and unions.

(d) In addition to the above three independent agencies created by the Civil Service Reform Act of 1978, there is an independent personnel agency called Equal Employment Opportunity Commission (EEOC). It was created in 1964 by the Civil Rights Act and federal employment was put in its jurisdiction in 1978. It eliminates discrimination based on race, colour, religion, sex, national origin, disability or age in both government and private employment. In 1978, the federal equal employment functions of the former Civil Service Commission were transferred to the EEOC. It consists of five members. They are appointed by the President with the approval of the Senate. Their term of office is five years.

Classification

The USA has the system of position classification as against the system of rank classification which is prevalent in the UK, France and India. Under the US system of position classification, the civil service positions are classified on the basis of duties, responsibilities and qualifications.

The Classification Act of 1923 provided for the first federal classification programme in the USA. It defined grades, qualifications and salary ranges. This Act was revised in 1949. The Revised Classification Act of 1949 classified the federal employees in the USA into five services. They are:

- Professional and Scientific
- Sub-Professional and Sub-Scientific
- Clerical, Administrative and Fiscal
- Custodial
- Mechanical

According to jobs and pay scales, the federal personnel are grouped into 18 General Schedule Grades (GS-1 to GS-18). The GS-16 to GS-18 are the 'Supergrades' consisting of top-level civil servants involved in management functions. The members of these supergrades are experts in a 'professional speciality' as against the 'professional amateurs' of the British administrative class. These professional elites are part of the Senior Executive Service (SES).

The SES was created by the Civil Service Reform Act of 1978 on Recommendation of the Second Hoover Commission of 1955 and became operational in 1979. It is a blend of both the specialists and the generalists and consists of an elite class of managers outside

the regular merit system. It covers about 9,000 senior policy-making and supervisory executive branch positions which were earlier in the category of classified service. They fall in the category of 'expected service' as against the 'competitive service' (i.e. classified service). The excepted service positions are outside the scope of civil service laws and filled by appointment without an examination.

Recruitment

The salient features of recruitment system in the USA are:

- (i) The OPM conducts civil service examinations for federal jobs. The examinations are practical in nature.
- (ii) There is a system of 'lateral entry'. This facilitates entry of candidates into civil service at all age and all level. This helps the movement of candidates between government and private enterprises.
- (iii) There are four types of examination - written tests, oral tests, performance tests, and ranking tests (i.e. evaluation of candidates on the basis of their education, training and experience).
- (iv) The examinations are either 'assembled' or unassembled', as they are called in administrative phraseology of the USA. In case of assembled examination, candidates are tested simultaneously in large groups at a designated place. It is a written examination and used for filling positions of clerical nature. In case of unassembled examination, candidates are tested individually and separately. There is no formal examination and the selection is by means of an interview and testimony. It is used in filling higher positions.
- (v) The Federal Service Entrance Exam and the Professional and Administrative Career Exam are the two major exams.
- (vi) No definite educational qualification is prescribed. Anybody can enter into the civil service provided he qualifies in the competitive examination. However, residential qualification has to be fulfilled.
- (vii) Candidates who pass the examination for a particular job are placed on a list in the order of their grades. However, extra points are granted to the ratings of veterans (five points), disabled veterans (ten points) and certain dependents of veterans.
- (viii) When a vacancy occurs in a federal agency, the appointing officer should fill it by selecting one of the first three persons on the eligible list for that job. This method of selection is called as the 'rule of three'.

Training

The USA has developed a system of both pre-entry training and inservice training. The two forms of pre-entry training in the USA are the internship and the apprenticeship. Internship is concerned with administrative or professional work, while apprenticeship is concerned with trade or craft skills.

The Office of Personnel Management (OPM), federal agencies, universities and specialised institutes are involved in the training of civil servants. The OPM is responsible for the overall supervision and coordination of training programmes. The federal agencies provide special and general training for their personnel. The universities play an important role in imparting in-service training to the public personnel. The Maxwell Graduate School of Citizenship and Public Affairs (Syracuse University), The Institute of Public Administration (Michigan University), the School of public and Business Administration (Cornell University), the Wharton School (Pennsylvania University), the Harvard School of Public Administration and the National Institute of Public Affairs (Washington) are engaged in imparting training to the civil servants.

In 1938, the President of the USA issued an executive order saying that training must be instituted for supervisory civil servant. The First Hoover Commission (1949) and the Second Hoover Commission (1955) highlighted the importance of training programmes for public personnel. In 1955, the Chairman of the former United States Civil Service Commission released a policy statement on the importance of training. However, Training Act of 1958 by the Congress which authorized the federal agencies to spend money on training of their personnel. It laid down that no federal agency could spend more than one percent of its budget on training of its personnel and no civil servant could participate in a training course which lasted more than one year. It also authorized the use of outside institutions for training civil servants.

An important features of training in the USA is the system of 'Inter agency Reimbursable Training,' conducted by the Office of Personnel Management (OPM). In this training programme, the OPM offers a training course to federal agencies and charges a fees to the sponsoring agency. These programmes cover various subjects like management sciences, financial management, personnel management, operations research, training of trainees, communications, automatic data processing, and so on.

Promotion

There is a system of efficiency rating for the purpose of promotion. There are four types of efficiency rating.

- (i) Production Records System
- (ii) Trait-Rating System (Graphic Rating Scale System)

- (iii) Ordinary Laffan System (Substantiating Evidence Reports System)
- (iv) Personality Inventory System (Analysical Check List System of Rating or Probst System).

Pay and Service Conditions

The following points can be noted in this regard.

- (i) The USA has a number of pay plans depending on the nature of job. Each plan has a series of grades (i.e. levels) with a range of salary steps within each grade. The Office of Personnel Management and the Bureau of Labour Statistics are involved in salary administration.
- (ii) Apart from pay (compensation), the civil servants are also given various kinds of allowances which are fixed on the basis of the prevailing price index.
- (iii) The civil servants are given the right to become members of any service association. The Lloyd La Follete Act of 1912 govern this right. The Civil Service Reform Act of 1978 also affirms the right of federal civil servants to form labour organisations and bargain collectively. Important federal employees' unions are - the American Federation of Government Employees, the National Federation of Federal Employees and the National Association of Government Employees.
- (iv) The civil servants do not enjoy the right to strike. This right is denied to them by the Taft-Hartley Act of 1947 (i.e. Labour-Management Relations Act). This Act is a major revision of the Wagner Act of 1935 (i.e. National Labour Relations Act). The Civil Service Reform Act of 1978 also forbids strikes, picketing or slow downs that interferes with government operations.
- (v) Except the right to vote in elections and right to freedom of expression on political subjects, all other political rights of civil servants are severely restricted in the USA. While the First Hatch Act of 1939 (i.e. Political Activities Act) puts limitations on the political activities of the federal employees, the Second Hatch Act of 1940 (which was repealed in 1974) imposed similar restrictions on state and local employees.
- (vi) The retirement age for civil servants is 65 to 70 years. The Retirement Act of 1920 (revised in 1930 and 1956) set up a pension system for civil servants.

Model Question

Explain the civil service in the American Political System.

CIVIL SERVICE IN FRANCE

History

Historically, France has been a land a high degree of centralization with concentration of powers in the hands of emperors. This gave rise to a centralized administrative system in which the civil service enjoyed a powerful position. Another feature of the French Society has been its political instability for long periods. This also added to the powerful position of the French Civil Service. Because of the powerful position enjoyed by the civil servants, France has been referred to as a 'civil service state' or 'administrative state'.

Historically, France had the system of 'Sale of Offices' for entry into the civil service. Thus, the vacant posts in government were sold to the highest bidder in a public auction. In other words, the government posts were treated as a form of private property which could be purchased or sold. The advantage of this method of recruitment were:

- (i) It enabled the rich people to become civil servants.
- (ii) It freed the government from political interference and patronage.
- (iii) It brought heavy revenue to the government.

The disadvantages of this method of recruitment were:

- (i) It made the civil service a royal service rather than a public service.
- (ii) It was undemocratic as poor people were denied the opportunity of entering into the civil service.
- (iii) It did not recognize the factors of merit and ability of the candidate.

Apart from this system of sale of offices, there were two more methods of entry into the civil service viz. gift (present) and inheritance.

The French Revolution of 1789 put an end to the above systems and brought a fundamental change in the status of the civil servant who was no longer the servant of the Crown (emperor) but rather of the state. This depersonalization of the state facilitated the growth of administrative law. The successive regimes introduced democratic and legal-rational elements into the civil service system. However, till 1946 the French Civil Service did not emerge as a national institution and remained a departmental institution. There was no central (or national) agency to look after the various aspects of personnel administration.

The Reform of 1946

The Civil Service Act of 1946 provided the following measures to reform the existing civil service in France.

- (i) Establishment of a central civil service directorate (Direction general de la fonction publique). It was to be placed under direct control of the Prime Minister.
- (ii) Unification of the structure of civil service.
- (iii) The counter signature of the Prime Minister to the required on rules pertaining to the civil service. Also, the counter signature of the Finance Minister to be required if they have a financial implication.
- (iv) The service conditions of civil servants to be set by the state which can also change them unilaterally.
- (v) The civil services to be divided into four categories - specialized functions, non-specialized functions, functions of planning and direction, and functions of application.

Due to the implementation of above measures, the French Civil Service merged as a national institution and lost its departmental character.

Recruitment

The merit system of recruitment occupies a strong position in France. It lays a great emphasis on the formal written examinations supplemented by interviews. The members of the highest civil service class are selected through the Ecole Nationale d'Administration (ENA). In addition to it, there are other specialized schools that prepare graduates for the technical services like the Ecole Polytechnique for science and the Ecole Nationale des Impots for finance.

The civil servants in France are drawn from an elitist social group. In the words of Ferrel heady, "A unique feature of the French bureaucracy is the existence of an administrative super elite, made up of members of groupings known as the Grand Corps, tracing their origins in most cases to the Napoleonic period." It includes technical as well as non-technical corps. The examples of technical corps are: (a) Corps des Mines and (b) Corps des ponts et Chaussées; while that of the non-technical corps are: (a) Conseil d'Etat (b) Course des comptes and (c) Inspection des Finances.

The Ecole Nationale d'Administration (National School of Administration) was established in 1945 in Paris. It acts as a central recruiting and central training agency in France. It works under the direct control and supervision of the prime Minister of France. It performs the following functions.

- (i) It conducts open competitive examinations for recruitment into civil services. The appointments are made on the basis of the merit list prepared by it. In the USA and UK, this function is performed by the Office of Personnel Management and Civil Service Commission respectively.
- (ii) It arranges pre-entry coaching for the aspiring candidates. This function is performed in India by the government sponsored study circles for the OBCs, SCs and STs.
- (iii) It provides a long-term training to the civil servants, that is, post-entry training. This function is performed in India by the Lal Bahadur Shastri National Academy of Administration located at Mussoorie.

