

The image features a large, light gray watermark logo on the left side, consisting of a stylized 'P' and 'U' intertwined. To the right of the logo, the text 'Pignou' is written in a large, light gray font, with 'THE PEOPLE'S UNIVERSITY' written below it in a smaller, light gray font. A vertical line separates the logo from the text.

BLOCK 3
INSTITUTIONAL FRAMEWORK



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UNIT 6 CABINET SECRETARIAT

Structure

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- 6.2 Evolution of Cabinet Secretariat
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6.0 OBJECTIVES

After reading this Unit, you should be able to:

- highlight the evolution, organization, and functions of Cabinet secretariat;
- explain the roles, powers, and functions of Cabinet Secretary; and
- describe the size, functions, and roles of various Cabinet Committees.

6.1 INTRODUCTION

Cabinet secretariat is a British legacy to India. The basic duty of the cabinet secretariat is to maintain records and provide secretarial assistance to the cabinet.

In this Unit we will discuss about the evolution, organization, and functions of the cabinet secretariat. Further, the role of Cabinet Secretary and cabinet committees will also be highlighted.

To begin with is the evolution of cabinet secretariat.

6.2 EVOLUTION OF CABINET SECRETARIAT

In India, before 1935, the Governor-General had a private secretary, who provided secretarial assistance to him as well as to his Executive Council. Lord Wellington who was the Governor-General, between (1931-1936) used to have his private secretary attend meetings of cabinet and record the proceedings. Sir Eric Coates was the first Cabinet Secretary in pre-independence India, but his designation was of the Secretary to the Viceroy's Executive Council.

After Independence, we adopted a parliamentary democracy, wherein there is a Council of Ministers headed by the PM. The need for secretarial services, especially to the cabinet, was felt. However, due to shortage of senior officials, the new cabinet secretariat that came into existence in 1947 was combined with the PM's Secretariat. Later on, the two were separated, as independent entities and a Cabinet Secretary was made in charge of the cabinet secretariat. Since 1948 units of different departments of the ministries were added to the cabinet secretariat. Organization and Method Division (O & M) of the GoI started functioning in March 1954 and continued to remain, as a separate wing of the cabinet secretariat till March 25 1964. In 1964, a new department called Department of Administrative Reforms was set up in the Ministry of Home Affairs and the O & M Division was transferred to this new department. Owing to the recommendations of the first ARC, a Central Personnel Agency (CPA) was created in the cabinet secretariat in August 1970. In February 1973, owing to the recommendation of CPA, the Department of Administrative Reforms was transferred to the cabinet secretariat. In 1977, during the Janata Government, the Department of Personnel and Administrative Reforms (that was already merged into one department) was again transferred to the Ministry of Home Affairs in. Since then, the Department is functioning in the Ministry.

6.3 ORGANIZATION

The cabinet secretariat has three wings- civil wing, military wing, and intelligence wing. The civil wing provides advice and assistance to the Union cabinet. The military wing provides secretarial assistance to the Defence Committee of the cabinet the Military Affairs Committee, the National Defence Council, and other committees dealing with defence matters. The intelligence wing deals with matters pertaining to the Joint Intelligence Committee of the Union cabinet.

Besides, the cabinet secretariat has the following organizations:

- 1) Research and Analysis Wing (RAW)
- 2) Director General of Security
- 3) Special Protection Group
- 4) Joint Intelligence Committee
- 5) Directorate of Public Grievances
- 6) National Authority, Chemical Weapons Convention

Besides, there are a large number of other secretaries and officials like under secretary, deputy secretary to assist. In addition, the cabinet secretariat has subject related advisors to the PM.

6.4 FUNCTIONS

The cabinet secretariat performs the following functions:

- 1) Prepares agenda for meetings of the cabinet and provides necessary information and material for its deliberations.

- 2) Keeps a record of the discussions and decisions of the cabinet and cabinet committees and circulates them to all concerned ministries.
- 3) Provides secretarial assistance to the Cabinet Committees-Political Affairs Committee, Economic Affairs Committee, Appointments Committee, and Committee on Parliamentary Affairs (Chairperson-Home Minister).¹
- 4) Keeps the President, Vice-President, and all the central ministries informed of the activities undertaken by the central government.
- 5) Prepares and finalizes the rules of business of the government and allots the same to ministries/departments of the Union government with the President's approval.
- 6) Functions, as the chief coordinating agency in the central government. In this respect, it settles disputes between ministries.
- 7) Watches the implementation of cabinet decisions by the concerned ministries/departments and executive agencies.
- 8) Handles the work pertaining to appointment and resignation of ministers, allotment of portfolios to the ministers, and organization and re-organization of ministries.

6.5 OFFICE OF CABINET SECRETARY

The Cabinet Secretary is an administrative officer of the highest rank, selected for the office for his/her special qualities of tact, energy, initiative, and efficiency. Being the head of the cabinet secretariat, he/she is entrusted with the function of securing coordination, as well as, timely and effective action by all departments in matters in, which the cabinet, as a whole or the PM is interested. He should be a sufficiently senior officer so as to command the confidence and respect of all heads of departments.

6.5.1 Appointment and Tenure

The Cabinet Secretary is the ex-officio chairperson of the Civil Services Board and heads the Indian Administrative Services. As a matter of convention, a senior most civil servant is appointed, as a Cabinet Secretary. He/She belongs to the Indian Administrative Services. The incumbent generally has tenure of 2 to 3 years. Though, there is no fixed tenure so far, the average tenure of the Cabinet Secretary in India has not been more than 3 years. His/Her tenure, however, can be extended. The Cabinet Secretary is directly responsible to the PM and reports to the PM concerning all matters.

Below the Cabinet Secretary, there are three other secretaries in the cabinet secretariat. They head three wings respectively: security, coordination, and political. Below the secretaries, there are a number of additional secretaries, joint secretaries, directors, deputy secretaries, and under secretaries. Besides, there are two advisers attached exclusively to the PM in areas on science and technology.

¹ The first three Committees are headed by the PM and the last one is headed by the Home Minister.

