

6. Administrative Systems

INTRODUCTION

The administrative system of each country is unique. It is unique in the sense that it is the product of historical experiences and the cultural, social, economic and political environment of that country. An administrative system which is functioning efficiently in one country may not succeed in another. There is no system which is uniformly good for all countries. Moreover, the best administrative system of a country is determined in a particular context; and if the context changes that makes it desirable that the changes be made in the administrative system as well. An administrative system created to subserve an authoritarian regime will be unsuitable for a democratic and liberal political system.

ADMINISTRATIVE SYSTEM IN UNITED STATES OF AMERICA

The United States of America is a federal republic under the Constitution of 1787 and its amendments.

There are three levels of Government:

- (1) National or Federal
- (2) State : There are 50 States in the U.S.A.
- (3) Local : There are thousands of counties, township, cities and other local units within the States.

The U.S. Constitution, is the oldest written Constitution in existence and the shortest of the Constitution of any other nation, except the Chinese. It contains only 4,000 words. A prime feature of the U.S. Constitution is that it gives recognition to the principle of popular sovereignty. The Presidential form of Government with separation of powers between the executive, legislative, and judicial branches, is one of the two leading forms of democratic Government, the other being the Parliamentary form of Government of Britain.

The US Constitution, the supreme law of the land, divides governmental powers between the national/ federal Government and the States.

The American Constitution is based on the theory of separation of powers. But this is not to say that the Constitution explicitly states that powers ought to be separate. It simply distributed the powers : legislative powers were vested in Congress, the executive powers in the President, and the judicial powers in the Courts.

Legislature : Legislature in the U.S.A. is called Congress. Power to make laws is vested in the Senate and the House of Representatives, the two elected Houses of Congress. Congress has both express powers (enumerated in the Constitution) and implied powers (those necessary and proper to carry out the express powers).

Executive : Executive power is vested in the President. The President and the Vice-President are elected for a term of four years. The President supervises law enforcement, conducts foreign relations, is Commander-in-Chief of the armed forces, and recommends legislation to Congress. With the approval of the Senate, he appoints federal judges; ambassadors; and heads of executive departments, Executive office branches, and independent agencies.

Executive Office of the President;

The Executive Office of the President consists of assistance, bureaus, and councils that aid and advise him in his various roles.

Following are the branches of the Executive Office of the President:

- (1) ***The White House Office*** : It covers the entire range of Presidential functions. It maintains communication with Congress and executive departments and agencies; arranges the President's schedule; analyses the problems confronting him and assists him in taking decisions. Members of the staff include the assistant to the President, the President's Counsel, various special assistants, and the President's private secretary, press secretary, and military aides.
- (2) ***Office of Policy Development*** : It aids the President in formulation, co-ordination and implementation of economic and domestic policy.
- (3) ***Office of the United States Trade Representative***: It assists the President in executing trade agreements.
- (4) ***Office of Budget and Management***: This office, known until recently as the Bureau of Budget, was created by the Budget Accounting Act of 1921. It assists the President in the preparation and execution of the annual budget. It subjects all executive orders, proposals for legislation originating from the executive branch, and bills coming from the Congress, to review and analysis. It also suggests schemes for better organisation and management of agencies and departments of the executive branch and co-ordinates the federal statistical activities. The Office of Budget and Management works through offices for budget review, legislative reference, management and organisation, and statistical standards.
- (5) ***The Office of the Defence Mobilisation*** : It deals with national security and so engages itself in mobilisation, planning and executing the plans in times of emergency.
- (6) ***The Council of Economic Advisers*** : It was established in 1946. It assists the President in preparing his annual economic report which is presented to the Congress, It also submits to the President information on economic matters.
- (7) ***National Security Council*** : Set up by the National Security Act of 1947, the National Security Council advises the President on the integration of military, of foreign and domestic policies pertaining to national security. It assesses and appraises the objectives, commitments and risks of the United States in relation to the country's military power and considers policies on matters of common interest to the departments and agencies of the Government. The Council only studies and advises, the President takes the decision.