To sum up, the ENA in France is concerned with the recruitment, pre entry training and post-entry training. Hence, there is no such institution either in the UK, USA or India which can be compared with the ENA of France.

Training

The French system of training is popular all over the world. In fact, it serves as a model for training in many countries. The distinctive features of the French system of training are:

- (i) It is practical rather than theoretical. It emphasizes on making use of practical problems as a means of imparting training to the civil servants.
- (ii) It is handled by the civil servants themselves. The new entrants to civil service are trained by the senior civil servants, and not by the academicians as in the case of other countries.
- (iii) The civil servants receive training experience from the private sector also.
- (iv) The system of training imparts both specialist and generalist skills.
- (v) The training programme is of long duration. The total training period is about three years and starts before recruitment.

In France, the higher administrative civil servants are trained at the Ecole Nationale d' Administrative (ENA) which is a postgraduate college for training. It provides 28-months' training to the new entrants into the civil service after which they are parceled to the Grands Corps and to the ministries. This 28-months' training period consists of two stages.

- (i) In the first stage, they are attached to the Prefecture for 11 months. Here, they are given practical training under the supervision of the Perfect. This is similar to the system of training of fresh ICS officers during the British rule in India., After completing this training at the prefecture the trainees return to ENA.

- (ii) In the second stage, the trainees are imparted practical training at the ENA for 17 months by senior civil servants. During this training programme at the ENA, they are attached to an industrial establishment (generally in the private sector) for two-months' period.

Promotion : A combination of both, the principle of merit and the principle of seniority is adopted for promotion in the civil service. The corps in France are divided into grades, classes and echelons. The scope for promotion is limited as it is generally effected within the same corps. The ENA prepares the list of candidates eligible for promotion and submits it to an advisory committee. This committee consists of equal number of representatives from both the sides - official and staff. It approves the list prepared by ENA for promotion. It is also authorized to settle the promotional disputes.

A civil servant in France can also be promoted to private organizations. He can come back to his post after serving some time in the private agency. He retains his seniority but may lose his pension rights.

Pay and Service conditions

- (i) A rigid formula is used for the fixation of salary. It is governed by the 'General Grid System', introduced in 1948. Under this system, each post is given a fixed index number and the basic salary is determined according to an index. However, this index is not applicable to top civil servants, that is, "Horse Class' officials. The pay is controlled by the Ministry of France and Personnel Department.
- (ii) Apart from the basic pay, the civil servants are also given various allowances like cost of living allowance, family allowance, additional work allowance, overtime allowance, traveling allowance, technical premium, efficiency premium, and so on.
- (iii) Under the provisions of the Act of 1959, the civil servants are given the right to association. They also enjoy the right to associate with trade unions to uphold their political ideologies.
- (iv) Unlike the USA, France permits the right to strike to its civil servants. This right is given by the Act of 1959 and should be used only as a last resort of collective bargaining with the government.
- (v) Unlike the USA and India, civil servants in France are free to participate in political activities. They can join any political party including the communist party. They can contest elections to any representative office including the national legislature. After the expiry of their term or in the event of resignation from parliamentary seat, they can revert back to their position as civil servants with promotion and pensionary rights intact. There is no law to regulate their political activities but they are monitored by the Conseil d'Etat - the highest administrative court in France.

- (vi) The retirement age for civil servants is fixed at 60 years. They enjoy the usual pensionary benefits.

(Machinery for Consultation France has three kinds of agencies for the purpose of consultation and negotiation with the employees in service matters. They are set up on the lines of Whitley Councils of the UK and consist of equal number of representatives of the government and staff. They are:

- (i) Joint Administrative Commission for each segment of civil service.
- (ii) Joint Technical Committee in each department
- (iii) Higher Council for public service presided over by the Premier (the Prime Minister of France) or the Minister for Civil Service Affairs and concerned with all matters of personnel policy, conditions of service, coordination of the activities of above mentioned two agencies, and appeals against disciplinary decisions.

Model Question

Explain the civil service in France.

POLICY PERCEPTIONS AND PUBLIC POLICY - MAKING IN UK, USA AND FRANCE

Policy Formulation

One of the essential functions of Government is policy making. In the words of Appleby, "The essence of public Administration is policy-making. Policy is prior to every action. It is a prerequisite to all management. It is the policy, which sets the task for administration. It provides the framework within which all actions for the accomplishment of an objective are to be activated. Policy is in fact planning for action; it is getting ready for setting the sails to reach the desired destination". According to Peterson and Plowsman, "The formulation of policies and their issuance in commands, orders and other forms of directives are one of the most important, as well as one of the most critical tasks with which the executive groups in any business enterprise is charged. This task so pervasive and far-reaching in its effect upon the affairs of a ongoing concern that it challenges the finest qualities of managerial talent".

The Meaning of Policy

Policies are guides to the actions or decisions of people in an organization. They state as to how the members of an organization should act in specific situations, which occur frequently and affect a large member of people in the group. In the words of Terry, "A policy is a verbal; written or implied basic guide to action that is adopted and followed by a manager". Dimock defines policies as, "consciously acknowledged rules of conduct that guide administrative decisions".

The term policy is sometimes confused with terms like rules, customs, procedures and so on. However, there is fundamental difference between each of them. "Policy" is dynamic and flexible whereas "rule" is specific and rigid. Policies are usually broader than rules and are stated in more general language. Whereas policies serve as guides to action, rules specifically state what must or what may not be done. Rules are usually reinforced by specific, stated penalties, but policies allow room for variation in their use without entailing immediate specific and stipulated penalties.

There is also difference between policy and custom is so far as the former is the product of conscious effort, the latter grows automatically in the soil of a society. Policy should also be distinguished from decision. Though policy in itself is a big decision, it provides the framework within which several other series of decisions are taken. Policy is also different from procedure. The procedure exist to effectuate the policy. Procedures are actually established as the prescribed way of doing something. They become a standard method by

which work is performed. Policy deals with basic issues, basic to the working of the whole administrative machinery. These issues may be simple and limited in nature or they may be complex and numerous. For simple issues, it will be easier to take decisions; for complicated issues, decisions may require considerable research, study and analysis.

Policies are sometimes also confused with plans, but both are quite different from each other. Policies are conceived as directives sent down as rules to be followed. Plans, on the other hand, are not easily perceived or communicated. Plans are transformed into policies often; however, the plan may not be known although policies derived from it are clearly spelled out. The policies may in fact force the creation of an objective statement of the plan rather than being derived from it.

Administration and Policy-Making

Ever since Wilson wrote his essay on "The Study of Administration" published in 1887, politics - Administration dichotomy school of thought tended to regard policy as outside the scope of Administration. In the words of Wilson, "The field of Administration is a field of business. It is removed from the hurry and strife of politics". Wilson was followed by Goodnow and as late as 1926, L.D. White drew a distinction between Administration and politics.

It is now being increasingly realized that politics - Administration dichotomy cannot work and that administration cannot be completely divorced from policy-making. Luther Gulick was one of the first advocates of this view. To quote Appleby: "Administrators are continually laying down rules for the future, and administrators are continually determining what the law is, what it means in terms of actions, what the rights of parties are with respect both to transactions in process and transactions in prospect.....administrators also participate in another way in the making of policy for the future; they formulate recommendations for legislation, and this is a part of the function of policy-making". Public officials are associated with policy-formulation in three important ways. First, they have to supply facts, data and criticism as to the workability of policy to the Ministers or the Legislature if the initiative for policy making comes from them. The members of the Legislature or the Ministers are amateurs who have risen to positions because of the popular will and not because of administrative talent and as such, they have to give due weight to the suggestions of the officials. Secondly, in many cases the initiative for policy or legislation emanates from the administration. This is because of the fact that it is the administration, which is in constant touch with the general public and is in a better position to understand the difficulties that arise in the execution of legislation. It has, therefore, to make suggestions and formulate proposals for removing those difficulties and in the process, it may have to, if need be, ask for amendments in the existing law or even for more laws. In such cases policy proposals emanate from the administration and Legislature only puts its seal of approval on them. Thirdly, on account of lack of time and knowledge, the legislature passes Skeleton Acts and leaves the details to the administration. It is here that administration is most supreme in policy making. In order to execute these

Acts, the administration frames rules, regulations and by-laws, which is a major contribution to policy-making.

Basis of Policy formulation

Policy, from whatever source-Legislature or administration-it may emanate, must be based on factual data and accurate information. To the Legislature, it is the administration which supplied the necessary information but wherefrom the administration obtains that information. Broadly speaking, there are four ways through which administration collects the necessary information:

Internal sources

Every department is a center to which flow periodic reports, returns, statements, accounts and various material from various field establishments. These reports and other materials are recorded by the department for future use whenever the need arises. Some departments employ special agencies for the collection of data in certain special fields. Several Ministries in India have made special arrangements and established special machinery for the collection of statistics and data helpful for policy-making. The Central Statistical Organization, the National Sample survey, the Bureau of Public Enterprises, the Directorate of Industrial Statistics and various other organizations are working for the collection of information and statistics. The data so collected are properly processed, organized and interpreted to reveal certain facts essential for policy-making.

External Sources

To supplement the internal idea, which may be insufficient, the administration takes to collecting information from external sources. It establishes contacts with private bodies, unions, associations, chambers, etc., in order to get a true picture of facts. Internal information is likely to be biased and hence inaccurate and unreliable because it travels through various labour unions, chambers of commerce, and other professional associations. Before a Five-Year Plan is actually approved, the draft outline is thrown open for discussion to various bodies all over the country. The suggestions received are duly considered and incorporated, where approved, in working out the final plan.

Special Investigations

Special Investigations may be conducted by the appointment of Commissions and Committees of enquiry for finding facts in respect of a particular matter or field. Such investigations are very useful for policy-making as they provide the maximum thought in a particular field. Examples of such Commissions/Committees are numerous both in our country and abroad. The Royal Commissions appointed from time to time in England, the Hoover Commission in USA, the Central Pay Commissions, the Universities Radhakrishnan Commission, the Local Finance Enquiry Commission, the Secondary Education Commission,

the Press Commission, the Taxation Commission, the Monopolies Restricted Commission, the Administrative Reforms Commission, etc., in India are the examples of special investigation bodies. These commissions have specific terms of reference. They examine witnesses, both official and non-official, and obtain facts and views, which they convey, to the Government in the form of recommendations. These recommendations serve as the basis for policy-making and effecting reforms.