6.5.2 Roles, Powers, and Functions

The following points highlight the roles, powers, and functions of the Cabinet Secretary. He/She/is the

- 1) Chief Coordinator of central administration.
- 2) Chairperson of the senior selection board, which selects officials for the post of joint secretary in the central secretariat.
- 3) Selects the officers for the post of secretary and additional secretary in the central secretariat.
- 4) Chairperson of the committee of the Secretaries on administration, which is set up to resolve inter-ministerial disputes.
- 5) Presides over the conference of chief secretaries, which is held annually.
- 6) Chief advisor to the PM in all administration and policy matters.
- 7) Gives sanction to a minister before the latter decides to lodge prosecution against the publisher or auditor of news paper in cases of defamation. In this respect, a Cabinet Secretary can act on his own discretion, without even resorting to the advice of the PM.
- 8) Advisor and conscience-keeper to all civil servants. He/She do help in resolution of departmental difficulties. As analyzed by Ramesh K.Arora and Rajni Goyal, “As a head of the civil services, the Cabinet Secretary ensures that morale of the civil servants remain high. He/She acts, as a buffer between the politicians and the civil servants and protects the interests of the latter in situations of conflict...”
- 9) Acts, as a link between the PMO and various administrative agencies on one hand, and also between the civil services and the political system, on the other.

A former Cabinet Secretary, observes about the role of cabinet secretary that the cabinet secretary is the eyes and ears of the PM to enable the latter to keep in touch with official conduct of business in the central government. But he/she is in no sense a watch dog or an invigilator on behalf of the PM.... A Cabinet Secretary performs a staff function... for his/her business is to help and not to oversee (paraphrased).

The Gopal Swamy Ayyangar Report on ‘Reorganization of the Machinery of Government’ (1949) made the following recommendations with regard to the status and role of a Cabinet Secretary.

- 1) He/She should be an administrative officer of the highest rank, selected for the office for his special qualities of tact, energy, initiative, and efficiency.
- 2) He/She should entrusted, as a head of the cabinet secretariat, with function of securing coordination as well as timely and effective action by all departments of the government in the matters in, which the Cabinet as a whole or the Prime Minster is interested.

- 3) He/She should be a sufficiently senior officer so, as to command the confidence and respect of all heads of departments.
- 4) He/She should be ex-officio President of the Committee of Secretaries set up to advise the Prime Minister and other Ministers on selections for administrative appointments.
- 5) His/Her status in the service should be such, as to entitle him/her, to be regarded as the first member of the public services under the control of the central government; and one in whose judgement and impartiality the government as well as the services, could rely implicitly.

6.6 CABINET COMMITTEES

The cabinet makes use of the committee system to facilitate decision-making in specific areas. The business rules provide for the constitution of standing committees of the cabinet so, as to ensure speedy decisions on matters of political and economic significance, as also to ensure coordination in administrative matters. These committees are appointed, as per the requirements of the situation and are occasionally ad hoc in nature.

6.6.1 Size

The numbers of committees do vary but normally there are three to eight members that constitute such committees. The PM or a cabinet minister can be the chairperson. There are some committees that function on a permanent basis. They are the Political Affairs Committee, Economic Affairs Committee, Committee on Parliamentary Affairs, Appointments Committee, Committee on Accommodation, Committee on Industry and Trade, and the Committee on Food and Agriculture and such others. Amongst these, the Political Affairs Committee is the most powerful one, as it has most of the senior ministers that make it.

6.6.2 Roles and Functions

The cabinet committees are to work on clearly defined fields that require in-depth study and can relieve the cabinet of the burden of such work. The flexibility that these committees ensure by enabling ministers of different departments to come to a platform and sort out issues and work. The flexibility delve on particular issues and arrive at consensus. Also, many matters, which could otherwise travel up to the cabinet for decisions, get settled at the level of these committees. This ensures not only a coordinated action on vital economic and political issues that confront the cabinet but also renders speedy decisions. The cabinet, more often, accepts the decisions of the cabinet committees.

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

6.7 CABINET SECRETARIAT: EVALUATION

During the congress regime the cabinet secretariat substantially grew in stature and influence. It became a 'super-cabinet' and enjoyed real authority to get the top-level policies or decisions implemented by government departments or agencies. Most of the officials enjoyed the status of a minister of state or secretary to the state of India.

The rise of cabinet secretariat in India (including the PM's secretariat) in recent decades, especially from late eighties, is an indicator of the growing centralization of policy and decisional authority in the position of the PM. It has acted, as an overall supervisory agency over the line ministries in the name of exercising coordination.

Nevertheless in this context, caution needs to be exercised to ensure that the staff agencies should not assume too much of powers to subdue the ministers and secretaries that could lead to the erosion of their powers and status. The cabinet secretariat, should keep itself to the role of secretarial assistance only.

Activity

Distinguish between cabinet secretariat and central secretariat.

6.8 CONCLUSION

Cabinet secretariat is to provide secretarial assistance to the cabinet and its various committees. The Cabinet Secretary is its administrative head. Owing to the position being significant, is usually allotted to a senior most civil servant. He/She is the head of all the civil services mentioned in the Constitution of India.

6.9 REFERENCES AND FURTHER READINGS

- 1) Avasthi, A., 1980, Central Administration, Tata McGraw Hill, New Delhi
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UNIT 7 CENTRAL SECRETARIAT

Structure

- 7.0 Objectives
- 7.1 Introduction
- 7.2 Organizational Structure
- 7.3 Roles and Functions
- 7.4 Tenure System
- 7.5 Relationship between Secretariat and Executive
- 7.6 Appraisal
- 7.7 Conclusion
- 7.8 References and Further Readings

7.0 OBJECTIVES

After reading this Unit, you should be able to:

- discuss the functions and roles of Central Secretariat;
- explain the organizational structure of Central Secretariat;
- highlight about the tenure system;
- examine the relationship between executive and generalist.

7.1 INTRODUCTION

Central secretariat is the administrative office of all ministries and departments of the central government of India. Secretariat means the office of the secretary. Central secretariat is office of all secretaries belonging to the central government ministries.

In this unit, we shall discuss the structure and functions of the Central Secretariat. To begin with, is the organisational structure of the central secretariat.

7.2 ORGANIZATIONAL STRUCTURE

In each ministry, there is a section, which is headed by a section officer and there are a number of assistants and typists working under him/her. It deals with the work relating to the subject allotted to it. It is also referred to, as the office. Two sections constitute the branch, which is under the charge of an under secretary, also known, as Branch Officer. Two branches form a division, which is headed by a deputy secretary. When the volume of work exceeds the manageable functions of a secretary, one or more wings are set up within a ministry with a joint secretary or in some cases additional secretary heading a wing. Departments are usually the units that are within a ministry looking after different areas pertaining to the ministry. However, in some cases, a department may be, as autonomous, as a ministry and equivalent to its rank. They are usually headed by a secretary or special secretary. The secretary is the administrative head of the ministry.

