

administratively feasible. Laws passed by the legislature are not necessarily concerned with the administrative feasibility of rules. Hence, many a time they seem unworkable and the Administrator finds himself in a dilemma. In order to cope with such a situation, he may enforce the laws in a way as to defeat its purpose.

h) Rules to be Lenient in the Initial Stages

Government is entering into new spheres especially trade and commerce. If people get adjusted to the new situation, government rules may be stiffed. The administrative rule making procedure alone can permit hardening of the rules after passage of some time.

(i) Proper Drafting of Rules

Since rule – making is done in keeping with the circumstances; drafting of rules is apt to be more perfect than the legislation through the Parliament. Hence it is preferred. Administrative agencies offer the services of the expert and are better equipped for experimentation than legislature.

Advantages of Delegated Legislation

(a) Time of Parliament Saved

Delegated legislation enables the parliament to save time. Time, thus saved, can be more fruitfully utilized by the legislature on important issues of policy.

(b) Flexibility of Rules

Laws passed by the legislature are comparatively rigid. Administrative rule, on the other hand, is easily changeable in response to fast changing needs, without a formal amendment of the Act.

(c) Interests Affected Consulted

Delegated legislation makes prior consultation with the affected interests possible. Such a consultation will make legislation more effective.

6. Administrative adjudication may sometimes serve as a condition precedent to the performance of an administrative act.

Causes of Growth of Administrative Adjudication

The following causes have led to the growth of administrative adjudication:

a. A by-product of welfare state

The administrative tribunals rendering administrative justice constitute a by-product of welfare state. With the emergence of welfare state, social interest began to be given precedence over the individual rights. The existing judiciary failed to uphold new system. The new system of administrative adjudication suited new social ends espoused by a welfare state. It proved a potential instrument for enforcing social policy and legislation.

b. Suitable to Industrialized and Urbanized Societies

Administrative adjudication suits modern industrialised and urbanized society as well. The industrialised society necessitates positive and prompt action which is possible if the problems arising out of the new order are not left to the mercy of ordinary courts.

c. Safety to be ensured

A good number of situations are such as require quick and firm action otherwise health and safety of the people may remain in jeopardy. Such cases, if to be dealt with in the ordinary courts of law, would cause immense loss to the state treasury and undermine national prestige.

d. Standards of conduct to be devised

The main business of the ordinary courts is to settle disputes and not to set standard of human behaviour. It is for the legislature to set such standards. The legislature is not in a position to prescribe in exact details the pattern of conduct. This power is delegated by the legislature to the administration. The disputes arising out of the enforcement of these standards can be properly tackled by the Administrative courts alone.

Advantages of Administrative Adjudication

The following are the advantages of Administrative Adjudication:

a. Cheaper

Administrative justice is cheaper comparatively. In suits, lawyers may or may not appear. No court fees are to be paid, no counsel is to be briefed, no affidavits are to be sworn.

b. Speedy justice

Justice by the Administrative Tribunals is speedy. c. Useful in developing democracies

In developing democracies which experiment with new social and economic

programme, ordinary courts would be completely misfit. All the disputes arising out of such programmes will get struck, thus giving a setback to the programme itself unless we such over the Administration Courts.

d. Fixing of standards

The disputes which come for adjudication before the Administration Tribunals are not concerned with the proprietary or other claims of the disputants but the fixation of public standards of performance. Such standards of performance can be determined only by these administrative and not ordinary courts.

e. Flexibility

The legalistic approach to problem is static, unprogressive, and individualistic. The fast changing society necessitates a progressive attitude and an adaption of policies to meet changing conditions.

Disadvantages of Administrative Adjudication

a. Violation of Rule of Law

It violates the rule of law- the corner stone of democracy. Rule of law stands for equality before law, supremacy of law and due procedure of law over governmental arbitrariness. The administrative tribunals, with their separate law and procedure often made by them, adversely affect the celebrated principles of Rule of Law.

b. Limited right to appeal

The right to appeal from the decisions of these courts is either very limited or is non-existent. The opportunity for judicial review is restricted.

c. Lack of Publicity

The rules of procedure of administrative courts do not provide for the publicity of proceedings. Provision of oral hearing may not be there or it is there it may not be open to the public and the press.

d. Tribunal is not act judicially

Tribunals are not manned by judicial luminaries. As such, they do not have the impartial outlook.

e. Uniform procedures non - existent

The administrative courts do not observe uniform procedures. It leads to inconsistent and arbitrary decisions. Fixed standards of conduct are conspicuous by their absence.