Research and Study

Research and studies may be organized by the Government and non-official agencies to discover certain facts and views. Administrative research may be conducted by such bodies like the Division of Administrative Management in the Office of Management and Budget in the USA, O & M in the Treasury and in various other departments, organization and Methods Division in the Cabinet Secretariat with its cells in other departments in India. Similarly, non-official bodies like Brookings Institutions, the Public Administration Clearing House in the USA, the British Institute of Public administration and the Indian Institute of Public Administration also conduct researches and provide facts for policy formulation. Technical research and study may be conducted by technical Institutions set up for the purpose. The Geological, Botanical, Zoological Surveys of India, the Council of Scientific and Industrial Research, various laboratories devoted to research in building techniques, drugs, food technology, electro-chemicals, metallurgy, mining, salt, etc., the Atomic Energy Commission, the Oil and Natural Gas Commission, etc., are some of the example of Institutions engaged in research. Every modern Government, anxious as it is to make improvements, has to depend on these research bodies for the mine of information and facts they supply. Every new policy must take cognizance of the new research and material provided by these bodies.

External Influences on policy-making

Policies are not made in a "Vacuum", that is to say that policy-makers must take cognizance of various factors in formulating policies. They cannot act arbitrarily, more so in a democratic country. First, every policy must be in consonance with the provisions of the Constitution as interpreted by the law courts and the laws made by the Legislature. Secondly, every policy must take into account the prevailing customs, traditions, and conventions of the people. That is to say that a policy must not be against established ways of life of the people unless it is extremely desirable to frame one for banning a social evil. Thirdly, a policy must consider the international law and the world opinion for no country can live an isolated life. International law is constantly becoming important and every member living in the family of nations must play the game according to rules. Fourthly, if a policy of a department affects the policy of some other department organization, the department framing the policy must have prior consultations with the department affected. Such a clearance is very important for the homogeneity of administration. Finally, a policy must be framed after due consultation with their persons or groups of persons, their unions and associations and other interests likely to be affected by the policy for this helps the policy-maker to analyze the difficulties likely to be faced in the execution of the policy.

Thus policies have to take into consideration several factors. In the words of Seckler Hudson: "Policies are arrived at, then, in all sorts of ways, conditioned by all sorts of matters". The various organizations that participate indirectly or directly in policy formulation are Legislature, the executive, the Judiciary through interpretations and judge-made laws, top administrators, political parties, pressure groups, people etc. Policy-making is a continuous process. Although it may seem to be decision of a particular body or department, in practice, however, the process is widespread all through the organization and the particular body announcing it is the last link "of a long chain of previous history of the matter". It is therefore, a collective activity, a cooperative endeavour and an effort in which many people participate.

Gladden distinguished four different levels in policy-making:

Political or general policy framed by the Parliament;

Executive policy shaped by Cabinet;

Administrative policy, that is, the form in which the administrator works out the will of the Government; and

Technical policy is framed by the officials.

Policy Making in UK

Political or general policy in UK is framed by the Parliament. The Executive policy is framed by the Cabinet. The administrative policy is formulated by the administrators. The technical policy is formulated by the officials who carryout the administrative policy.

Policy Making in USA

Political or general policy is framed by the Congress. The executive policy is framed by the President. The administrative policy is framed by the administrators. The technical policy is adopted by the officials who carryout the administrative policy.

Policy Making in France

The Political policy in France is framed by the Parliament. The Executive policy is framed by the President with the help of the Cabinet. The administrative policy is formulated by the administrators. The technical policies are formulated by the officials who carryout the administrative policies.

Thus policy making is a collective activity in which many organs participate. While framing the policy the different organs gives due weightage to the constitution.

Constitution

Constitution is the Supreme law of the land. Therefore every policy framed by the Government should be within the constitutional framework. The Constitution lays down how the machinery of the Government shall work, what shall be its objectives and what shall be its limitations. In the USA, UK, and in France policies are formulated within the framework of the Constitution.

We have seen that political policy is framed by the parliament in the UK, the Congress in the USA and the Parliament in France. These Legislative bodies enact laws to give effect to the policies laid down in the constitution. Legislation is the declared will of the Sovereign state and an expression of the popular opinion of the people. The role of Legislature is primarily that of vetoing and controlling policies because it itself rarely takes the initiative in sponsoring Legislation. It influences and moulds policies through general discussions, adjournment motions, resolutions etc.

The Cabinet in the UK, the President in the USA and the President and the Cabinet in the France frame the executive policies. These bodies are the chief sources of policies in these countries. They are the overalls directing and controlling bodies. All-important policies are approved by them. They work through several subject matter subcommittees, which report to them on specific matters.

The administrative policy in the UK, USA and France are made by the administrators who work out the will of the Government. These administrators not only help the Legislature and the political executive in the formulation of policies but also help them in the incrementation of policies.

The technical policy in the UK, USA and France is framed by the officers who carry out the administrative policy.

The process of Policy formulation

Policy formulation may begin at the top of an organization or the bottom or at the middle levels of management. Whatever the starting point the entire organization becomes involved directly or indirectly. Policies beginning at the top levels arise out of needs perceived by top executives. Such needs which affect the entire organization must be met so that the organization may work satisfactory and efficiently to achieve the desired ends. Once a policy is established at the top it becomes the guide for supporting policies, which may emanate from successively lower levels. Policy not only originates at the top and flows downward, but also may originate at or near the bottom and flow upward in an organization.. The extent to which these levels are allowed and encouraged to express their opinions.

Policy formulation actually requires a master hand. Martin Starr suggests rules for formulating commonly used policies. These are:-

Strive for equilibrium, not optimization

1. Use ethics and social values as a basis and stay away from consideration of larger systems and
2. Call on accepted tradition and avoid innovations.

According to Starr effective policies are those” that are supported by the group over a long enough period to become accepted practice.”

Charles E. Lindblom uses the concept of the policy making process to achieve a focus of inquiry into certain aspects of political processes. According to him a policy sometimes occurs as a result of a political compromise among policy makers. Sometimes policies spring from new “opportunities” and not from problems “at all”. And sometimes policies are not decided upon but nevertheless “happen”. Lindblom views policy making” as an extremely complex analytical and political process to which there is no beginning or end, and the boundaries of which are most uncertain.

Model Question

Compare the policy perception and policy making in U.K., U.S.A., and France.

ADMINISTRATION AT GROSS ROOT LEVEL

Local Government

Local Government operates at the lowest level of society. It works at the gross root level close to the people. Touching their every day life. No other Government, whether state or national, is as near the people as this. Historically too it is older than the other levels of Government because governance began with the organization of peoples into small communities in a limited area. Whether it is the first level of governance or a two-tier or three-tier authority depends upon the political structures of a country.

Sometimes it is referred to as local self-Government. This term probably originated in the pre-independence period. Since the authority at the Central and Provincial levels vested in the British hands, there was no self-Government at those levels. Therefore when the British decided to associate Indians in administering local affairs, it was termed local self-Government. But now the term has lost significance because the Governments at the state and national levels are also self-Governments, chose by the people themselves. However both the terms still continue to be used for a Government which is "representative of local inhabitants, more or less autonomous in character instituted under state Legislation, in a village, a district, a city or in urban areas to administer services as distinguished from state and Central services"

Meaning of Local Government

The jurisdiction of Local Government is limited to a specific area, a village or a city, and its functions relate to the provision of civic amenities to the population living within that area. Thus John J. Clarke maintains that a "Local Government appears to be that part of the Government of a nation or state which deals mainly with such matters as concern the inhabitants of particular district or place"

According to V.V. Rao, Local Government is "that part of the Government which deals mainly with local affairs, administered by authorities subordinate to the State Government but elected independently of the state authority by the qualified residents." William A. Robson, in a lengthy definition, says that "Local Government may be said to involve the conception of territorial, non-sovereign community possessing the legal right and the necessary organization to regulate its own affairs. This in turn pre-supposes the existence of a local authority with power to act independently of external control as well as the participation of the local community in the administration of its own affairs. The extend to which these elements are present must in all cases be a question of degree." Gokhale's definition of Local Government is very simple. He says that "Local Self Government is the Government of a specified locality by the local people through the representatives elected by them.

The definition given by Venkataramgaiya and Pattabhiram is simple but more appropriate. They say that a Local Government is the administration of a locality, a village, a town, a city or any other area smaller than the state by a body representing local inhabitants, possessing a fairly large amount of authority, raising at least a part of its revenue through local taxation and spending its income on service which are regarded as local and therefore as distinct from state and central services.

Speaking in simple language it may be said that a Local Government is a statutory authority in a specified local area. (village or town or city) having the power to raise revenue through taxes for the performance of local services like sanitation, education, water supply, etc. It is constituted by the elected representatives of the Local people and enjoys autonomy from state or Central sufficient to enable it to perform its services adequately.

Characteristics of Local Government

An analysis of the above definitions reveals certain essential characterization of local Governments. These are:

(a) Local area - A Local Government like any other Government, has to operate in a geographical area. In the case of a local Government that geographical area by its very nature has to be small or local, i.e. a village, a town or a city, in contrast to the whole country or state. But it is difficult to precisely fix the size of the territory or population of a local Government. The population may not be more than a few hundred if it is a village. But it may run into several millions if the Local Government is operating in a modern metropolitan city like greater London, Delhi, Kolkata, Mumbai or Paris. In fact the populations of these metro cities administered by their Local Governments are larger than the populations of some sovereign countries like Nauru, Malta, Mauritius, Monaco Although the latter are members of the U.N. What is true of population also applies largely to the size of the territory. Nevertheless there is limit to the size of both population and territory beyond which it cannot go. Otherwise such Local Governments become difficult to administer. Where this has happened, efforts are made to decentralize the local Government or divide the metro cities into several independent local bodies or to transfer their functions to autonomous boards.

(b) Statutory Status - the Local Government enjoys statutory status i.e. it is created by a specific law or statute. The Act of the Legislature establishing Local Government may be general, applicable to the whole state e.g. Local Government Act (1972) in England and Wales; The Local Government (Scotland) Act, 1973; various Panchayat Raj Acts passed by States in India like Gujarat Panchayats Act, 1994; Assam Panchayat Raj Act 1994; U.P. Mahanagarpalika Adhiniyam, 1959 etc., or it may be a special Legislation creating Local Government in a specific area e.g. Delhi Municipal Corporation Act, 1957; Bombay Municipal Corporation Act, 1888; London Government Act, 1964, etc. The main thing is that the Local Government is created by a law of the Legislature from which it derives its status and powers. Its status or powers do not rest on the discretion or sweet will of the Central or State Government although the

latter exercises some control over it. In India, after the passage of 73rd and 74th Amendments of the Constitution, the Local Governments have been granted Constitutional status. This is an important feature of the Local Governments.