Departments of Administration

The Constitution is silent regarding the administrative structure. It simply says that the President can require an opinion in writing of principal officers in each of the executive departments on any subject relating to the duties of his office. It further provides that Congress can vest by law the appointment of inferior officers in the President alone, in the courts, or in the heads of departments. It is on 'this slender basis' that Congress creates departments, commissions, and other federal authorities.

There are thirteen departments headed by secretaries, namely, Departments of State, Treasury, Defence, Justice, Interior, Agriculture, Commerce, Labour, Transportation, Health, Education and Welfare, Housing and Urban Development and so on.

The departments are functionally organised and are immediately below the Chief Executive, i.e., the President. Details of departmental organisation are regulated by the Congress. The President is not free to reorganise the executive branch of the Government. This is unlike the Parliamentary systems in U.K. and India, where the power to reorganise the departments is vested constitutionally in the Chief Executive.

Administrative departments and agencies differ in size. The various departments and agencies also differ in their organisation as some departments are headed by individuals and others have boards. Boards and Commissions : In the U.S.A., the board and commission type of organisation is widely used. This is partly due to the flexibility of the American administrative system and partly due to a desire to escape the pervasive influence of party politics in administration.

Some important boards are: Civil Aeronautics Board, National Labour Relations Board, Federal Home Loan Bank Board, National Mediation Board, National Transportation Safety Board.

Independent Regulatory Commissions :

They are a peculiar feature of the U.S. Constitutional set-up — a progeny of the separation of powers and the deep distrust of the Congress in the powers of the American presidency. The need for such commissions was felt on account of the growing industrialisation and urbanisation of the country during the 19th century when the Government felt it imperative to regulate private economic activities. Thus, for the first time, in 1887, the Federal Government set up the Inter-State Commerce Commission.

Some important commissions are : Inter-State Commerce Commission, the Federal Trade Commission, the Federal Communications Commission, the Federal Power Commission, the Securities and Exchange Commission, Nuclear Regulatory Commission and so on. The main functions of these commissions are :

- (1) to set standards, rules and regulations to govern the behaviour of a particular industry;
- (2) to enforce these standards, rules and regulations and prosecute the defaulters;
- (3) to regulate economic activities
 - (a) by making rules, that is, by elaborating and defining the general norms laid down in the present Acts;
 - (b) by administrative methods such as licensing, inspection, publicity, etc.; and
 - (c) case-by-case decision method.

Thus, the commissions enjoy both the powers to make administrative legislation and to adjudicate administrative disputes.

The commissions can hear cases and award decisions either on a regular petition having been made by a private party or on their own initiative. The ordinary courts cannot start judicial proceedings at their own initiative. The commission is not bound by the formal rules of evidence and whatever relevant evidence can assist it in fact-finding is accepted. Nor is it essential that the petition must be heard by the person who is to ultimately decide the case. The usual procedure is that the case is heard by over a dozen examiners and on the basis of relevant evidence, a decision is recommended to the head of the commission. Generally, the head of the commission simply endorses the decision of the examiners. Judicial review of, and appeals against these decisions, again rest with the commission which sits as an administrative tribunal in respect of these decisions.

Main Features :

1. The functions of independent regulatory commissions are of a mixed nature — administrative, quasi-legislative, and quasi-judicial. On account of this they have been called ‘the fourth branch of the Government.’
They do not fit into any of the three traditional branches of the Government — legislative, executive and judicial..
2. The commissions consists of a group of men who discuss and decide by a majority vote.
3. They are staffed by experts and are relatively small.
4. The commissions are neither responsible to the President nor have to report to him. They are set up under a statute passed by the Congress. The Congress lays down their Constitution and functions. The commissions have been described as ‘headless’ as they owe no subordination to the President or any other executive authority.
5. They are, in fact, outside the framework of the departmental organisation under the President and thus are rightly called ‘islands of autonomy’ within the American administrative set-up. The federal administration of U.S.A. stands ‘disintegrated’ because of the presence of these commissions.