Though these defects seem to be quite alarming yet they are not inherent defects. There is a necessity of providing proper safeguards to eliminate these defects.

Administrative Tribunals

Administrative Tribunals radically differ from the ordinary courts regarding their construction and procedure. They consist of administrative officials and experts and not judges. Their procedure is simple and much more informal than that of ordinary courts. The usual rules of evidence are not observed. Lawyers are not allowed to appear. Facts are ascertained through questioning by the hearing officers.

In India

In India, the number of Administrative Tribunals goes on increasing annually. Over 3000 such courts exist in India, Income Tax Appellate Tribunal, Railway Rates Tribunal, Labour Courts, Election Tribunals are some of the examples of such tribunals. Certain other agencies of Government as Central Board of Revenue, Collectors of Customs and Revenue also perform adjudicatory functions. They are manned by permanent civil service and constitute part of administrative machinery. The decisions of administrative courts are open to judicial review.

PRINCIPLES OF ORGANISATIONS: HIERARCHY - UNITY OF
COMMAND - SPAN OF CONTROL - DELEGATION -
Co-ORDINATION - COMMUNICATION

The basic features of the hierarchical structure are:

- a. A person will have only one immediate superior from whom he will receive orders.
- b. A person will not receive orders from lower status.
- c. No intermediate level shall be skipped over in the dealing of the people at the top with those lower level or vice versa.
- d. A person who is given responsibility for a task will have authority commensurate with this responsibility.

From the above features it is clear that in the scalar system authority command and control descend from the top to the bottom step by step. The secretary of department will deal with the joint secretary who in turn shall deal with the deputy secretary who further shall deal with the under secretary. The under secretary shall further deal with the section officer who in turn deal with assistants, clerks etc. Similarly, the upward communication shall also be exactly the same when a section officer deals with higher officers.

L D. White narrates the basic functions of hierarchy. According to him its primarily the channel of command. It is the principal channel of communication downward and upward along with the flow of information, advice, specific instructions, warnings and commands. It is the channel for the delegation of authority.

Merits and Demerits of Scalar Principles

The advantages of the scalar system need no emphasis. It is almost indispensable for every large- scale organisation. Some of the merits of the system are:

1. Scalar system or hierarchical system serves as an instrument of integration and coherence. It binds together the various units and divisions into an integrated whole. It acts as a link, which joins the various sections of an organisation most harmoniously.
2. It enables us fix responsibility at each level.
3. It serves a channel of communication both upwards and downwards.
4. It simplifies the procedure for file movements.
5. It helps to decentralise decision – making and prevents congestion of business at the top.

Demerits

1. It creates superior – subordinate relationship in the administrative

The first great difficulty is the complexity of language. Word differences are a big hindrance to mutual understanding. Second barrier is the ideological barriers. Differences in political background, education, and results in different social and political views. Thirdly, lack of a will or desire to communicate is not known. Size and distance may be said to be the fourth barrier of communication. Lastly, there may be lack of definite and recognized means of communication.

According to Millet, there are seven factors necessary to make the communication effective, namely, it should be clear, consistent with the expectation of the recipient, adequate, timely, uniform, and acceptable.

Organisation and Methods (O&M)

The term O&M used in two senses. In the wider sense it means organisation and management, which includes the study of the entire process of management namely planning, organising, coordinating, motivating, directing and controlling. In a narrow sense it means organisation and methods and is concerned with the organisation of public bodies and their office procedures with a view to improving both. O&M is the title now generally used to describe the study by the whole time staff of the organisations of public bodies or private firms and of the office procedures they adopt.

This term is also used as equivalent to management improvement. In this sense the term organisation and methods cease to be a mere technique and becomes a function namely that of improving administration. According to Millward, it exists not only as a management tool but also as a service for managers, auditors, others who need it because they have not themselves the time or the necessary expertise. The purpose of O&M office is to assist line officials to improve management. Research and development, training, investigation, coordination and improvement programme, information and publication are the important functions of organisation and methods.

UNITS AND FORMS OF ORGANISATION- LINE, STAFF AND AUXILIARY AGENCIES

character, but internally it has a departmental structure.

Distinction between Line and Staff Agencies

In practice the line and staff agencies are strongly intermingled. Sometimes it is very difficult to find between the two. It has been realised that the staff is not only advisory but also executive in nature. On some matters the staff can command and exercise power. At the same time we can find certain differences between two agencies. Important of them are following.