(c) Autonomous status - Autonomy of the Local Government is the natural consequence of their statutory status. Since the Local Governments are created by an Act of the Legislature or Parliament, that Act lays down their powers, functions and relationship with Central or State Government. It also lays down how the Local Governments are to be constituted, and their term of office etc. The Central or state Government can exercise only that much control over the Local Government as is envisaged in the statute. That means that the local governments are free or autonomous in exercising the powers and performing their functions as are envisaged in the statute. This autonomy cannot be curtailed unless and until the statute is amended by the Legislature.

(d) Local participation - It is essential that people or inhabitants of the local area should be associated with the functioning of the local Government. Participation of the local people in decision-making and administration of the local authority is important that is what gives it the character of self-Government. It is called democracy at the grass-root level making the local bodies elected or representative in character. In countries which are not democratic, participation of the people is provided through nomination or indirect election. Sometimes this procedure is adopted even in democratic countries for specific reasons. In America the governing bodies of many special districts are appointed and not elected by the people. In India, New Delhi Municipal Committee and Urban Improvement Trusts have nominated chairman and members. Cantonment Boards in India too have partly elected and partly nominated members.

(e) Local Accountability - Since Local Government provides services of local nature called civil amenities like sanitation, education, transport, etc to the people of the area, it is appropriate that it is accountable to the local people. The control of the local people will compel it to serve them better. Accountability is better ensured by making the local bodies elective Institutions. If they do not function efficiently, they may be criticized by the people or defeated by them in the next elections. Absence of local accountability will make them indifferent to the needs of the local people.

(f) Local finances - Local governments have two main sources of finances - (1) grants-in-aid given by the Central or State Government, and (2) taxes and levies imposed by the Local Governments themselves. Local Governments are generally not self-sufficient in their financial resources. Therefore they are helped by the grants-in-aid provided by the Central or State Government. But dependence only on grants-in-aid will necessarily entail greater interference by the latter in the working of the Local Government. Therefore to make the autonomy of the Local government real, it must be vested with the powers to raise revenues locally through taxation. That will enable it to spend its money according to the local needs.

For this Local Government is provided with independent sources of revenue like taxes on Local properties, fees on local markets, fairs and entertainments, etc, by the statute under which it is created. There are examples of Local Governments which do not have independent sources to raise their own revenues, as for instance in Saudi Arabia and United Arab Emirates. But no studies have been made to find out as to what extent the lack of independent financial resources has affected their autonomy from the control of the national Governments in these countries.

(g) Civic service for the local people - The main objective of the Local Government is to provide certain civic amenities to the people of its area at their door-step. The provision of these services ensures healthy living of Local Community. Sanitation, street lighting, sewerage disposal, registration of births and deaths, maintenance of parks, libraries, burial or cremation grounds, water supply, health care, primary education etc. are the functions which make life of the people of the area healthy and comfortable. Hence such functions are assigned to the Local Government. These are the basic needs of the people. Therefore the Local Government which performs these functions, is their first concern.

(h) General purpose - Local Government is a general - purpose authority, in contrast to a single-purpose body. In other words, it is multi-purpose-performing several or variety of functions like health care, primary education, sanitation, water supply, regulation of local fairs and markets, maintenance of parks, libraries etc., local transport and so on and so forth. Recent trends, however, indicate that single-purpose authorities also have been set up at the local level to perform specific functions. For example, urban development boards like Delhi Development Authority, U.S. School Districts, Delhi Jal Board, etc. These are created to handle special situations and do not nullify our stand that the Local Government is a multi-functional authority.

Model Question

Explain administration at gross root level.

ADMINISTRATION AT GROSS ROOT LEVEL IN U.K.

The British Constitution provides a unitary state. Hence all the powers of the government are vested in the single supreme Central Government. It can create or abolish the units of local government for administrative convenience. These units of the local government derive their authority from the Central Government. The statutes of the British Parliament are the major source of their authority; the other sources being the common law of England and the judicial interpretations. The Local Government Act of 1933 has consolidated into a single statute the organization and the powers of the various units of local government in England.

At present, there are six types \ areas of local government in England. They are:

County (Administrative)

County Borough

Borough

Urban District

Rural District

Parish

For the purpose of local government, the whole area of England is first divided into a number of administrative counties. A county is further subdivided into urban and rural districts. The rural districts are again subdivided into parishes. The borough and the county borough are meant for the administration of cities which have received the municipal charters and have their own local government institutions. Thus they are special kinds of local authorities. These six units of local government in England are explained below.

Parish

This is the smallest unit of local government in England and is at the bottom in the hierarchy of local government. It is a subdivision of rural district and similar to the village Panchayat in India.

A parish with a population of minimum 300 has a Parish Council as its governing body. It consists of minimum five and maximum fifteen members who are elected by the local people, for a period of three years. The Chairman of the Parish Council is generally elected from among the members of the Councils. The powers and functions of the Parish Council are limited and it functions under the supervision of the rural district council.

Rural District

A group of parishes form a rural district as a higher unit of local government in England. It is similar to the Town Area Committee in India.

A rural district has a Rural District Council as its governing body. It consists of Councillors elected for a period of three years. Three Councillors, in turn, elect the Chairman of the Council, usually from among themselves for a period of one year. The Chairman enjoys the powers of Justice of Peace. The Council generally deals with sanitation, public health, minor roads, and water supply in the area under its jurisdiction.

Urban District

This includes town and other densely populated areas. An urban district is organized by the County Council.. It can be compared to Notified Area Committee in India.

Like a rural district, an urban district has a council as its governing body. It consists of Councillors elected for a period of three years. These Councillors, in turn, elect the Chairman of the Council. Usually from among themselves for a period of one year. The Chairman enjoy the powers of Justice of Peace. Thus, the composition of an Urban District Council is similar to that of a Rural District Council. However, the powers and functions of the urban District Council are more extensive than those of the Rural District Council. It generally deals with sanitation, public health, minor highways, licencing, water supply, and so on, in the area under its jurisdiction.

Also, the Urban District Council is somewhat superior in status to Rural District Council.

Borough

It is a unit of local government for a small city. It is also called as municipal borough or non-county borough. It is organized by a charter of the Parliament. Therefore it is a special kind of local authority. It can be compared to a Municipality in India.

A borough has a Borough Council as its governing body. The Council consists of the Councillors, the Aldermen and a Mayor. The Councillors are elected directly by the people for a period of three years. These Councillors, in turn, elect the Aldermen for a period of six years. The Councillors and the Aldermen together elect the borough chairman called the Mayor, for a period of one year. The Mayor is the presiding officer of the Borough Council and the exofficio Justice of peace.

A borough is geographically and administratively part of the county in which it lies. It generally functions under the authority and control of the County Council. However, it enjoys higher status and greater powers than the urban district. Unlike the urban district, it has a charter and is a corporate body with its own seal. It has wide powers regarding public health,

sanitation, schools, police and others. It performs its duties through instruments of bye-laws, committees, administrative staff and finances. The principal officer of the borough is called ad Town Clerk.

County Borough

It is a unit of local government for a big city. Like a borough it is also created by a charter of the parliament. It can be compared to a Municipal Corporation in India.

A country borough is similar to the borough in respects of organization and basic functions. The main difference is that, unlike the borough, it is completely independent of the authority and control of the county in which it lies. Hence, the county borough is exempted from the jurisdiction of the County Council and is vested with all or most of the powers of the county. Further, it enjoys status and greater powers than a borough. It is known as county borough as it possess the powers of both, the county and borough.

County

It is the largest unit of local government in England and stands at the top of the local government hierarchy. The whole area of England is divided into sixty-two administrative counties. They are created as units of local government by the Local Government Act of 1888.

A county has a Country Council as its governing body. It is a corporate as well as an elective body consisting of the Councillors, the Aldermen and a Chairman. The Councillors are elected directly by the people for a period of three years. These Councillors, in turn, elect the Aldermen either from amongst themselves or from outside, for a period of six years. The powers and functions both are same but Aldermen have more dignity than the Councillors due to their longer tenure. The Councillors and the Aldermen together elect the County chairman. He is the presiding officer of the County and its official representatives on ceremonial occasions.

The County enjoys extensive powers and performs large numbers of functions. The council serves as both the legislature and the executive of the local administration. It performs its duties through the instrument of bye-laws, committees, administrative staff and finances.

Model Question

Explain administration at gross root level in the United Kingdom.

ADMINISTRATION AT GROSSROOT LEVEL IN USA

The American Constitution provides for a federal state with division of powers between the national (federal) and the state governments. Local government is a state subject. Each state has established its own system of local government depending upon history, experience and conditions. Hence the nomenclature, organization and functions of the units of local government in the USA differ from state to state. In other words, heterogeneity (not uniformity) is the characteristic feature of the American system of local government. Another such feature is a high degree of autonomy enjoyed by the units. In fact, they are more autonomous than the British units of local government.

At present, the USA has the following units of local government.

1. County
2. City (Municipality)
3. Town and the Township
4. Special District

For the purpose of local government, each state of the federal republic of the USA is divided into a number of counties. Each county is further subdivided into a number of cities and towns or townships. Additionally, there are special districts dealing with particular functions. At present there are about 3,000 counties, 18,000 cities, 17,000 towns and townships and 40,000 special districts.

County

A county is territorially the largest unit of local government in the administrative subdivisions of the state as well as the units of local government. The organization, powers and functions of these counties differ from state to state and in some states from county to county. Generally, the counties perform the following functions.

1. Law enforcement
2. Administration of justice
3. Roads and highways
4. Public welfare and public utilities
5. Agriculture and cooperative extension
6. Education
7. Health and sanitation
8. Planning and zoning

Each county has a County Board as its governing body. It is also known by different names like Board of Commissioners, Board of Supervisors, County Court, Policy Jury. It consists of four to fifty members elected directly for a period of two to four years. It usually elects a Chairman who acts as the presiding officer. It has rule-making and some administrative powers.

Apart from the Board as its governing authority, a county has a large number of officials called as Sheriff, Clerk, Coroner, Attorney, Auditor, Recorder, Surveyor, Treasurer, Assessor, School Superintendent and Judge. These officials are elected directly by the people, usually for a term of two years and exercise their administrative powers independent of the Board.

City

A city is a unit of urban local self-government and is incorporated as a municipality. It can be compared to British borough. It has a charter, that is, a fundamental law which defines its organization, powers and functions. The charter is granted to a city by the state legislature either under a special Act or under general laws. Alternatively, a city can frame its own charter under the municipal home rule.

On the basis of relationship between the legislature and the executive organs, the city governments are classified into the following three forms.

1. The Mayor - Council Plan
2. The Commission Plan
3. The City - Manager Plan

The Mayor - Council Plan

This is the oldest and the most popular form of city government in the USA. More than half of the cities use this form of local government. Under this form, a Mayor is elected directly and independently to act as the chief executive officer of the city, and the City Council is elected separately to serve as a legislative body. Depending on the position of Mayor in the system of city government, this form is subdivided into two divergent forms or plans, namely, Strong-Mayor Plan and Weak-Mayor Plan.