However, the independence of the regulatory commissions is relative and absolute for the following

reasons :

- (a) They are controlled by the Civil Service Commission to personnel administration.
- (b) Their budgets are subject to the review of the office of management and budget which is a staff agency of the American President.
- (c) Their actions are subject to judicial review and can be declared void.
- (d) They are subject to the control of the Congress.

They receive their annual appropriations from the Congress. The Congress has the power to order an investigation into their working and operations. The Congress can amend their constitutions, and can even abolish them.

Public Corporations in the U.S.A. : In the United States of America, public corporations were created for three purposes :

- (1) During the depression to facilitate the extension of credit to financially needy banking, insurance, transportation, manufacturing and other private companies.
- (2) To carry on enterprises of a business or commercial nature.
- (3) To deal with emergency problems that arose in certain industries which necessitated Government intervention.

Public corporations had enjoyed in the early period of their growth a great deal of autonomy in financial matters as they were independent of the financial control of the Congress. Over the years, however, various statutes passed by the Congress have considerably limited the unbridled autonomy of these corporations. By the First Deficiency Act, 1936, Congress necessitated compulsory review of administrative expenses even though the Congress was not authorised to sanction these expenses. By the Ramspeck Act, 1940, the President was given discretionary power to subject federal corporations to civil service laws. The Corporation Control Act, 1945, provided for the assimilation of the budget and audit system of public corporations, except the Tennessee Valley Authority, with those of Government departments.

Thus, public corporations in the U.S.A. (except Tennessee Valley Authority and Port of New York Authority) are now completely under the budgetary and administrative control of the executive and also under the detailed review of the Congress.

Major public corporations in the U.S.A. are : Commodity Credit Corporation, Export-Import Bank of Washington, Federal Crop Insurance Corporation, Federal Savings and Loan Insurance Corporation, Federal Deposit Insurance Corporation, Federal National Mortgage Association, Panama Canal Corporation, Port of New York Authority, Tennessee Valley Authority, Federal Prison Industries and Postal Service.

The following factors often exist in common between the various departments, agencies, etc. :

- (a) Political Heads : Each, generally, has a politically appointed head, usually on a partisan basis. Political appointments normally reach down to Under and Assistant Secretary levels and to some of the subsidiary bureau chiefs. In general, the head is responsible for policy and public relations and is supported by professional assistants men. Also grouped with him will be the various staff services, e.g., budget, and planning. Below this level will be a series of bureaux executing the practical work of the department.
- (b) Field Services : These will generally be extensive and only a very small proportion of federal employees actually work in Washington. Such field services will be organised on a state basis or on regions of administrative convenience, though the state approach probably facilitates co-operation. Such deconcentration is not, however, unified and gives rise to problems of inter departmental co-ordination and control problems, against which must be set the advantage of local differentiation and co-operation.
- (c) Consultation : The departmental decision-making apparatus is supported by considerable consultation of interests. This machinery includes hearings, advisory committees and over four hundred inter-agency committees. The structure for consultation is both statutory based and also results from spontaneous development. .
- (d) Contracting : All the agencies exercise the power to contract for the performance of their functions with other departments and extra-governmental agencies, i.e., in defence.

Planning and Co-ordination : The greatest problem of American Government is the bringing together of the disparate and comparatively independent agencies of Government. The principal instruments of co-ordination may be summarised as follows :

- (i) The Presidency : This will include the use of such agencies as the Bureau of the Budget and the Council of Economic Advisers, as well as Cabinet members. The Bureau of the Budget is the central control and co-ordinating agency. It is responsible for estimates, clearance of legislation, surveys of administrative efficiency and some central statistical control.
- (ii) The Bureaucracy : The bureaucracy uses inter-departmental planning and coordinating committees.
- (iii) Congress : Through appropriations, committees, and various other means of legislative control the Congress exercises control over the executive.