Hence, the secretarial hierarchy is, as follows, with each level having an official in charge to look into the respective matters.

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

We will now discuss the roles and responsibilities of these officials.

Secretary

A secretary is the administrative head of a ministry or department, as the case may be. He is the principal adviser to the minister on all matters of policy and also responsible for the administrative affairs of the respective ministry/department.

Special Secretary

There is no clear or well-defined rule underlying the appointment of a special secretary including his/her rank and pay. Usually, the pay is individually determined in each case on basis of its merit. Special secretary may hold charge of a department.

Joint/Additional Secretary

There are joint/additional secretaries holding charge of different wings. When the volume of work exceeds the manageable functions of a secretary, one or more wings are set up within a ministry with a joint secretary and in some cases additional secretary heading it.

Deputy Secretary

A deputy secretary is an officer, who holds charge of a secretariat division and is responsible for the disposal of government business under his/her charge.

Under Secretary

An under secretary is in charge of a branch in a ministry and exercises control both in regard to the dispatch of business and maintenance of discipline in his/her branch.

Office

The section is under the charge of a section officer. Besides the section officer, there are assistants, junior assistants and typists, stenographers, and Class IV employees in the section.

7.3 ROLES AND FUNCTIONS

The central secretariat is the nodal institution for administering the Union subjects. The functions of the Secretariat are as follows:

- 1) The Secretariat assists the ministers in the formulation of government policies. The secretary concerned undertakes a comprehensive and detailed scrutiny of the issues involved like availability of finances, manpower, underlying laws etc. and follows the same with a thorough discussion before placing the draft before the minister concerned.
- 2) The Secretariat is a think-tank and repository of vital information, which enables the government to review the existing policies and also plan for the future.
- 3) It acts, as a channel of communication between the states and also for various institutions and commissions like NITI and Finance Commission.

The role of Secretary is to provide relevant documents to the respective minister to help them reach a policy decision. Once the policies are designed, the secretaries are responsible to oversee the implementation. For this they exercise supervision and control over the execution of policies and programmes field agencies and follow it up with subsequent evaluation of the outcomes. Besides, they assist in making incremental modifications in the policies from time to time, frame rules and regulations to give effect to the policy, accord administrative and financial approval to operational plans and programmes, engage in sectoral planning and program formulation, undertake the tasks of budgeting and budgetary control, and co-ordinate and interpret the policies. They have to provide information to the ministers pertaining to questions raised in the Parliament so as to enable them with relevant replies. They have to initiate measures to develop greater organizational competence within. Further, they have to maintain contacts with state administration and coordinate with them.

In the Indian system, a rigid demarcation does not exist between the generalist and specialist functions. The specialists are sometimes the ex-officio chairpersons of some of the departments. Hence, execution of policies becomes easy and effective.

Thus the Central Secretariat plays a rather important role and enjoys a prestigious position in Indian administration.

7.4 TENURE SYSTEM

The system of filling senior posts in the Secretariat by officials, who come from the respective States for a particular period and who after serving their tenure, revert to their parent States or services is known as the tenure system. This system had been in vogue since 1905 and was continued by the GoI even after Independence. The reasons for the continuance of the system can be summed up, as follows:

- 1) Officials, who serve the centre and state within a tenure system, can help in administrative coordination across these levels and exercise a unifying influence on the functioning of our federal policy.
- 2) The ministries and departments benefit from the administrative experiences of bureaucrats, who have first hand work experience at the district and state levels.

- 3) A prolonged stay in the Secretariat may get senior bureaucrats out of touch with actual administrative reality at the field level. The tenure system enables them to get a continuous feedback from the field and people.
- 4) The states also benefit from having at their service senior experienced officers with a wide national perspective on all problems.
- 5) Under the tenure system most officers get to work at both the state and union levels, thus offering them a holistic view of national and provincial issues.
- 6) It strengthens the autonomy of the civil services. It is a check against the possible dangers of subservience to the political masters.

Though the tenure system is still in operation, many arguments have been put against it. These may be summarized, as below:

- 1) Bureaucratic work in the Secretariat is gradually becoming specialized. Hence the tenure system, based on generalist paradigm, does not fit this approach.
- 2) The tenure system can lead to over dependency on the office establishment to get things done.
- 3) Despite the tenure system, there are officials, who never return to their parent departments. Therefore the original intention of the tenure system is not served. Further, it is creating over bureaucratization (Parkinson Syndrome).

In the ensuing Section, we will be discussing the relationship between the executive agencies that are specialists in nature and the secretarial officials and staff, who are generalists in nature.

7.5 RELATIONSHIP BETWEEN SECRETARIAT AND EXECUTIVE

There are executive agencies-directorates and field agencies- that are responsible for the execution of government policies. These offices have experts, who have specialization in respective fields. As per the government functions, the executive agencies have been variously organized to suit the requirements of the job. The executive agencies may be an attached office, or a subordinate office, or a departmental undertaking, or a corporation or board, or a society registered under the Societies Registration Act.

On the other hand are the secretarial offices that have the generalists⁶, who are from the All India Services. The relationship between the secretarial offices and executive has to be one of mutual cooperation and coordination and they are not supposed to be operating, as independent and separate entities in performance of government functions. However, ever since the British times, the two have been treated, as separate entities. The generalists are to perform the task of policy design and policy formulation whereas the executive agencies are concerned with policy execution. This is based on the belief that the task of policy making is of the generalists and they are not involved in implementation, which is the exclusive domain of the specialists. This assumption has been one of the biggest reasons for a policy failing completely when it comes to implementation despite

being so well formulated. The entire policy cycle-policy making, policy execution, policy monitoring, policy evaluation, and incremental modifications in policy-are so much intertwined that the two entities cannot be treated to work, as sole entities.

There are six models that can be discussed here to facilitate a cooperative relation.