1. The line agencies are meant to accomplish the purpose for which they exist and as such they are an end themselves. But staff agencies exist to help the line agencies and hence they are only means to an end.

2. Line agencies come in direct contact with the people whereas staff agencies remain behind the curtain.

3. Line agencies are executing agencies. But staff agencies are advisory and consultative agencies.

4. Line agencies issue orders whereas staff agencies have no power to send such orders.

They merely contribute their specialised advice to the executive.

Auxiliary Agencies

Auxiliary agencies are the agencies, which serve the line agencies rather than the public. They perform functions common to all the departments. A line agency, in order to perform primary duties, has to meet with different kinds of activities like recruitment, contracting, purchasing, storing, supplying, accounting etc. in the past each department performed all these functions. But today with specialisation of functions in public administration it has become desirable to organise these functions under separate agencies and such agencies are called the auxiliary agencies.

Advantages of Auxiliary Agencies

1. The line agencies can devote time in the performance of their primary activities.

2. It ensures specialisation of functions.

basis.

Geographical Principle

When territory or geographical area serves as the basis for the organisation of a department it is called geographical principles of departmental organisation. Thus the basis of Foreign Affairs department is geographical.

Department may differ from on another basis of their size, structure, nature of work,
internal relationship etc.

The Bureau and the Board

Like the basis of organisation of departments the headship of the department is also equally important. If the headship of the department lies in single individual it is called bureau type of organisation. On the contrary if the head of the department is a body of persons jointly responsible it is called board type of organisation. The board is also sometimes known as a 'commission'. A commission is a group of members having the duty not only of acting collectively as a board but also of serving individually as heads of organisation units that have been set up for the performance of administration work that has to be done. In India there are both types of departments. Usually the minister is the head of a number of departments like education, defence, agriculture etc. but some of the departments are headed by a board. For e.g. the railway board, the revenue board, the electricity board etc.

KINDS OF BOARDS

Administrative Boards

Where board is the head of the department its known as administrative board. For e.g. Railway Board, Revenue Board etc.

Advisory Board

It is often attached to the head of the department for giving him advice on administrative matters. But the advice is not binding on the head. Generally advisory board consists of technical hands or experts, for e.g. Railway Advisory Board, UGC, and PSC etc.

public services.

Advantages of Merit System

1. By making administration free from political parties the merit system really increases its efficiency.
2. In this system right man is put at the right place and full justice is done by providing equal opportunities to all the citizens to compete with any office of the state.
3. It frees the employees from economic worries. The adoption of equitable rates of remuneration and proper retirement benefits will make them free from economic worries.
4. Neutrality in politics will naturally lead to efficiency in administration.

Disadvantages

1. Since power of appointment is concentrated in the civil service commission, the principle of responsibility stands undermined. It is generally considered that workers must be motivated towards effective performance by their own programme leaders and supervisors. The directing officers should have control over their subordinate staff.
2. In the merit system the loyalists may not be recruited and there may be frequent conflicts between the political heads and the permanent services.

The disadvantages of the merit system are not so glaring as those of the spoils system. Hence there is a tendency to adjust the personnel system more and more fully to the recruitments of the merit principle. Infact the services should be loyal to the people rather than to party leaders.

Bureaucratic System

In the broader sense the term is used to describe any personnel system where the employees are classified in a system of administration composed of a hierarchy of sections, divisions, bureaus, departments and the like. In the narrow sense the term is used to denote "a body of public servants organized in a hierarchical system which stands outside the sphere of effective public control". Bureaucracy is a form of administration which can be seen, in large scale organization and bureaucratic personnel system is a pure recruitment pattern adopted by the imperialistic government of the past. Thus it may be used synonymous with autocratic personnel system.

2. The top management is placed in the hands of amateurs who hold office for the particular period. Since they may not be officers who can discharge their duties well and also lack qualities of general administration, the highest permanent officers in the system i.e., the Bureau chief may be overburdened.

3. Public service ceases to be career service.

Tenure of Office

One of the most important personnel administrations is that of the tenure by which civil servants hold office. At present there are three tenure systems. They are 1) tenure at the will of the appointing officer 2) tenure for a fixed number of years and 3) tenure during good behaviour. The question is as to which of the three tenures shall be employed for civil servants.