The Civil Service : In the United States of America, members of the civil services are recruited on the basis of specific qualifications for a post or assignment. Apart from the career civil servants, the U.S. President has powers to appoint a large number of functionaries of the Federal Government. In the American system of 'Revolving Door' or 'Government by Strangers'

there is a great deal of movement back and forth between the public service and the private sector.

Broadly, administrators may be divided into two categories :

- Political appointees, and
- Those who belong to permanent civil service.

For a generation or more since the founding of the American federation, selection and appointment of administrative officers and other employees was based on competency, a tradition set by George Washington. But with the emergence of political parties more weight began to be given to political considerations in filling the posts. It, however, involved about 25 per cent of employees under presidential control.

But the coming of Andrew Jackson witnessed the emergence of a new theory and practice of making appointments. When Jackson assumed office in March 1829, he found many federal offices occupied by his political opponents. So, in his first annual message to Congress, Jackson recommended limiting appointments to a four-year, term only. Though he did not make clean sweep of 'anti-Jacksonian office-holders' he filled all the new vacancies with his own party men. From then on, the practice that 'to the victors belong the spoils' came to be established.

Civil Service Reform: The assassination of President Garfield at the hands of a disappointed officer seeker aroused public opinion on the evils of the spoils system. In 1871, Congress by legislation established the National Civil Service Commission and a broad scheme of competitive examination was introduced. The scheme was abandoned in 1875. But the assassination of President Garfield at the hands of a disappointed office-seeker gave an impetus for the revival of the scheme. As a result the civil service Act (Pendleton Act) was enacted in January 1883. This Act is still the fundamental law governing recruitment to the executive civil service.

The Pendleton Act itself brought a few offices under the merit system and empowered the extension of it to the discretion of the President and the Congress. Such extensions have been made from time to time either by new legislation or executive order. Thus, at present, all appointments, except those made by the President with the confirmation of the Senate, and a few other limited groups of technical nature, are made on the basis of merit through the Civil Service Commission. In 1951, 92 per cent of all federal appointments were made under the merit plan.

Features :

- (1) There is an open competitive selection system of recruitment.
- (2) However, the idea of a closed career service has been rejected.
- (3) Preference has been expressed for practical job oriented selection.
- (4) Lateral entry to the service for recruitment from industry rather than promotion through the ranks has had two side-effects :
 - a. It refreshes the bureaucracy with industrial and business intake.
 - b. It may, however, frustrate the career developments of 'career civil servants'.
- (5) There is a generally established pattern of use of specialist skills, and comparatively little opportunity for the 'generalist' administrator. Specialist competence is in fact regarded as a pre-requisite to administrative efficiency.

Sixty-three bureau chiefs were studied by Michael E. Smith in 1958. He concluded that in general the chiefs were appointed to jobs for which their education and previous experience were particularly relevant.

Similarly, studies of the educational background of higher civil servants by W.L. Warner and David T. Stanley have shown that emphasis was placed on physical science and engineering backgrounds rather than on a humanities based education.

Don K. Price, describing the role of the scientist in high positions, remarked that “if administration is to serve as a useful layer in the pyramid of policy between peak of political power and the base of science and technology”, there is a need for high ranking scientists, etc.

Ernest S. Griffith in *The American System of Government* (Methuen, 1966) has identified three features of bureaucratic development in the U.S.A. as follows :

- The acknowledgement of the vital role of research.
- The bureaucracy has, to some extent, achieved the status of the fourth branch of Government and is as autonomous as Congress or the Executive. It is, thus, a subject of checks and balances and fully shares a mutually interacting role with both the Legislature and the Executive (i.e. President and Cabinet).
- Bureaucracy has come to be characterised by the agency-clientele relationship. This results from the dispersive nature of the American society and the realisation of the importance of Government intervention. This, in turn, has resulted in a tendency to express group objectives in legislation and for agencies to be set-up to facilitate the achievement of such objectives, and thus, brings about a close relationship between the Government and the groups concerned. “The bureaucracy is not an unfaithful mirror of a dispersive society, but is considerably modified by the assumptions and symbols and rituals of the public interest under which it operates.” (Ernest Griffith).