- 1) There can be a complete merger between the ministry and executive departments. The examples are the Railway Board and the Ministry of Railways, the Posts and Telegraphs Board and the Ministry of Communications. This pattern is most suitable for organizations undertaking work of a commercial nature.
- 2) In the second model, a senior official of the ministry simultaneously operates, as the head of the executive department. In this way he/she becomes responsible both for formulation of policies and its implementation. The Additional Secretary in the Department of Agriculture is the Director-General of Food, that facilitates both the formulation and execution of food related programmes.
- 3) The ministry's office is merged in the executive department. The common office serves both the ministerial functions and executive functions. The advantage is that a draft policy proposal needs to be examined only once by the official concerned, which results in saving of costs, time, and efforts.
- 4) The ministry and the executive department continue to have separate offices but have a common file bureau, located in the executive office.
- 5) The ministry and the executive departments continue to have separate offices and file bureaus but the head of the executive office is given an ex-officio status in the ministry. For instance, the textile commissioner is the ex-officio Joint Secretary in the Ministry of Commerce. Under this arrangement, there is considerable saving of time as well as paper work, as the files do not travel up to the ministerial head for approval. The policy is approved then and there itself owing to the ex-officio presence of the official concerned and the same gets implemented in a more efficient manner.
- 6) Both the ministry and the executive agency have separate offices and consultation between them occur through self-contained letters. This is the standard pattern followed at the centre and states levels in India.

Each pattern has its own advantages, as well as, disadvantages. No hard and fast rules can be laid down regarding the pattern to be adopted, as the same varies, as per the appropriateness to a particular policy. Nevertheless, neither absolute separation nor absolute merger is appropriate.

Activity

Help us know your insights on the permanent and political executive relationship.

⁶ The generalists are not subject matters experts or specialists.

7.6 APPRAISAL

The Central Secretariat, as an institutionalized system, is indispensable for the proper functioning of the government. According to the ARC I the secretariat system of work has lent balance, consistency, and continuity to administration. Not only it serves, as a nucleus, but also facilitates inter-ministerial coordination.

However, today the Secretariat is encumbered with unnecessary works and has, for a large part, become an unwieldy and over-staffed organization. This is leading to occasional bypassing of responsibilities causing dilatoriness and delay and also resulting in deterioration in quality of work. If some preferred way of working relationship can be chalked out through dialogue between the ministerial offices and executive, then a strenuous and tension ridden relationship can be transformed into a mutually cooperative one.

7.7 CONCLUSION

The Central Secretariat in the administrative office of all ministries and departments of the Central Government. The ministries and departments are headed politically by minister and administratively by secretaries. In this unit, we have familiarized ourselves with the organizational structure, functions, and roles of the Central Secretariat. The unit has also highlighted the tenure system and secretariat- executive agencies relationship.

7.8 REFERENCES AND FURTHER READINGS

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UNIT 8 ALL INDIA SERVICES AND CENTRAL SERVICES

Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Civil Services in India
- 8.3 Historical Background
- 8.4 Need for All India Services
- 8.5 Constitution of All India Services
- 8.6 Central Civil Services
- 8.7 Evaluation
- 8.8 Conclusion
- 8.9 References and Further Readings

8.0 OBJECTIVES

After going through this Unit, you should be able to:

- draw a classification sketch of the higher civil services in India;
- enlist the various central services (CS);
- elaborate the features and significance of All India Services (AIS); and
- argue for and against the AIS

8.1 INTRODUCTION

One of the basic features of the public personnel system of any country is the classification of its civil services. Since the civil servants are appointed at various levels of government, it becomes mandatory to classify services to enable the placement process. In this Unit, we shall focus primarily on the two important services classified, as 'All India Services' (AIS) and 'Central Services' (CS).

Before we discuss the two services, we will briefly understand the concept of civil services in India.

8.2 CIVIL SERVICES IN INDIA

The term civil service was first used by the East India Company, as a name for the establishment of non-military or civilian employees in India. At present, the term civil service refers to all government or state personnel, which is of non-military category. In the words of E.N. Gladden, "The concept of civil service is considered, as a professional body of neutral experts in administration dedicated to serve the nation irrespective of their own gains and without reference to party or political terms or class interests." He goes further and observes that civil service is the name of an important government institution that comprises the officials and staff of administration of the government. It stands for a spirit, that is, essential

to the success of modern democracy, public officials, who devote their lives to the service of the community.

Herman Finer, who viewed the civil services, as “a body of officials, permanent, paid, and skilled”, mentioned that the function of civil services is not only just in shaping government policies but significantly in the responsibility of translating these policies into action. In a modern state, they render all sorts of public services to the people. The welfare of the people depends, to an increasing extent, on the efficiency and empathy with, which they perform the work. The First Administrative Reforms Commission in its Report on Personnel Administration, had remarked, that a society depends for its progress and well-being on the effective functioning of government. And government, whatever it’s type-democratic or otherwise, will in the last analysis be as good, as what its personnel makes of it. Competence and morale of civil services are, therefore, basic to good governance and essential for advancement of all.

8.3 HISTORICAL BACKGROUND

Ever since the creation of the Indian Civil Service in the days of the East India Company there has always been an All India cadre of services. The All India cadre was there in almost all departments of the British Government. These services were, however, not under the control of the Governor-general; they were directly under the Secretary of State. The salary, pension, dismissal etc. were not subject to the vote of any Indian legislature. Rather, the Secretary of State-in-Council had a full authority over these services.

These were the elitist services, unresponsive and unaccountable to public. These services found it difficult to adjust to the reform-era introduced under the Government of India Act of 1919. The Lee Commission in 1924 recommended the abolition of certain AIS, particularly those dealing with departments that had been ‘transferred’ to Indian hands under the Act of 1919. These included Indian Educational Service, Indian Agricultural Service, Indian Veterinary Service, and the Roads and Building Branch of the Indian Service of Engineers. It, however, recommended the retention of the Indian Civil Services, Indian Police Services, Indian Forest Services, Indian Medical Services, and the Irrigation Branch of the Indian Service of Engineers with the AIS. The Commission also suggested that any British officer will be free to retire on a proportionate pension, if at any time the department in, which he/she is employed, were to be transferred to the control of Indian ministers. These recommendations were implemented in practice.