Strong-Mayor Plan

Under this plan, the Mayor enjoys complete executive authority and virtually controls the entire administration of the city. He appoints and removes the heads of departments without being subject to the approval of the City Council. He can veto an ordinance passed by the Council. He has strong powers with regard to preparation of city budget.

Weak-Mayor Plan

Under this plan, the Mayor enjoys limited executive authority and has virtually no control over the administration of city. The heads of departments are elected directly by the people for administrative purposes. The Mayor has limited powers of appointment and removal. The City Council alone appoints various officials. The veto power of the Mayor is weak, that is, it can be overridden by a special majority of the Council. The Council directly participates in the preparation of the budget as well as in the administrative matters. Thus under this form of city government, the council is dominant.

The Commission Plan

Under this form of city government, the legislative and the executive authority is concentrated in a single body called the Commission. This governing body consists of three to nine members called Commissioners who are directly elected by the people for a period of two to six years. The Commissioners have dual responsibility - collective and individual. Collectively, they serve as the City Council (i.e. the legislative body) and hence determine the policies, pass the ordinances and control the purse strings. Individually, they act as heads of the administrative departments of the city government like public works, public safety, finance. The commissioners choose a person from among themselves as a Mayor to serve as the chief executive. The office of the Mayor is reduced to that of ceremonial leadership. He is a titular head of the city government.

The City-Manager Plan

It is also called as Council-Manager Plan. Under this form city government, there is a council consisting of five to seven members who are directly elected for a period of two to four years. This elected council serves as the legislative body of the city government. The council elects a Mayor from among its membership. He acts as the presiding officer of the council and is the ceremonial head (nominal head) of the city government; with no executive powers and functions.

The councils appoint a professional administrator called the City Manager, to act as the chief administrator of the city government. He is responsible to the council and holds office during its pleasure. He acts as the agent of the council in carrying out its ordinances and policies. The council shall not interfere with the administrative functions of the Manager. The Manager appoints and removes the heads of the departments, frames the budget of the city government and presents it to the council.

Thus the City-Manager Plan of city government provides for a strong council and a weak mayor with the administrative responsibility for the entire city centered in the hands of a professional administrator who is appointed and removed by the councils at its discretion.

Town and Township

Town and Township are the subdivisions of counties. They are the principal units of local government in the rural or semi-urban areas.

The governing body of the town is known as the Town Meeting which consists of all the eligible voters of the town. It generally meets once in a year and elects a Board of chosen men other official functionaries to carry out the local administration. It is in these town that 'direct democracy' in operation can be seen.

The governing body of the township is known as the Board of Supervisors. It is a small elected body consisting of about three members. It passes ordinances, budget and appoints officials to carry out local administration.

Special District

Special districts a unit of local government which is established to provide one particular service. This device provides a specialized machinery to carry out a specified function and permits a high degree of flexibility in local government. Such districts out across the jurisdiction of the regular units of local government - county, city, town, and so on. They exist throughout the county covering both rural and urban areas.

Special districts (or single purpose districts) are created for education, sanitation, fire protection, soil conservation, water, recreation, housing, flood control and so on. They are created as quasi-municipal organisations under the state law with the consent of the people in districts.

School districts, meant for the maintenance of schools are the oldest and still the most numerous of these special districts. At present, there are about 40,000 special districts out of which 15,000 are school districts.

Special districts are governed by small boards which are usually elected body It has taxing and bonding authority.

Model Question

Explain administration at gross root level in U.S.A.

ADMINISTRATION AT GROSS ROOT LEVEL IN FRANCE

The French Constitution provides for a unitary state. Hence all the powers of the government are vested in the supreme Central Government. It can create or abolish the units of local government for administrative convenience. The units of local government derive their authority from the Central Government.

The most important feature of the local government is its high degree of centralization. In France, everything is centralized and local government units are controlled by the Central Government through the Minister of Interior, who is the final authority in this regard. Thus, the local government is neither autonomous nor self-governing. In fact, it is only local administration, not local administration, not local self-government. The units of local government are the agencies of Central Government for the purpose of local administration.

Another feature of local government is its rigid uniformity in two aspects-organizational pattern, and powers and functions. Throughout France, we find the same elective council, the same Prefects, Sub-Prefects and Mayors, the same laws and police, the same system and education.

At present, France has four types of local government units. They are;

1. Department
2. Arrondissement
3. Canton
4. Commune

For the purpose of local government, the whole area of France is first divided into a number of departments. Each department is further sub-divided into a number of arrondissements. Each arrondissement is again sub-divided into a number of cantons. Each canton is finally subdivided into communes. The arrondissements and cantons are created only for administrative conveniences and hence are not the real units of local government. Therefore only department and communes are the two units of local government.

Department

The department is the largest unit of local government and occupies the topmost place in the local government hierarchy. These departments broadly correspond to the counties of England. However, the area under department is double the area under counties.

There are in total ninety departments in France. On the basis of population, wealth and political importance, departments are classified into four classes.

1. Horse class or special class departments (15)
2. First class department (19)
3. Second class departments (22)
4. Third class department (34)

Each department has a General Council as its legislative branch. It consists of councillors elected directly by the people for a period of six years. The number of councillors differ from department to department; the maximum being sixty-seven and the minimum being seventeen. The Council elects its own President for a term of one year. He acts as the presiding officer of the Council. The Council has a standing committee called the Departmental Commission.

The executive head of the department is the Prefect. He is appointed by the President of France on the recommendation of the Minister of Interior. Apart from being the chief executive of the department, the Prefect also acts as a local agent of the Central Government. As such he occupies a dual position. As an executive head of the department, he carries out the resolutions and policies of the General Council. As a representative of the Central Government, he has to implement its laws, instructions and orders within his department. Therefore, the institution of Prefect is the pivot of the French administrative system at the local level.

Arrondissement

Every department is divided into three or four arrondissements. It is a purely administrative sub-division and has neither a corporate personality nor an elected council. Hence, it is not a real unit of local government. Its primary duty is to reduce and ease the administrative burden on the department. It is headed by a Sub-Prefect who acts as an agent of the Prefect of a department. Like departments, arrondissements are also classified into four classes - Horse Class, first Class, Second Class and Third Class.

Canton

Each arrondissement is further subdivided into nine cantons. Like arrondissement, a canton is also a purely administrative subdivision and hence, not a real unit of local government. It has neither a corporate personality nor an elected council. It is a territorial unit mainly for the administration of Army and Judiciary. It also serves as a ward (electoral area) for the election of the General Council of departments. One Councillor is elected from each canton to the departmental council.

Commune

A commune is the smallest unit of local government and stands at the bottom of the hierarchy of local government. In France, the term 'commune' indicates not only a subdivision of a canton, but also the government of a city, town, village or township. Unlike a department, Arrondissement and canton, a commune as a unit of local government has a historical background and exists even before the French Revolution of 1789. At present, there are more than 38,000 communes in France. However, all the Communes are governed by the same municipal code. This means that all communes, whether rural, urban, agricultural or industrial, have the same system of governments.

Each commune has a Municipal Council as its legislative body. It consists of councillors elected directly by the people for a period of six years. The number of councillors differ from commune to commune; the maximum being thirty-seven and the minimum being eleven. The Council elects its own chairman called Mayor, for a period of six years. Like the Prefect of department, the Mayor also occupies a dual position. He is the executive head of a commune as well as the local agent of the Central Government. As the chief executive head of the communal administration, he implements the resolutions and policies of the Council. As a local representative of the Central Government, he has to do what is directed to him by the Prefect in matters pertaining to police, public health and military service. Thus writes Brain Chapman, "the French Mayor has considerable greater personal prestige and personal power than his English counterpart. He is the head of administration of the commune, a prominent local political figure and also in some respects a state official. He is a figure in local administration whose status may be compared to that of a German Burgomaster but not to that of an English Mayor."

Model Question

Explain administration at gross root level in France.

CONTROL MECHANISM OVER PUBLIC ADMINISTRATION IN UK, USA, AND FRANCE

Administrative Responsibility and Accountability

In modern welfare states the administrative officials enjoy numerous powers and discretion in the discharge of duties. Though the Government officials are mainly intended to implement the policies and programmes within the framework of the laws, they are also involved in framing rules within the broad framework of laws passed by the Legislature and influence the political authorities in making judicial decisions. Thus, the Government officials have usurped the Legislative, Executive and Judicial powers. The administrative officials should be responsible for their official actions. This responsibility of the administrative officials is called administrative responsibility. Administrative responsibility is defined as the liability of the officials to give a satisfactory account of the exercise of the powers of discretion vested in them to someone to whom it is due, failing which some kind of punishment may follow.

L.D. White defines administrative responsibility as the sum total of the constitutional, statutory, administrative and judicial rules and precedents and the established practices by means of which public officials are held accountable for their official actions. Pfiffner has made a distinction between administrative responsibility and administrative accountability. Administrative accountability refers to the formal and specific location of responsibility whereas administrative responsibility is a highly personal moral quality and is not necessarily related to formal status of power. Administrative responsibility refers to public servants responsiveness to public while administrative accountability denotes the specific methods and procedures to enforce the public servant's responsibility. Administrative responsibility is therefore, subjective and works from within while the administrative accountability is objective and works from without. If the administrative officials have to be made responsible and accountable for their actions, certain effective control over them become necessary.

Types of Administrative Controls

Two types of administrative control are exercised over the administrative officials.

They are:

1. The internal controls and
2. The external controls

The Internal controls are fitted within the administrative machinery and work automatically.

The external controls operate from outside and are in the form of accountability of administrative officials to the Legislature, the Executive, the Judiciary and the public.

Internal Controls Over Public Administration

The internal controls over the administrative officials are exercised through different ways. They are:

1. Budgetary Control,
2. Personal Management Control,
3. Efficiency Survey Systems.
4. Professional Morality control and
5. Administrative Leadership.

Budgetary Control

The Parliament by passing the budget authorizes the Government to raise funds and to incur expenditure for the various services. The administrative officials are entrusted with powers by the Government to raise funds and incur expenditure. By enabling the officials to raise the required funds and to spend on various services within the financial years, the Heads of the various Departments exercise control over the subordinate officials. This control exercised by the Heads of the Department over the officials is called budgetary control.

Personal Management Control

Government Departments are hierarchically organized. Each official in the different levels has duties and responsibilities to perform. By effective supervision and control by the officials at different levels over the subordinates, these duties and responsibilities are effectively discharged. The control exercised by the officers over the subordinates in the discharge of their duties and responsibilities is called personnel management control.