In conclusion, the following general elements of the federal civil service may be noted :

- (1) the use of specialists in specified and administrative positions;
- (2) disregard of the utility of the career generalist administration;
- (3) regular interchange with industry;
- (4) regular inter-departmental movements;
- (5) the widespread practice of departments having to write detailed job specifications.

Judiciary : Judicial power is vested in the Supreme Court and in other federal courts created by Congress. The Supreme Court has powers of reviewing legislation both Central and State. In the celebrated case of *Marbury vs. Madison*, Chief Justice Marshall declared that the court possessed the power to declare null and void any legislative Act which, in the opinion of the court, was repugnant to the Constitution. By virtue of this precedent the federal courts have repeatedly set aside Acts of Congress as null and void.

Federal District

The permanent seat of the federal Government is the district of Columbia. The district itself has an elected Mayor and 13 member city council. The U.S. Congress, however, controls the city's budget and has the power to rescind any council action.

State Government

Constitution : Each State has its own Constitution. The typical Constitution has a preamble, a bill of rights, sections creating the three branches of Government — legislative, executive, judicial — and defining their powers, provisions on local government, and a provision for amending the Constitution. States exercise all the powers except those given to the national Government and those prohibited to the states by the U.S. Constitution. The residuary powers are vested in the states.

Legislature : The Legislatures of all the States in the U.S.A. are bicameral with both Houses constituted on the basis of the elective principle, except for Nebraska which has a unicameral Legislature. In most states the Lieutenant Governor presides over the Senate. In some states the people may pass laws directly by initiative and referendum.

Executive : Every State elects a Governor as Chief Executive for a term of two to four years. Most of the States elect a Lieutenant Governor as well. He succeeds the Governor, in case the Governor dies in office or is unable to serve. With the exception of North Carolina, in all the States the Governor can veto laws passed by the Legislature. In some States he can veto individual items in the bills.

Administration : Most States elect several administrative officials, including Lieutenant Governor, Secretary of State, Attorney-General, Treasurer, Auditor, and Superintendent of public instruction. Most States also have administrative departments. Each department is usually headed by a director appointed by the Governor. Some States have various boards and commissions over which the Governor may have little control.

Judiciary : At the lowest level of the judicial hierarchy there are usually justices of peace in rural areas and municipal courts in cities. Next in line are the trial courts, which handle the majority of the cases. Above the trial courts are the courts of appeals, and finally the State Supreme Court.

Local Government

The States delegate many of their responsibilities to local governments because the work can be done more efficiently on the local level. The units of local Government are created by the State. They act as agents of the State and have only such powers as the State gives them. In the U.S.A. there are about 81,000 local government units.

Counties : Each State, except Alaska, is divided into counties varying greatly in their areas but averaging about 1,000 square miles. The county, so to say, is the largest of the local administrative units. In Louisiana counties are called parishes.

The county government consists, generally speaking, of a council or board, almost always elective, consisting of four to fifty members. Two-thirds of county boards have less than six members. The board (or council as the case may be) exercises, in part at least, the rule-making powers and some of the administrative powers of the county government. Besides the Board, a county has a number of administrative officers such as the Sheriff, the Clerk, the Prosecuting Attorney and the Coroner who are generally elected by the people and who function independently of the board in carrying out administrative powers other than those exercised by the board itself.

In Connecticut and Rhode Island, counties have only geographical designations for election or judicial purposes and do not have governmental structures. Alaska is divided into Boroughs (which are similar to counties) and 'census areas', established for statistical purposes.

Townships : In several States of America, counties are further sub-divided, the 'town' being the principal unit of rural local government and 'cities', which are incorporated as municipalities being units of urban local government.

The town is governed by a Town Meeting consisting of all eligible voters. It passes ordinances, and discusses and votes upon expenditures and taxes. The Town Meeting also elects a Board of Selectmen (also called the Town Council) and a School Board and other officials who carry on the local administration between sessions of the Town Meeting.