Further changes were made in the position of these Services by the Government of India Act of 1935. It stated that all recruitments of officials, who were to serve under provincial government were to be made by the latter. They were not to be made by secretary of state. This recommendation was embodied in Section 224 of the Act of 1935. Thus, at the time of transfer of power in 1947, recruitment was open only to two AIS, namely the ICS and IP, the recruitment to the IMS had been suspended. The most important and the highest ranking of all such services was the Indian Civil Service commonly known, as the ICS, which was bestowed with owing to its very high remuneration and enormous authority and prestige. When the British were leaving India, there were ten AIS and twenty-two CS. In

fact, as early as October, 1946, Sardar Patel, the then Home Member in the Governor General's Executive Council, had secured the agreement of the provincial governments to the formation of the two new All India Services, namely the Indian Administrative Service (IAS) and the Indian Police Service (IPS), which were to replace the old ICS and IP.

We will now begin the discussion with All India Services.

8.5 CONSTITUTION OF ALL INDIA SERVICES

The Constitution provides for All India Services. It adopts specifically the IAS and the IPS cadres, which had already been created earlier under (Article 312-2). It empowers the Union Parliament to create more of such AIS, whenever it is deemed necessary or expedient in the national interest, provided the Council of States (the Upper House) passes a resolution to the effect supported by not less than two-thirds of the members present and voting (Article 312-1). Since the Council of States has representatives of different States, its support will ensure the consent of the States in the creation of new Services. The parliament regulates the recruitment and the conditions of services of members of AIS. So far there has been only one service namely the Indian Forest service that has been set up.

In 1951, AIS Act was passed. By virtue of powers conferred under sub-section (1) of section (3) of this Act, the Central Government framed new sets of rules and regulations pertaining to the AIS.

Presently there are only three All India Services namely Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Forest Service (IFS) existing in the country.

The officers of these services are allotted a state (called, as cadre state) and they work in the respective state government till retirement. However, they can also work for Government of India on deputation for ten years.

Now we will briefly discuss the three constituents of AIS individually: Indian Administrative Service, Indian Police Service, and Indian Forest Service.

To begin with, is the Indian Administrative Service

Indian Administrative Service (IAS)

The Indian Administrative Service (IAS) is the direct descendant of the old Indian Civil Service. As an All India Service, it is under the direct control of the Union Government, and is divided into State cadres, each of which is under the immediate control of the respective State Government. On appointment, the officers are posted to different State cadres. The strength of each State cadre, is so fixed, as to include a reserve of officers, who can be deputed for rendering services under the Union Government for one or more 'tenures' of three, four, or five years before they return to their State cadres. This ensures that the Union Government has at its disposal the services of officers with firsthand knowledge and experience of conditions existing in the States, with the State Governments having the advantage of their officers with knowledge of the policies and programmes of the Government at the union level. Such an arrangement works for the mutual

benefit of both governments. The majority of individual officers have an opportunity of serving at least one spell of duty under the Union Government; some may have more than one such spell. The practice of rotating senior officers in and out of the Secretariat positions is known in official parlance, as the tenure system.

The salary and the pension of these officers are met by the States. But the disciplinary control and imposition of penalties rest with the Central Government, which is guided in this respect, by the advice of the Union Public Service Commission.

Another distinctive feature of this Service is that it is composed of 'generalist administrators' who are expected, to holding positions that involve a wide range of duties and responsibilities. For example, maintenance of law and order, collection of revenue, regulation of trade, commerce and industry; welfare activities, development and extension work etc. In brief, the IAS is intended to serve all the areas that were formerly served by the ICS except that of providing officers for the judiciary. Thus, this Service is a generalist service and its officers are these for posting in almost any of the branch of the government.

The ranks are given to the civil servant based on their seniority in the civil services. An IAS officer starts his career in the State, as a probationary officer for two years. These two years, the officer spends at training schools, field offices, secretariat, and in a District Magistrate's Office.

S/he is appointed, as a sub-divisional magistrate and has to take care of law and order, or sub-divisional development officer, wherein s/he has to involve in general administration like developmental work in the area, or a sub-divisional collector to collect revenues and taxes.

After the probationary period of 2 years, as a junior scale officer, s/he moves to the senior scale. S/he can become a joint secretary in the senior time scale.

With 13 years of regular service s/he can be promoted to the post of special secretary.

The next promotion that a civil servant will be entitled within the States is the Commissioner-cum-Secretary and that would be after 16 years of regular service.

After 24 years of regular service, an IAS officer may be given promotion, as Principal Secretaries/Financial Commissioners in the States.

Every State has Secretaries/Principal Secretaries and a Chief Secretary. The Chief Secretary in the State is the top rank that a civil servant can attain and s/he may be assisted by Additional Chief Secretaries. In some States like Delhi, the Financial Commissioner and other high ranking secretaries like Additional Chief Secretaries enjoy the same pay, as the Chief Secretary.

The DC handles the affairs of the district that includes the revenue collection functions and development functions. There is also a District Magistrate who looks after the maintenance of law and order contained in the respective district. At the Divisional level, the Divisional Commissioner is in charge of her/his division. Her/his responsibility is to take care of the law and order, general administration and development duties in his/her division.

Under each division are the districts with the District Collector (DC) being the administrative head of each district. The DC handles the affairs of the district that includes the revenue collection functions and development functions. There is also a district magistrate who looks after the maintenance of law and order in the respective district.

Indian Police Service (IPS)

The Indian Police Service (IPS) being one of the All India Services is accountable for public safety, internal security, and law and order. It was earlier known, as the Imperial Police that was replaced by IPS after independence in 1948. The IPS is managed by the Ministry of Home Affairs, though the general policies relating to its personnel are determined by the Department of Personnel and Administrative Reforms (DoP&AR). The IPS is a service to, which all the senior police officers belong to irrespective of whichever agency they work for.

The officers of the IPS are recruited from the same unified All India Civil Service examination. Which recruits all members of the IAS, IFS, and other Central Civil Service. The IPS functions in state cadres, even though the post belongs to the AIS. They enjoy considerable power, authority and quick promotion. The IPS,

Recruits to the IPS are first given a five months foundational training and later special training at the Sardar Patel National Police Academy, Hyderabad. The subjects of study like crime psychology, scientific aids in detection of crime, methods of combating corruption, and methods of emergency relief, besides training, drill, handling of weapons etc. have a direct bearing on the normal duty of a police officer. After completing a year's training, the probationer passes an examination conducted by the UPSC. S/He is, then appointed, as an Assistant Superintendent of Police.

The following are the ranks that an IPS officer takes charge as, during her/his tenure in the service.