Efficiency Survey System

Every official in the Government is expected to discharge certain duties faithfully and to the satisfaction of the superior officers. It is very difficult to fix up the quantity and quality of the work that need to be carried out by every official. It is very difficult to provide uniform yardstick to measure the efficiency of the officials. Some sort of yardstick to the different Department should be earmarked and incentives to the officials should be made on the basis of the performance of the work of the officials. This efficiency survey system will enable the officials to discharge their duties faithfully and to the entire satisfaction of the superior officials.

Professional Morality Control

In the Civil Service, a code of morality called "Administrative Ethics" has been evolved. It consists of high tradition of loyalty to the nation, devotion to the work and a very high sense of integrity and public good. This code of morality should be followed by the officials automatically for the pride of it. If not, formal checks by the officers over the subordinates enable the Government officials to abide by the code of morality. This control is called professional morality control.

Administrative Leadership

Providing proper administrative leadership, internal control can be effectively exercised. If the superior are honest, upright and persons of integrity, then the subordinates dare not resort to corruption, negligence, etc. Therefore, there is need for imposing administrative leadership to enable the officials to carry out their duties honestly and efficiently.

Legislative Control Over Public Administration in Parliamentary System

External controls over Public Administration is exercised through various means. The important means of external control are exercised through:

1. The Legislature,
2. The Executive,
3. The judiciary and
4. The Public

Let us discuss how the legislature exercises control over Public Administration.

Need for Legislative Control

The Legislature is the source of administrative authority. It lays down the public policy. It decides the nature and scope of administrative activity. It lays down the methods and procedures of work. It makes available the necessary funds for carrying out the policy into practice. It supervises, directs and controls the administration. Therefore, control of the Legislature over the administrative officials is quite necessary.

Nature of Legislative control

The Legislative control, over the administrative officials in India is not direct. It exercises control over the administrative officials through the Ministers. The political head of an administrative department is a Cabinet Ministers or a Minister of state with an independent charge. He is responsible to the legislature for the omission and commissions in the Department and not the administrative officials. Therefore, the Legislative control over administrative officials in India is not direct but indirect.

Means of Legislative Control

The Legislature exercises control over administration through different ways. They are:

1. Question Hour,
2. Debates and Discussions,
3. Resolutions and Motions,
4. Budgetary control,
5. Control Through Delegated Legislation,
6. Audit and Report and
7. Controls Through Parliamentary Committees.

Question Hour

Question Hour is a powerful technique of Parliamentary control over administration. In India, Question Hour is the opening hour of the Parliament meetings. During the Question Hour, the Members of the Parliament can put questions for seeking information regarding any matter. The Minister is expected to give proper reply. If the answer to the question is not satisfactory, supplementary questions may also be asked. If the answer given to a question is not satisfactory, the Member of the Parliament may ask for Half an Hour Discussion in the Question Hour. If the Speaker allows Half an Hour Discussion, the Member of the Parliament may extract more information on a matter of public policy from the Government. Formally, the object of the question is merely to elicit information about something. But in practice, it is used to draw the attention to the failures and abuses of administrative officials and to keep the whole of the administrative officials on their toes.

Debates and Discussions

The inaugural address by the President and the budget speech by the Finance Minister are followed by General discussions. The introduction of a bill or amendment to the existing laws, provide opportunities for debates and discussions. During debates and discussions, the Government policies and working of the Government Departments are thoroughly discussed and debated and thus administrative officials through their Ministers and made accountable for their actions.

Resolutions and Motions

During voting of demands for grants, the Members of the Parliament are allowed to move cut motions and can ask for Half an Hour Discussion before demands are voted. The cut motions are of three kinds. They are:

1. Token Cut Motions
2. Policy Cut Motions
3. Economy Cut Motions.

Token Cut Motion is moved to ventilate the grievances. Policy Cut Motion is moved to criticize the policies. Economy Cut Motion is moved to bring about economy. If the Speaker allows for Cut Motions and Half an Hour Discussion, during voting of demands for grants, the Member of the Parliament will have sufficient time to criticize and set right the performance and competence of the administrative officials.

Budgetary Control

The Legislature is the fund raising and fund granting authority. No money can be raised or spent without previous sanction by the Legislature. Debates and discussion precede the demands of grants made by the Executive. These debates and discussions provide an excellent opportunity to the Members of the Legislature to criticize the Government and to bring it on to the track.

Control through Delegated Legislation

The Legislature makes laws in a broad framework. The details of the laws are filled through the rules made by officials within the broad framework of the laws. These rules have the forces of laws. The power of the Government officials to frame rules within the broad framework of the laws is called delegated legislation. When the Legislature delegates power to the administrative authorities, it is its responsibility to see that the rules are made within the broad framework of the laws passed by it. By doing so, the Legislature exercises control over the administrative officials.

Audit and Account

There is an Accountant General of India appointed by the President to see that the different Departments maintain proper accounting system. The accounts of the Government Departments are audited by the Comptroller and Auditor General of India. While auditing the accounts of the Government Department he examines:

1. Whether the Government funds have been spent only for the appropriate purposes;
2. Whether the Government funds have been spent economically and faithfully;
3. Whether the administrative officials have misused the administrative funds; and
4. Whether the administrative officials have misappropriated the funds.

If the Comptroller and Auditor General finds any financial irregularities, he points out them in a Report prepared by him and submits to the President. The President submits the Report to the Parliament and the Parliament to the Public Accounts Committee. The Public Accounts

Committee scrutinizes and reviews the Report and summons the officials responsible for financial irregularities and call for explanations. If the explanations are not satisfactory, the Public Accounts Committee in its Report points out the mistakes committed by the officials. The Parliament recommends actions against them. Thereby, the financial irregularities committed by the officials are set right.

Controls Through Parliamentary Committees

There are number of parliamentary committees in India. These committees summon the administrative officials to appear before them to explain the reasons for the mistakes committed by them. When their explanations are not satisfactory, they point out the mistakes committed by the officials in their Reports. On the basis of the Reports, the Parliament takes actions and thereby mistakes committed by the officials are set right.

Sometimes the Ministers during question hour or debates and discussions give assurances regarding certain matters. The Committee on Assurance sees to it whether the assurances given by the Ministers have been carried out within a reasonable time and to their satisfaction or not report these matter to the Legislature from time to time. This control over administration has greatly strengthened the Legislative control over the administration.

In modern democratic countries, people exercises control over administration through their representatives, who constitute the Legislature. The control of the Legislature over administration is very much necessary. In India the Legislature exercises control over administration through the Ministers by various means and thereby the mistakes committed by the officials are set right through the Ministers. Thus, the legislature in India exercised control over administration very effectively and thereby the administrative officials are made accountable and responsible for their actions.

The System of Legislative Control in the Presidential System

The system of Legislative control over Administration in the Presidential form of Government is different from the control system in the Parliamentary form of Government. Therefore, most of the techniques of Legislative control described above are not practiced in the USA. The reason for such a difference lies in the 'theory of separation of power' which is the basis of Presidential Government prevalent in the USA. Accordingly, the executive and the Legislative organs of the Government are separated from each other, and hence, remain independent of each other. The executive neither sits in the Legislature nor is responsible to it for its policies and actions. The President of the USA enjoys a fixed tenure of four years and cannot be removed before the completion of his tenure in normal circumstances. The President need not have a majority support in the congress for his continuity and survival in office. In fact, the President and his secretaries are not the members of the congress and do not participate in its proceedings. Hence Congressional control over the Executive through questions or adjournment motion or no confidence motion or censure motion is not possible. Under such circumstances, the Congress in the USA exercises control over administration through the following tools:

1. The congress creates executive departments, commissions, boards and others administrative agencies. It also determines their stature, organization, powers and functions. In fact, the Independent Regulatory commissions reports directly to the congress as they are placed outside the president's control.
2. The Congress appointed committees to investigate into and criticize the working of administrative departments and agencies.
3. The congress enacts laws or amends and repeals the existing laws to lay down public policies, methods and procedure.
4. The Congress approves the Federal Budget prepared by the Officer of Budget and Management under the President's direction. The Budget presented to the Congress by the President is thoroughly examined and revised by its committees and sub-committees. It also examines the accounts and audit reports.
5. The Senate enjoys the power of confirming the treaties executed by the President.
6. The Senate also enjoys the power of confirming higher appointments made by the President
7. The Congress has the power to impeach the President before the completion of his four years tenure on grounds of treason or corruption.
8. The Congress requires the administrative agencies to report there past actions or future plans to its committees or to it as a whole. F.A. Negro calls it the "doctrine of codirectorship", which means direct participation of the Congress in administrative decision making.
9. Thus the congressional control over administration in the USA in limited and restricted in nature and scope.

Limitation and Ineffectiveness

The Legislative control over the administration in Parliamentary countries like India and UK are more theoretical than practical. In reality, the control is not as effective as it ought to be, "The following factors are responsible for the ineffectiveness of Parliamentary control in India and UK.

1. The Parliament has neither time nor expertise to control the administration, which has grown in volume as well as complexity.
2. Parliament's financial control is hindered by technical nature of the demands for grants. The Parliamentarians being laymen cannot understand them properly and fully.
3. The legislative leadership lies with the Executive and it plays a significant role in formulating policies.
4. The very size of the parliament is too large and unmanageable to be effective.

5. The majority support enjoyed by the executive in the Parliament reduces the possibility of effective criticism.
6. The financial committees like Public Accounts Committee examine the public expenditure after it has been incurred by the executive. Thus, they do post mortem work.
7. The increased recourse to 'Guillotine' reduced the scope of financial control.
8. The growth of 'delegated legislation' reduced the role of Parliament in making detailed laws and increased the powers of Bureaucracy.
9. The frequent promulgation of 'Ordinances' by the President dilutes the Parliament's power of legislation.
10. The Parliament's control is sporadic, general and mostly political in nature.
11. Lack of a strong and steady opposition in the Parliament, and a setback in the Parliamentary behaviour and ethics, have also contributed to the ineffectiveness of Legislative control over administration in India, UK and France.

Paul H. Appleby was very critical of Parliamentary control over administration in India. His list of criticism were as follows.

1. "The members of Parliament greatly exaggerate the importance of the function of the comptroller and Auditor-General and pay far too much attention to his reports. So doing, the Parliament increases the timidity of public servants at all levels, making them unwilling to take responsibility for decisions, forcing decisions to be made by a slow and cumbersome process of reference and conference in which everybody finally shares dimly in the making of every decision, not enough conference in which gets done is done too slowly.

2. Government proposals to the Parliament, too much general and vague fear that its responsibilities are not being preserved. Such fear cannot be supported by a bill of particulars really related to the high level of Parliamentary responsibility. Government proposals to the Parliament are amended here much more often than in the United Kingdom, and the proposals are drawn originally with much more regard for the sentiments of even a small segments of the Parliament.