In certain parts of the U.S.A. the characteristic form of village government is the township. A township is governed by a small elected board, with a President, Mayor or Chairman who may or may not be separately elected or vested with special powers. The board is the rule-making authority and appoints officials and votes on expenditure and taxes.

In New England, the town (as the township is called there) is the chief unit of local government. Township government is generally restricted to the north-east and midwest. Where townships exist in the south and far west, they are mainly geographical designations.

Cities :

A 'city' in America is the equivalent of what is known as a borough or county borough in Great Britain.

Features :

- (1) There is considerably more self-government in the cities than in the rural units of local government.
- (2) They also show more activity and evoke greater popular interest in local affairs.
- (3) There is a greater variety in the forms and functions of local government in American cities than is the case in Britain.
- (4) The local affairs of each city are administered under a 'charter' which is either conferred upon it by the State Legislature or, under what is known as 'municipal home rule', is framed by the city itself.

Under their charters, the American cities have three different types of local government:

(a) **The Mayor-Council Type :** Under this form of city government, the Mayor is an independently elected chief executive whose relations with the city council are somewhat like those of a Governor with the State Legislature. He usually appoints most of the heads of executive departments subject to the approval of the Council. Ordinances passed by the Council may be vetoed by the Mayor. About half of the American cities with a population of 10,000 or above have the Mayor-and-Council form of government.

(b) **Commission Form :** Since 1900, however, many American cities have adopted the Commission form of government. Under this form there is an elected commission consisting usually of three to seven members who collectively exercise the powers of Government. For the purpose of administration, the functions of the city government are divided into departments.

Each member of the commission heads one of them. In 1951, about 18 per cent of the American cities with a population of 10,000 or above had the Commission form of government. The popularity of this form is, however, decreasing because it raises problem of co-ordination and discourages the development of strong and centralised leadership. It is losing ground before the City-Manager type which first appeared in 1814.

(c) **The City-Manager Type :** The City-Manager type of government has in Griffith's opinion, "attracted world-wide attention and has made a really outstanding contribution to the science of municipal government and administration." Under it there is an elected Council which is the rule-making authority of the city. The Council also adopts the budget and appoints a professional administrator as Manager who is responsible to it and holds office during its pleasure. The Manager appoints heads of the departments, frames the budget and presents it to the Council. He makes recommendations with regard to policy either on his own initiative or when invited by the Council to do so.

The City-Manager system is considered to be the most successful of the three forms of city government in America mainly because it ensures efficiency by separating administration from policy-making.

Functions of Local Government Units in the U.S.A.:

Municipal administration deals usually with police and fire protection, health and sanitation, planning and zoning, roads and other public works, public utilities and public welfare. Education is handled generally by separate school districts which often cut across more than one regular unit of local government.

Thus, we can say that local government in America is characterised by even greater heterogeneity of form, functions and nomenclature than is found in Great Britain. Both the British and the American systems stand in clear contrast to the French system of local government which has carried uniformity to the maximum limit possible.

Conclusion : The United States shares with Britain a 'participant' and 'pluralist' civic culture and a stable democratic political system. In the U.S.A. there has been a good balance between political and administrative development. Changes in the political sphere have reflected in the changes in the administrative sphere. Compared to the civil service in France, Germany or Britain, the United States bureaucracy was markedly slow in becoming professionalised and in acquiring other characteristics of the Weberian model. In the U.S. too, like Britain, the bureaucrat is expected to work under political direction though he may be actively involved in policy formulation. The bureaucracy is viewed as a neutral instrument of the Government. Structurally, the executive departments are the major units of administration and the Congress has the power to create or abolish them.

In the U.S.A. due to more open society with less pronounced class distinctions, the upper ranks of bureaucracy have been considerably more representative and have a less elitist character because of the methods used for appointment. In the words of W.S. Sayre, the Americans have produced 'a more internally competitive', a more experimental, a noisier and less coherent, a less powerful bureaucracy within its own Governmental system, but a more dynamic one.