- Assistant Superintendent of Police (Sub-division for 2 years' probation)
- Superintendent of Police or Deputy Commissioner of Police (After 4 years in service)
- Junior Administrative Grade (After 9 years in service)
- Selection Grade (After 13 years in service)
- Deputy Inspector General of Police or Additional Commissioner of Police (After 14 years in service)
- Inspector General of Police (After 18 years in service)
- Additional Director General of Police (After 25 years in service)
- Director General of Police (after 30 years in service)

The Director General of Police/Commissioner of Police is the head of the entire police force of a State or Metropolitan City. They are entrusted with up keeping of overall law and order system in the entire State. Below her/him comes the Additional DGP. The Inspector General or Joint Commissioner of Police is the head of specialized police departments like Criminal Investigation Department, Special Branch etc.

Besides, the officers also work in government agencies like Intelligence Bureau, Research and Analysis Wing, and Central Bureau of Investigation. They also get to work in public service undertakings like SAIL, Steel Authority of India (SAIL) limited, Gas Authority of India Ltd. (GAIL), Indian Oil Corporation, etc. These officers also work in the State Secretariat and Central Secretariat under the central staffing scheme. The senior officers are also posted, as the Director General of Border Security Force, Director General of the Central Reserve Police Force, and Director General of the Central Industrial Security Force.

They do work in various international organizations such as Consulates (Foreign Missions), United Nations (UN), International Cricket Council, Interpol, and Embassies across the World under different designations such as Ambassador, Consul, Consul General, Deputy High Commissioner, High Commissioner, and First Secretary.

Indian Forest Service (IFS)

After Independence, the Indian Forest Service¹ (IFS) was established in 1966 under the All India Services Act 1951 for safeguard, preservation, and restoration of forest resources.

Its recruits are chosen through a written test and interview conducted by the UPSC. Though it is in the AIS, its nature is not that of a generalized civil service. It is a specialized service. It is managed by the DoP & AR, which is in charge of making rules pertaining to personnel matters.

After selection, the appointees undergo a foundational course lasting three months along with other successful candidates of the AIS and CS. After the foundation course, the probationers move to their own Academy, that is the Indian Forest Institute at Dehradun for a two years training course, the end of which they have to pass an examination before formal posting. The officers are trained that they are prepared enough to serve the most difficult terrains of the country.

The IFS is cadre-based. Like all other AIS, a member of this Service can come to the Centre on deputation but has to go back to his cadre after the period of deputation is over. Immediately, after being posted in any office within the cadre he is kept on probation for one year, where after, he gets his regular posting at a different office in the same cadre.

The ranks of the Indian Forest Service are as given:

- Probationary Officer
- Divisional Forest Officer(DFOs)
- Deputy Conservator of Forests/Conservator of Forests(DCFs)
- Chief Conservator of Forests(CCFs)
- Additional Chief Conservator of Forests (ACCFs)
- Principal Chief Conservator of Forests(PCCF) (highest post in a State)
- Director General of Forests (DGF – highest post at Centre and selected from amongst the senior-most PCCF's of states)

In addition to getting entrusted with senior positions in the Central Secretariat, State Secretariats, and various assignments under the central staffing scheme, the IFS officers also work in several National and International organizations relating to their work. Some of these organizations are:

Forest is a subject in the Concurrent List.

- SAARC Forestry Centre
- Forest Survey of India
- Wildlife Institute of India
- Indian Council of Forestry Research and Education (ICFRE)
- Indira Gandhi National Forest Academy (IGNFA)
- Directorate of Forest Education
- Wildlife Crime Control Bureau (WCCB)
- Food and Agricultural Organization of United Nations
- International Centre for Integrated Mountain Development

8.6 CENTRAL CIVIL SERVICES

The Central Civil Services are under the exclusive control of the Central Government. They are posted only in the Central Government. There are many Central Civil Services namely Indian Revenue Service, Indian Information Service, Indian Customs & Central Excise Service, Indian Postal Service, Indian Audit & Accounts Service, Indian Defence Estates Service, Indian Defence Accounts Service, Indian Civil Accounts Service, Indian Railway Traffic Service, Indian Railway Accounts Service, Indian Railway Personnel Service, Indian Trade Service, etc. They cannot be posted for any state government service. In rare cases, some of the officers can go on deputation to any state government owing to it being their native state or on a personal request.

The Civil Services of the Central Government comprise established services known as central civil services as well as civil posts created outside the established services, which constitute the general central service. Both the established central civil services and the civil posts are classified in the descending order of importance into Class I, Class II, Class III, and Class IV, as per the Central Civil Services (Classification, Control, and Appeal) Rules, 1965 promulgated by the Ministry of Home Affairs.

The President, being the appointing authority, is the disciplinary authority for the Class I and the appellate authority for Class II. The disciplinary and appellate authorities for Class III and Class IV services are mostly the heads of respective departments.

It has often been pointed out that since the appointing authority is the same, there is no justification for classifying the services into the all India and central services. However, even though the appointing authority is the same, yet there is a significant difference between the two. Officers of AIS are employed to serve

under the central as well as the state governments. Further, the members of IAS can be appointed to any office calling for duties of a general supervisory nature, while the officers of the central services are employed in jobs of central government alone and the jobs are of a specialized nature.

Recruitment to the Central Services Class I and II are made by the UPSC on the basis of a unified All India Civil Service Examination. Recruits to the Central Services Class I have to attend a training of five months foundational course at the Lal Bahadur Shastri National Academy of Administration, Mussoorie and other Central Training Institutes before they go for their first posting. As the Central Services is uni-functional and specialized in nature, the syllabus of training differs from that of the AIS, in as much as, the courses of study have a direct bearing on the work, which a member of the particular service has to perform. At the end of her/his training, the probationer passes a departmental examination in courses directly related to her/his work that s/he is going to join, as the first posting. A recruit to the CS has to continuously receive training on the job.

The day-to-day administration of these services rests with the individual Ministry under, which the posts exist. Besides, Department of Personnel, determines the conditions of service; and the Ministry of Finance determines the pay scales and other financial aspects like fixation of pay, grant of increments, fixation of pension and gratuity on retirement, aspect pertaining to provident fund, etc.

Activity

Undertake a wasteland trip and try to find out ways that you can take (individually and even collectively) for its preservation and conservation.

8.7 CONCLUSION

To conclude, we can see the main considerations for having AIS were to:

- Provide merit and talent oriented administrative personnel to the Central Government as well as to the State Governments.
- Facilitate liaison between the Centre and States.
- Bring about uniformity in the standards of administration.
- Ensure that services are free from communal or party bias.
- Ensure contentment and sense of security in the services.