3. The Parliament often exhibits a prejudice, anomalous in India in 1956, for reliance on the judgement of businessmen.

4. The Parliament here seems strangely inclined to make too ready concessions to some of the self-interest demands of small but influential business interests, and to enforce corresponding changes in Government's decisions.

5. The Parliament's endorsement of the formerly small and narrow approach of the public Service Commission to its own functions is the mistaken belief that this strengthens the

merits system undermines the responsibility of the ministries and thereby, undermines the responsibility of the Parliament.

6. Parliament is a chief citadel of opposition to delegation of powers, the need for which is the worst shortcoming of Indian Administration. Parliament's reluctance to delegate its power in detail, as it is essential to do if Parliamentary powers are to be important and positive, discourages ministers from delegating their powers, discourages secretaries from delegating their powers, and managing directors from delegating their powers”.

Executive Control over Public Administration

BY the Executive control over Public Administration means, the control exercised by the Chief Executive over administration. The Chief Executive in India is the President of India. He is only nominal head. The real head of the administration is the concerned Minister. He is assisted by the Secretariat Departments and Executive Departments consisting of the administrative officials in the implementation of policies and laws of the government because he is responsible for the actions of the government officials to the Legislature.

Means of Executive Control over Administration

The Executive exercise control over administration through different means. They are:

1. Control through policy making.
2. Control through budgetary system,
3. Control through recruitment system and
4. Control through Executive law making.

Control through Policy Making

The Executive plays a very important role in policy making. Ministers make broad policies. The details of the policies are filled by the Government officials. In fact the detailed policies are made by the officials of the government. It is the responsibility of the Ministers to see whether the details of the policies are within the broad frame work of the policies made by the officials. By doing so, the Ministers exercise control over the administrative officials.

Control through Budgetary system

It is the Executive that prepares the budget. It determines the sources of income and provides various amounts of expenditure to the Departments. The officials should raise funds from the different sources as sanctioned by the Legislature and spend on various programmes as sanctioned by the Legislature within the financial year. By doing so, the Executive exercises control over the administrative officials.

Control through Recruitment System

The Executive lays down the general principles for recruitment of the Government officials. The Executive makes recruitment to the higher posts in the Departments itself. The Ministers select their own Secretaries to run the Government. Thus the Ministers exercise their control over administration through recruitment system.

Control through Executive Law-Making

The Legislature makes laws in a broad framework. The details of the laws are filled through the rules framed by the officials. The Executive gives broad guidelines through which the details of the laws should be filled up by the Government officials. By doing so, the Executive exercises control over Public Administration.

The Chief Executive also gives orders in the form of ordinances. It is the responsibility of the Ministers to see that the executive orders are carried out faithfully by the administrative officials. By doing So, the Executive exercises control over the administration.

Ordinances

The Constitution of India authorizes the chief executive, that is, the President to promulgate ordinances during the recess of Parliament to meet situation demanding immediate action. An ordinance is as authoritative and powerful as an act of Parliament and hence, governs the functioning of Administration.

Civil Service Code

The Executive has prescribed a civil service code to be observed and followed by the administrators in the exercise of their official powers. It consists of a set of conduct rules which prevent the administrators from misusing their powers for the personnel ends. They deal with various things like loyalty to the state, obeying the official orders of the superiors, political activities of civil servants, financial transactions of civil servants, marital restrictions, and others.

Staff Agencies

The executive also exercises control over administration through staff agencies. The important staff agencies in India are the Department of Administrative Reforms, the Planning commission, the Cabinet Secretariat and the Prime Minister' Office. Mooney said that a staff agency is. "an expansion of the personality of the Executive. It means more eyes, more ears and more hands to aid him in forming and carrying out his plans". Thus, the staff agencies exercise influence and indirect control over the administrative agencies and play an important role in coordinating their policies and programmes.

Appeal to public opinion

The administrative system, whether in the USA or the UK or India, is status quo oriented and hence resists change. It does not receive new policies, plans, programmes and projects formulated by the Executive with positivemindedness. In fact, the various organs of the administrative machinery, in the words of Pfiffner and Presthus, "Seek to strengthen their position vis a vis other agencies, and Executive, by alliances with Legislature and pressure groups, as well as by calculated support building campaigns directed at the general public. They develop vested interests not only in programme areas, but equally in established ways of doing things, which enhance the self-consciousness and strategic position of the bureaucracy". Due to this, the bureaucracy resists new programmes and methods as they threaten its strong position. Under such circumstances, the executive appeals to the public opinion.

Judicial Control Over Public Administration

Judicial Control over Public Administration is not automatic. Courts cannot interfere in the administrative activities on their own accord. The Courts can intervene only when they are invited to do so by any person, who feels that his rights have been abrogated or are likely to be abrogated as a result of some action of the Government officials. The Courts can intervene in administrative cases only on certain grounds. They are:

1. Lack of Jurisdiction
2. Error of law,
3. Error of fact finding,
4. Abuse of authority and
5. Error of procedure.

Lack of Jurisdiction

Every Government officials has to carry out the different functions within the jurisdiction of his powers and within a specified geographical area. If he goes beyond his powers or acts outside the geographical limits of his authority, his acts can be challenged in the Courts and they will interfere.

Error of Law

Sometimes the Government officials may misinterpret the law and impose upon citizen's duties and obligations which are not required by law. A citizen, who has suffered on account of this, has the right to move the Courts for damages.

Error of Fact Finding

The Government officials may wrongly interpret the facts, ignore them and thus may act on wrong presumptions. This may affect the citizens adversely. The affected person may go to the Courts and they will intervene in support of the citizens.

Abuse of Authority

If the Government officials use their authority vindictively to harm some persons, they may go to the Courts and they will intervene by punishing them if they are found guilty.

Error of Procedure

The Government officials have to act according to certain procedures as laid down by the laws and if they do not follow the prescribed procedures and take actions, the inflicted persons can move to the Courts. The Courts have right to question the legality of their action.

Methods of Judicial Control

The Judiciary exercises control over Administration through the following methods of techniques.

Judicial Review

It is the power of the courts to examine the legality and constitutionality of administrative acts. On examination, if they are found to be violation of the Constitution, they can be declared as illegal, unconstitutional and invalid by the courts. The scope of judicial review in the USA is much wider than in Britain. India falls in between the two to the constitutional and statutory limitations.

Statutory Appeal

The parliamentary statute may itself provide that in a specific type of administrative act, the aggrieved citizen will have the right of appeal to the courts. Under such circumstances, the statutory appeal is possible.

Suit against Government

In India, Article 300 of the Constitution governs the suability of the state. It states that the Union Government and State Government can be sued, subject to the provisions of the law made by the Parliament and the state Legislature respectively. The State is suable in contracts. This means that the contractual liability of the Union Government and the State Governments is same as that of an individual under the ordinary law of contract. However, in case of torts, the position is different. In this regard, a distinction is made between the sovereign and non-sovereign function of the State. The state, for the tortious acts of its servants, can be sued only in case of its non-sovereign function but not in case of its sovereign functions.

In Britain, there has been traditional immunity of the state from any legal liability for any action. Suits against Government in contract or tort were severely restricted. Such restrictions were relaxed and the situation was improved by the Crown Proceedings Act of 1947. The present position in Britain is that the State can be sued for the wrongful acts of its officials whether in contracts or torts with some exceptions.

In the USA, subject to a few exceptions, the state cannot be sued in cases pertaining to torts. In other words, the State is immune from the tortious liability of its servants, except in few cases.

In France, where the system of 'Droit Administratif' prevails, the State assumes responsibility for the official actions of its servants and compensate the citizens for any loss suffered by them. The aggrieved citizens can directly sue the state in the 'administrative courts' and get the damages awarded.

Suits against Public Officials

In India, the President and the State Governors enjoy personal immunity from legal liability for their official acts. During their term of office, they are immune from any criminal proceedings. even in respect of their personal acts, they cannot be arrested or imprisoned. However, after giving two months' notice, civil proceedings can be instituted against them. During their term of office in respect of their personal acts, the ministers do not enjoy such immunities and hence they can be sued in ordinary courts like common citizens for crimes as well as torts. Under the Judicial Officer's Protection Act of 1,850, the judicial officers are immune from any liability in respect of their acts and hence cannot be sued. The civil servants are conferred personal immunity from legal liability for official contracts by the Article 299 of the Constitution of India. In other cases, the liability of the officials is the same as of any ordinary citizen. Civil proceedings can be instituted against them for anything done in their official capacity with prior permission from the Government. The Monarch in Britain and the President in the USA enjoy immunity from legal liability. The legally accepted phrase in Britain is, 'The king can do no wrong', Hence they cannot be sued in any court of law.

Extraordinary Remedies

These consist of the following six kinds of writs issued by the courts.

1. Habeas Corpus it literally means, "to have the body of". It is an order issued by the court to a person who has detained another person, to produce the body of the latter before it. The court will set the imprisoned persons free if the detention is illegal.
2. Mandamus literally means "we command". It is a command issued by the court to a public official asking him to perform his official duties, which he has failed to perform.
3. Prohibition literally means 'to forbid'. It is issued by a higher court to a lower Court when the latter exceeds its jurisdiction. It can be issued only against judicial and quasi-judicial

authorities and not against administrative authorities. Hence, its importance as a tool of judicial control over administration is highly restricted.

4. Certiorari literally means 'to be certified'. It is issued by a higher court to a lower Court for transferring the records of proceedings of a case pending with it, for the purpose of determining the legality of its proceedings or for giving fuller and a more satisfactory effects to them than could be done in the lower court. Thus, unlike the prohibition, which is only preventive, the Certiorari is both preventive as well as curative. Like Prohibition, it can be issued only against judicial and quasi-judicial authorities and not against administrative authorities.

5. Quo Warranto literally means 'by what authority or warrant'. It is issued by the courts to enquire into the legality for claims of a person to a public office. Therefore, it prevents illegal assumption of public office by a person.

6. Injunction is issued by the court asking a person to do a thing or refrain from doing it. Thus, it is of two kinds viz. mandatory and preventive. The mandatory injunction resembles the writ of Mandamus but it is different.

Similarly, preventive injunction resembles the writ of prohibition but it is different.

Model Question

Explain the control mechanism over public administration in U.K., U.S.A., and France.

CITIZEN AND ADMINISTRATION IN UK, USA, AND FRANCE

Introduction

Government servants are basically the servants of the public. Instead of acting as servants of the public, they act as masters of the public and create all sort of problems to the public. This tendency of the Government servants towards the public is the British legacy. During the British rule, the Government servants had to be loyal only to the British Government and need not be responsible to the public. This attitude of the Government servants continues even today. At present, Government servants owe loyalty to the party in power, rather than the public as a whole. Since the Governments is implementing lot of programmes for the benefit of the public, and the public has to depend more on the Government servants, this problems has gained great momentum in the context of Public Administration.