2. ADMINISTRATIVE SYSTEM IN GREAT BRITAIN

The United Kingdom of Great Britain and Northern Ireland is a constitutional and hereditary monarchy. In practice, it is a democracy operating by a Parliamentary system. In this system, supreme authority is held by the legislature. The sovereign reigns but does not rule. Parliament, although supreme, governs in the name of the Crown (monarch). There are three organs of Government — Legislature, Executive and Judiciary.

The Legislature, known as the Parliament, consists of two Houses. The lower House is known as the House of Commons and the upper House is known as the House of Lords. Queen or King in Britain is a part of the Legislature.

The Executive consists of the Cabinet and other Ministers (officials) of the Crown, administrative departments staffed by civil service employees and usually headed by Ministers; local authorities; and Boards created by statute to operate various industries and services. The Queen is formally the head of the executive body. The Ministry representing the political party in control of Parliament, is called Her Majesty's Government or the Government.

The Judiciary of which the Queen is nominally the head is independent of both the Legislature and the Executive. The House of Lords is the highest court of appeal for civil cases and for certain criminal cases. The Supreme Court of Judicature, composed of the High Court of Justice and the Court of Appeal, deals with important civil cases. Minor cases are tried in country courts. Criminal cases may be appealed to the Court of Criminal Appeals, after being tried in assize courts or magistrates courts. Trial by jury is used for all but minor crimes. Administration of the judicial system is shared by the Lord Chancellor and the Home Secretary, both members of the Cabinet. With this brief introduction to the Constitutional set-up of Great Britain we now turn our attention to its administrative system and the principles on which it rests.

Britain adopted the Parliamentary form of Government which is also known as the system of responsible Government as the Executive is responsible to the popularly elected House (i.e., the lower House) of the Legislature for all its acts of omission and commission.

In Britain, the Crown is the source of all authority — legislative, executive and judicial. However, in actual practice the King or the Queen acts in Governmental matters only on the advice of his or her ministers (ministers comprise the political executive), and by convention may not refuse to act on such advice. Thus, while every act of Government in Britain is done in the name of the King, the real executive is the Cabinet.

According to Bagehot, "Cabinet is a hyphen that joins the buckle that binds the executive and the legislative departments together." Lowell calls it the "keystone of the political arch." Sir John Marriot describes it as "the pivot around which the whole political machinery revolves."

Principles on which the Cabinet works

- (1) The Monarch : He stands outside the Cabinet. He does not attend the meetings of the Cabinet. However, the Monarch has the right to be kept informed of all proposals that come before the Cabinet, to comment upon them and to raise questions for discussion before the Cabinet. He has also the right to see important despatches in all departments and to have his comments thereon considered. But he should, finally, accept the decision of the Cabinet.
- (2) No separation of Executive from Legislature : All Ministers are members of Parliament.

- (3) **Collective and Individual responsibility** : The Cabinet is responsible to the House of Commons. This responsibility is collective in the sense that if the House expresses want of confidence in a single minister, it means want of confidence in the entire Cabinet and that, in such a case, the Cabinet as a whole must resign (or secure the dissolution of the House of Commons and arrange a fresh election). When a Minister is taken to task in the House of Commons for a ‘personal’ mistake or error of judgement or conduct, the responsibility may be confined to him and his ‘dismissal’ or ‘resignation’ need not involve the resignation of the Cabinet as a whole.
- (4) **Secrecy**: What transpires in the meetings of the Cabinet is not meant for public knowledge. The members of the Cabinet will not violate the ‘secrecy’ of Cabinet proceedings is legally ensured by the Privy Counsellor’s oath which every Cabinet Minister takes, by the Official Secrets Act and by the fact that decisions of a Cabinet are, in the eyes of law, in the nature of advice to the Monarch and cannot, therefore, be published without his permission.
- (5) **Political homogeneity** : Normally, all ministers are drawn from a single political party. “The secret of collective responsibility, in all normal circumstances,” writes Laski, “is rooted in the party system. It is its party complexion which gives it unity of purpose (and) provides the sanctions with which that unity of purpose is maintained. The party assures the presence in the Cabinet of like-minded men with similar objectives who contemplate from a similar angle the problems they will have to deal with. It is the party, also, which makes it possible for the Cabinet to follow a policy which, pre-determined in its large outlines, is likely to command a continuous majority in the House of Commons.”
- (6) **Leadership of the Prime Minister** : The Prime Minister is ‘the keystone of the Cabinet arch’. He symbolises the ‘unity’ of the Government. Other Ministers owe their position to him as they are appointed on his recommendation. He can reshuffle his team whenever he likes and secure the dismissal of any member of it who does not keep in step with him. A Minister who differs seriously from the policy of the Prime Minister must either accept the Prime Minister’s lead or resign. It is the Prime Minister’s responsibility to co-ordinate and harmonise the work of departments and iron out their differences. In a sense, the Prime Minister is the Government, because his resignation means the resignation of the entire Cabinet and ministry.