Tenure at the will of the appointing officer

It is the system which is universally found in private undertakings. In the government undertakings the case is entirely different because the managing heads are not directly interested in the financial results. But the private management is more interested in mere exploitation of workers. By making use of these employees they want to make maximum profit. So this system would cause severe hardships to the employees by unjust dismissals. It will result in instability and inefficiency in administration.

Tenure of a fixed term

This system does not suit the administrative class because short terms can neither give capable persons nor provide any opportunity for specialization and experience in their profession. Tenure for the fixed term is suitable only for the political executive. This system would really make political office, political spoils to be appropriated by the party victorious at the polls.

Tenure during good behaviour or life tenure

Because of the drawbacks of the other systems it is highly necessary that tenure during good behaviour should be applied to the administrative services. According to this system a civil servant can remain in office until the age of retirement if he performs his functions satisfactorily. This system will ensure efficiency in administration by making the office permanent and continuous. It really makes government services a permanent career. It becomes a profession, which capable men would choose.

Government service – a life career

One of the important problems of personnel administration is the extent to which government services can be presented as a life career. By career we mean a honourable occupation which one normally takes up in youth with the expectation of advancement and pursues until retirement. The purpose of the

2. It does not ensure that every officer will get a higher post and hold it for a reasonable period.

3. If seniority alone is the basis of promotion, employees would not make any effort

for self-improvement.

4. For the organization as a whole the system may prove to be dangerous because the

senior may not necessarily be efficient or intelligent.

Merit principle

Merit principle means that promotion would be made on the basis of qualifications and achievements of the employee irrespective of the high length of service. The most meritorious or best – qualified persons would be promoted. It provides due incentive to the efficient and hard working employees. Since it boosts the general morale the employees it increases the efficiency of the department. Generally speaking, there are three methods of judging the merits of the candidates. They are personal judgment of the Head of the Department, Promotional Examinations and Service Ratings.

Personal judgment of the Head of Department

The Head of Department is the right person to judge the merit of the employees as he maintains close contact with them. This system has the advantage of being both simple and comprehensive. But this system can work only in small organizations. Moreover, this system is highly subjective and may be subject to favouritism and personal considerations. In order to avoid this defect it is suggested that promotion of the employees should be placed in the hands of a board, organized in each service.

Promotional examination

Promotion may also be made on the basis of a written examination. This written examination may be an open competition or a limited competition or merely a pass examination. In the open competition system, any one of, whether within the service or outside the service can compete for the post. This system is justified on the ground that it widens the range of selection and new blood and fresh ideas can be injected to the department. Under the limited competition system, examination is limited to the employees who are already in service. This is also known as closed system. This system is preferred by employees in the lower grades. Besides examination, in this system, an equal weight is given to the confidential report of the employees also. In the pass examination system the candidate has just to pass the examination and only such candidates will be promoted. This system is followed in India in junior clerical, typist, steno, and other mechanical jobs.

Service Ratings

Under this system the qualifications of the employees for promotion are

Bureaucracy is not usually responsive to the needs of the people. It considers itself as the self-appointed guardian and interpreter of public interest. It keeps on following its old standardized procedures and does not react to the changing political climate of the country. Even in India we can find civil servants who think themselves as a separate and superior class to all other people whom they are destined to govern. As a result of the day-to-day routines civil servants develop special preferences, antipathies and discriminations. Bertrand Russell says that bureaucracy tends to develop a negative psychology perpetually prone to prohibitions.

Despotism

Since bureaucracy craves for power it has been condemned as despotic. It usurps the powers of the legislature on the one hand and sidetracks the courts on the other. In fact the government services are taking more and more powers to themselves. The power hungry bureaucrats have an inherent love for power. They are really becoming despotic and their despotism wears cloaks of ministerial responsibilities and delegation by the parliament.

Corruption

Corruption is the bane of Indian bureaucracy. Corruption has gone into the very root of the bureaucratic structure. The civil services are in general prone to illegal extortion of money from the people before doing their work. The spoils system, which prevails in America, also has corrupting influence on the American political system in particular and public in general.

Empire building

Bureaucracy perpetuates the evil of dividing the work of government into many isolated and self-dependent sections, each pursuing its own ends. These units thus develop the tendency of being independent units.

Yesmanship

The top bureaucrats who are political favourites become perfect yesmen of their political boss. In their turn they expect yesmanship from their subordinate officers. Such blind obedience of the bureaucrats will weaken the efficiency of administration and lower the morale of the honest employees.