The AIS are considered bulwark of national integration. It is presumed that the members of AIS possess an all India outlook. AIS can play an important role to bring national integration and uphold it too. Since the members of AIS are recruited on All India basis, it tends to sustain the democratic integration.

Theoretically this feature of AIS seems to be impressive but some studies have indicated that today the youth is not so inclined to join the AIS. Such a situation can be attributed partially to the reservation policy of the government and at the same time availability of remunerative and prestigious opportunities around. In the era of privatisation and liberalisation, various multinational companies have entered the arena, which was earlier the exclusive reserve of the public sector.

Further, all top posts in the government, whether Centre or State, are mostly

occupied by the officials of AIS (IAS/IPS). This somehow hinders the promotion prospects of the officials belonging to the State Civil Services. Although officers belonging to State Civil Services get promoted to the top notch positions but the system should be made more flexible to be accommodate the state level civil servants.

To sum up it could be right to say that the AIS provide a vital channel of communication between the Centre and the States, and in times of stress and strain this institution is the only medium, which helps to keep the federal spirit of the Constitution intact.

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UNIT 9 ADMINISTRATIVE TRIBUNAL

Structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Administrative Tribunal: Concept
- 9.3 Administrative Tribunal in India-Constitutional Provisions
 - 9.3.1 Administrative Tribunal- Constitutional Provisions
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9.0 OBJECTIVES

After going through this Unit, you should be able to:

- discuss the concept of administrative tribunal,
- describe the constitutional provisions for setting up of administrative tribunal,
- examine the merits and demerits in the working of administrative tribunal, and
- highlight the safeguards to lessen the limitations in the functioning of administrative tribunal.

9.1 INTRODUCTION

Today, we find that the tasks of public administration are not limited to implementation or execution of government policies but these have been extended to include functions of judicial nature. In other words, besides the rule making and application functions, administration agencies are also involved in rule decision functions, which is largely adjudicatory in nature. Today, we have administrative tribunals that exercise judicial powers wherein a bulk of decisions, especially relating to citizens' matters come from them. They provide speedy and low cost justice to the citizens thereby not only making adjudication matters accessible to the common man but also in unburdening the already overburdened judiciary.

Herein, in this Unit, we will focus on the concept of administrative tribunals, their significance, types, and working.

9.2 ADMINISTRATIVE TRIBUNAL-CONCEPT

Before defining the term 'administrative tribunal,' we must look into the term 'administrative adjudication.' As mentioned above, the administrative agencies

today are not just confined to perform purely administrative or regulatory functions. They are performing semi-legislative and semi-judicial functions also. When administrative agencies undertake the functions of quasi-judicial (semi-judicial) nature, this is generally referred to as 'administrative adjudication.' In the words of L.D. White "Administrative adjudication means the investigation and settling of a dispute...on the basis of law and facts, by an administrative agency." Normally the function of adjudicating upon disputes between two individuals or between the state and an individual is vested in the regular courts and the Indian Constitution has made provisions for this in the form of a well ordered and well regulated judicial system. But it will be wrong to assume that the courts enjoy a pure monopoly in the entire business of adjudication. There are administrative bodies that carry the function of adjudication in a variety of cases. These bodies are generally denoted, as 'administrative tribunals.'

The dictionary meaning of the word tribunal indicates 'seat of a judge' and, if used in this sense, it is a wide expression, which includes within it the regular courts. But when viewed from the perspective of administrative law, the term tribunal is used in a special sense and refers to adjudicatory bodies outside the sphere of ordinary courts of the land. Blachly and Oatman define administrative tribunals, as "authorities outside the ordinary court system, which interpret and apply the laws when acts of public administration are attracted in formal suits...." Under the Constitution of India, the terms 'court' and 'tribunal' have been used to mean two different institutions of judicial nature.

To quote Robson "Parliament did not overlook the courts of law but they found out the possibility of setting up new organs of adjudication, which would possess greater technical knowledge and fewer prejudices against government and, which would give greater weightage to social interest...." This led the government to set up administrative tribunals with judicial functions to look into the issues affecting public interest. They have been mainly concerned with the task of performing quasi-judicial functions. These are government bodies pertaining to the executive only Though in various matters they are armed with judicial powers analogous to those of a regular court.

These tribunals indulge in settling different types of disputes, like we have the Industrial Tribunals that deal with disputes between labor and management, and Income Tax Appellate Tribunal deals with dispute between the tax authorities and citizens.

Now we will discuss the constitutional provisions for administrative tribunals in India.

9.3 ADMINISTRATIVE TRIBUNALS IN INDIA- CONSTITUTIONAL PROVISIONS

9.3.1 Administrative Tribunal-Constitutional Provisions

A tribunal comes into existence by an executive order in accordance with the statutory provisions to perform quasi-judicial functions. A body in order to be designated, as a tribunal must be one, which is invested with judicial powers to adjudicate on questions of law or fact affecting the rights of citizens.

The Constitution of India has made provisions with regard to the Constitution of administrative tribunals. Article 323 A (1) states that Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of services of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or that which comes under the control of the GoI. A tribunal may possess some of the features of a regular court.

Clause (1) Article 323 A:

- 1) Provides for establishment of an administrative tribunal for the Union and a separate administrative tribunal for each state or for two or more states.
- 2) Specifies the jurisdiction, powers (including the power to punish for contempt), and authority, which may be exercised by the tribunals.
- 3) Provides for the procedures, including rules of procedures to be followed by the tribunals.
- 4) Excludes tribunals from the jurisdiction of all courts, except Supreme Court, under Article 136 with respect to the disputes or complaints.

The legislature may, by law, provide for the adjudication or trial by tribunals of any disputes, complaints, or offences with respect to all or any matters specified in Article 323 B Clause (2) with respect to, which the legislature has power to legislate. Such matters referred to in the respective Clause include:

- 1) Assessment, levy, collection, and enforcement of any tax
- 2) Foreign exchange, import and export matters
- 3) Industrial and labor disputes
- 4) Matters pertaining to land, such as, acquisition by the State of any estate, as defined in Article 31A or the extinguishment or modification of any such land rights or by way of ceiling on agricultural land or in any other way.
- 5) Ceiling on urban property
- 6) Elections to either houses of parliament or either houses of the state legislature excluding the matters referred to in Article 329 and Article 329A.
- 7) Production, procurement, supply, and distribution of foodstuffs (including edible oilseeds and oils), and such other goods declared, as essential goods and also regulation of prices of such goods.
- 8) Regulation and control of tenancy issues including the rights, titles, and interests of landlords and tenants.