General Grievances

The general grievances of the public are the following:

1. Public are not treated well by the civil servants.
2. Civil servants make the people to walk several times before solving their problems.
3. They make lot of delay in the disposal of files.
4. They are not responsible to the public demands.
5. Their attitude towards public is despotic.
6. They do not try to understand the problems of the public and try to set right their problems.
7. The most important problem of the public towards the civil servants is corruption.

Ombudsman

These are the important problems of the public. These problems of the public are not only found in India but in every country. In the 19th century the Swedish Government created an institution called Ombudsman to set right the problems of the public were solved. The neighbouring Scandinavian countries also have created institutions like Ombudsman to set right the problems of the Public. Now let us see the organization and working of Ombudsman.

Organization of the Ombudsman

In Sweden the Ombudsman is elected by the Members of the Parliament in a joint sitting. The Ombudsman is elected for a term of five years. Though, the Parliament elects the Ombudsman, it does not interfere in the working of the Ombudsman. The Ombudsman is appointed in the

position of the Supreme Court Chief Justice. He is provided with the position, status, salaries and allowances similar to the Supreme Court Chief Justice. Once elected by the Parliament, he cannot be removed from office very easily.

Powers of the Ombudsman

The Ombudsman is provided with certain powers. They are

1. To investigate,
2. To criticize and publicize and
3. To recommend for certain actions.

The above powers of the Ombudsman make it clear that it cannot take any action. It can only recommend to the Government for certain actions against the Government servants. The Government can only take actions against the Government servants on the basis of the recommendations of the Ombudsman. The Ombudsman has an office headed by the Director and assisted by a number of officials. The main function of the Ombudsman's office is to help the Ombudsman in the performance of his functions.

If the people have got certain problems against the Government servants, they will write their problems in brief in a postcard and send the complaints to the Ombudsman. The Ombudsman will collect all the complaints in the post card and will select few complaints for investigation. The Ombudsman's office will process the complaints and select the cases in such a way that there is one case in each office. The office people investigate their cases and if the Government servants had committed mistakes they would be criticized and publicized in the mass media. If the Government officials had committed grave mistakes, the Ombudsman after proper investigation will recommend certain actions against them. The Government immediately put into effect the recommendations of the Ombudsman, which is publicized in the mass media. When other Government servants come to know the fate of their colleagues, they would try to correct their mistakes and become responsible to the public. Thus, after the creation of the Ombudsman, the grievances of the public have been redressed.

Model Question

Write an essay on citizen and administration.

MACHINERY OF REDRESSAL OF CITIZENS GRIEVANCES IN UK, USA and France

United Kingdom adopted the Ombudsman-like institution in the form of Parliamentary Commissioner for Administration in 1967. This office was created on the recommendation of the Sir John Whyatt Committee Report published in 1961. His status is equivalent to the Comptroller and Auditor-General of the UK. He is appointed by the Crown and holds office till the age of 65 years. He can also be removed from office by an address of the Parliament (both the Houses) for incapacity.

His function is to investigate the complaints of citizens against maladministration by government departments. He is left free to define the term maladministration. A salient feature of this office in the UK is that the aggrieved citizen cannot approach him directly but only through the member of Parliament who shall refer it to the Commissioner. This process is known as 'MP Filter.' The Commissioner reports the findings to the Parliament as well as to the Member of Parliament who had taken up the complaint.

The following restrictions are imposed on the Commissioner's jurisdiction and authority:

1. Originally he was not empowered to investigate the cases of maladministration against local authorities, hospital boards, nationalised industries, the police, personnel questions in the civil services and the armed forces. However, in the course of time, the jurisdiction of the Commissioner has been extended to cover these areas of administration also.
2. He cannot investigate matters on which a right of appeal is open to a complaint.
3. He is not allowed to question policy which is subject to parliamentary control.
4. He cannot question the merits of discretionary administrative decisions which are taken legally and after an appropriate administrative procedure.
5. The investigations conducted by him should be private and confidential in nature.
6. His access to information is free except when a minister certifies that the divulging of the information will not be in public interest. In other words, a minister can withhold information called for by the Commissioner in public interest.

Thus, the scope of jurisdiction and authority of the British Parliamentary Commissioner is much more restricted when compared to the Swedish Ombudsman.

Machinery of Redress of citizens grievances in the USA

The device of the ombudsman and the term that identifies it come from the Scandinavian countries where this form of control has been developing for a long time. The holder of this Government office receives and investigates complaints from citizens who are displeased with the actions or non-actions of administrative services. The remedy is secured quietly by the ombudsman in consultation with officials of the offending service, or if pressure is needed, by bringing the whole matter out into the open. The ombudsman has become increasingly useful and successful and is now being exported from Scandinavia to other countries around the world, including the United States.

Although the term is new in the United States, the function is not. Among the early Colonies and later among the states, the office of the censor performed functions somewhat similar to those of the ombudsman, but after a relatively short trial the device was abandoned, largely because it was then harder to get public programs administered at all than it was to avoid the problems of administrative excess. In more recent times, both Government and industry employ traveling auditors, inspectors, and the like, and some of these duties also resemble those of the ombudsman.

Today, the ombudsman in the United States is a significant development, depending, of course, on the finesse with which the office operates. Professor Donald C. Rowat of Toronto, who has written extensively on the subject, suggests a number of reasons why the ombudsman should be a congenial device in American Government. The first is that all Governments, including those in the United States, have recently experienced a phenomenal increase in administrative discretion, to the point where existing methods of control, although many remain useful, provide inadequate coverage. The ombudsman device is especially useful because it does not engage in an adversary proceeding; instead, it is politically neutral, trying to get at all the facts of the case objectively and sympathetically. Since elaborate court proceedings are avoided, the expense of the office is minimal—less, indeed, than for any other device that might be used instead. At present, Congressmen and their staffs are continually investigating complaints from Constituents regarding public programs; not only does this take much of their time, but they are also less qualified for the job than a trained ombudsman. The ombudsman audits administrative efficiency more than he does purely financial transactions and hence is strategically located between the public program and its clients, dealing with people rather than with things, and in a good position to assess public opinion. The ombudsman's office is a natural and desirable supplement to the separation of powers in the United States and helps to provide some of the connective tissue that is otherwise missing. And finally, the ombudsman's role is that of watchman over the total administrative process at all levels of Government, and his approach is finely attuned to the early detection of procedural and substantive irregularities in the treatment of citizens by their public officials.

If the United States were to make wide use of this device, says professor Rowat and indeed, it is currently spreading to all levels of Government - there is the danger that it might become a tool of politics. If it should turn out to be merely an adjunct to congress, for example, it "would be controlled by the caprices of individual Congressmen." On the other hand, if it were centered in the executive branch, it would be in danger of control by the administration in office and the results might be equally objectionable. Objectively must be preserved or else the device fails.

A great advantage of the ombudsman is its value in the education of citizens, who in most cases have little idea of the inner workings of a bureaucracy. Citizens should learn how public administration, in specific areas, really operates, what they can expect and what they have a right to expect in the way of service from Government. To the degree that the ombudsman performs this educational function, the citizens of a democracy will gain a new confidence in and appreciation of the Governments, which in theory, at least, they control.

Machinery of Redressal of citizens grievances in France

A unique institutional device created for the redressal of citizens' grievances against administrative authorities in France is the system of administrative courts. These courts deal with administrative law for the trail of cases of disputes between the citizens and administration. These courts are separated from the ordinary courts which deal with common law for the trail of civil and criminal offences. Thus, there is a dual hierarchy of courts in France, that is, the ordinary courts headed by the court of cassation and the administrative courts headed by the council of state. The disputes of jurisdiction between the ordinary courts and the administrative courts are settled by the Court of Conflicts which consists of the Minister of Justice as the ex-officio president, three judges of the court of cassation and three members of the councils of state.

The French system of administrative law is known by the name of Droit Administratif. It provides for special rules governing the relationship between the citizen and the state as compared to the rules governing the relationship among the citizens. It is characterized by the following features.

1. It distinguishes the personal acts of public officials from their official (i.e. administrative) acts.
2. It relieves public officials from the jurisdiction of ordinary courts for acts performed in their official capacity.
3. It provides for a special tribunal to try officials when they are sued by private citizens for their official wrongful acts, that is, administrative faults.
4. It deals with citizens' rights and liabilities vis a vis administration and also lays down the procedure for enforcement of these rights and liabilities.

5. It awards compensation to citizens for injuries sustained by them at the hands of administrative authorities.

It is this Droit Administratif system of jurisprudence which is responsible for rise and growth of administrative courts in France. In France, a distinction is made between the personal acts and the official acts of a public official. For personal acts, public official is personally liable and can be sued in ordinary courts. But for the official acts, that is, for administrative faults, civil service as a whole is liable and the concerned official can be sued in administrative courts only. In other words, administrative faults come under the jurisdiction of appropriate administrative courts.

Citizens having grievances against administration can approach administrative courts. These courts are authorized to either annul the administrative acts or recognize the existence of a subjective right which the administration has damaged. In the latter case, they can obtain appropriate redress. The decisions of these administrative courts cannot be challenged in ordinary courts.

At the top of the system of administrative courts stands the Conseil d'Etat (Council of State). The following points can be noted regarding this institution.

1. It is the apex administrative court and hears appeals from the lower administrative courts called Administrative Tribunals or Regional Councils. Its decision is final in all such administrative matters.
2. It also gives attention to certain specified types of administrative case in the first instance.
3. It exercises general supervision over administration to check arbitrariness and to see that the process of administration is carried on properly and in accordance with the laws.
4. It has the final power in civil service disciplinary matters.
5. It also advises the government on all legislative matters.
6. The President of France appoints members of the Council on recommendation of the council of ministers.
7. It is located at Paris and consists of administrative and judicial sections.

Model Question

Explain the machinery of redressal of citizen's grievances in UK, USA and France.

Model Question

Time : 3 hours

Marks : 100

Answer any **FIVE** questions

1. Discuss the nature and scope of Comparative Public Administration.
2. Bring out the importance of the study of Comparative Public Administration.
3. Describe the different models of Comparative Public Administration.
4. Point out the features of British Political System.
5. Explain the Administrative institutions and processes in USA.
6. Evaluate the system of Civil Service in France.
7. Compare the Public Policy making process of UK and USA.
8. Trace the grassroot level Administration of USA and France.
9. How does Administration control by the executive and judiciary in UK.
10. Critically examine the grievance redressal mechanism adopted in UK and USA.