9.3.2 Features

The Supreme Court, lays down certain norms for a tribunal to work on.

- 1) The proceedings can only commence on an application, which is in the nature of a complaint.
- 2) It must have the power of a court relating to discovery, inspection, and taking of evidences.

- 3) It must allow examination and cross-examination of witnesses.
- 4) It must allow legal representation.
- 5) Its decisions must be based on evidences, as per the provisions of the statute.
- 6) Its members must be qualified to be judges of a regular court.
- 7) It is required to sit in public.

9.3.3 Some Major Tribunals in India

A number of administrative tribunals are currently operational in the country. Even though the list is quite exhaustive, few of them are mentioned below.

- Income Tax Appellate Tribunal
- Railway Rates Tribunals
- Industrial Tribunals
- Copyright Board
- Employees' Insurance Court
- Foreigners' Tribunal
- The Press and Registration Appellate Board
- Central Administrative Tribunal (CAT)
- National Green Tribunal
- Rent Control Authority
- Military Tribunals

9.4 MERITS AND DEMERITS OF ADMINISTRATIVE TRIBUNALS AND SAFEGUARDS

9.4.1 Merits

In following are the merits of administrative tribunals:

- 1) Provides mechanism for quick decisions
- 2) Cost effective
- 3) Provide relief to overburdened judiciary
- 4) Simplified procedures
- 5) Easy to set up
- 6) Capable of dealing with complicated and technical matters
- 7) Facilitate socio-economic development

9.4.2 Demerits

Whereas, the mechanism of administrative adjudication has become an essential part of governance because of the compelling need, its working is however not without problems. Its increasing adjudicatory powers have raised a number of

issues and objections. The major demerits of administrative tribunals are listed here:

1) Mushrooming and needless complexities

One of the common problems regarding the tribunals is their unplanned or mushroom like growth. This is quite true in India. Every statutory body contains its own machinery for adjudication. A large number of parallel bodies making decisions on the same kind of dispute and giving divergent decisions is no exception. This complicates the things and it becomes difficult to draw uniform principles on their applicability.

2) Lack of uniform procedure

There is no uniformity in the procedures, which administrative tribunals follow in dispensing justice. The tribunals often hold summary trials and do not follow the laid down precedents. In such circumstances it is often not possible to predict the course of future decisions.

3) Violation of rule of law

The tribunals with their separate law and procedure often made by them put serious limitations upon the principle of rule of law. Rule of law implies equality before law and supremacy of law with due procedure to be followed over any governmental arbitrariness. It is alleged that this supremacy of law and equality of parties is rarely found in the case of administrative tribunals.

4) Principle of natural justice undermined

Administrative tribunals violate the principle of natural justice. No one can be a judge to his/her own case. The parties involved need to heard and should be conveyed the rationale for a decision taken. Likewise, investigation into facts by the tribunals does not justify quality.

5) Invisibility of decisions

Unlike judicial courts, most of the tribunals do not publish their decisions. It is commonly said that administrative adjudication does not inspire confidence in public, as the rules of procedure of administrative tribunals does not provide for the publicity of proceedings. They may not even state the rationale for taking a particular decision. In the words of Robson, “Without publicity it is impossible to predict the trend of future decisions and an atmosphere of autocratic bureaucracy is introduced by the maintenance of secrecy.... There is no inherent reason for this. The administrative tribunals need to publish reports of their decisions at regular intervals and give reasoned arrangements for the conclusions.”

6) Limited right to appeal

The strength of any judicial system lies in the right to appeal. Infact, an appeal is a safeguard against any error in the administration of justice. Sometimes, the administrative tribunals disallow any appeal to courts of law against their decisions. Hence, the public do not repose confidence and faith in the tribunal system of justice.

7) **Unpredictability of decisions**

A certain amount of predictability is an essential feature in administration of justice. As the regular courts follow the doctrine of precedent, decisions pertaining to cases based on similar facts will be easy. This is unfound in the practice of administrative tribunals.

8) **Lack of specialist judges**

Adjudicators lack training in law and legal procedures. This results in faulty decisions being made. Also, combining various functions in one person many lead to a casual approach, as compared to a specialist approach, required the dispensation of justice. Further, it over burdens a person, who has to single handedly manage most of the things. For instance, the functions of a prosecutor and the judge are either combined in one person or in the same department. In such cases, personal bias or official bias is bound to creep in.

9.4.3 **Safeguards**

Certain safeguards of the nature of organizational, procedural, and judicial can be followed to minimize the limitations.

Under the organizational safeguards, it is generally suggested that the tribunals should be manned by persons possessing legal training and experience. Besides this, as far as possible, tribunal should be a plural body rather than a single official acting, as a judicial officer.

In the procedural front, it is suggested that a body of senior or retired judges/officials should be constituted to provide guidance or consultation to adjudicatory authorities. It is generally suggested that code of judicial procedure should be enforced in view of the prevailing varying procedures being adopted. Countries like USA have enacted the Administrative Procedure Act, 1946. Likewise, Committee on Minister's Powers, U.K. recommends that administrative tribunals should follow the principle of natural justice. Owing to this, the Tribunals and Enquires Act was passed in England. But in India, such a legislation has not yet seen the light of the day.

The third safeguard is the use of judicial control against the abuse of adjudicative power. Countries like Germany and France have extended the scope of judicial control by bringing in all the administrative tribunals under the supervision and control of the highest courts. In India, Articles 32, 136, 226, and 227 of the Indian Constitution provide control over the administrative tribunals in India. Article 32 gives right to the citizens to move to the Supreme Court for securing constitutional remedies, whenever fundamental rights are violated.

Activity

You can undertake a study on one of the administrative tribunals and let us know the outcomes.

9.5 CONCLUSION

Administrative complexities have unfolded owing to the increasing tasks and responsibilities on administrative in the recent decades. With administrative tribunals coming up, these has complexities. It has though suffered from some limitations. But with adherence to certain safeguards - organisational proceduses and judicial - the tribunals can ensure the principles of natural justice can be achieved.

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