Functions of the Cabinet:

- (1) As the real executive, the Cabinet has to de-fine, in the words of Ramsay Muir, “the lines of national policy and to decide how every current problem which may arise at home or abroad is to be treated.”
- (2) at the same time, the Cabinet is responsible for administration and has to look to every detail of the work carried on by the vast administrative machine.

Principles, Organisation and Working of Administration in Great Britain

In Britain, ministries are the basic administrative units. Individual Ministers are given charge of the various departments. Certain departments are responsible for the direct administration of policy while some other departments are charged with formulating policy as a basis for the control of other agencies. Thus, distinction between various departments is made not only on the basis of policy administration but also on other bases, e.g., whereas an executive type of department is primarily concerned with the execution of services authorised by Parliament, a service department is concerned with the provision of common services for the administration itself.

Various departments can be considered in geographical terms, e.g., the Foreign office and the Board of Customs and Excise.

All the departments have their own staff or personnel. There are nearly three-quarters of a million civil servants in the United Kingdom employed in a great variety of tasks providing administrative, executive and clerical services.

The Cabinet as a whole accepts the responsibility for the smooth execution of the Government policies by all departments. It is also responsible for the prevention of what is called 'departmentalism' and for the removal of friction and settlement of disputes which may arise between different departments. The Cabinet, in other words, is administrator as well as coordinator.

Ministers and Civil Servants

Ministers constitute "the highest, managerial and policy making level of the administrative system", say Ogg and Zink. In carrying out and directing the multifarious activities of the departments of which they hold charge, Ministers are assisted by a large body of civil servants. Differences between Ministers and civil servants

- (1) Ministers comprise the political executive, civil servants form the permanent executive. A Minister bears a party label and remains in office so long as his party maintains a majority in the House of Commons. He goes out of office when his party loses this majority. While in office he may be shifted from one department to another. He is, therefore, a bird of passage. The civil servants are, on the contrary, permanent officials, appointed by an independent agency on the basis of their merit and qualification.
- (2) Ministers are amateurs, civil servants are experts. Ministers are not appointed on the basis of professional knowledge or practical experience. The British practice stands in sharp contrast to that followed in France or the United States where, at least, some of the ministers are, generally speaking, persons possessing adequate professional qualifications.

The permanent officials who work under the minister are specialists in the particular department. Thus, in the words of Sir Lewis, "It is not the business of the Cabinet Minister to work in the department. His business is to see that it is properly worked."

The Minister can at best lay down broad lines of policy and rely on his permanent subordinates to carry it out. Even in the framing of policy, the Minister depends, to a considerable extent, on the permanent officials. When a Minister answers question in Parliament, he reads out replies prepared by civil servants. When he has to make an important speech, he gets facts, figures and the main arguments from the department. Real initiative in legislation as well as the real responsibility for shaping its form belongs to permanent officials and 'departmental' or 'delegated legislation'. The influence of the bureaucracy is even stronger in this sphere.

- (3) The Minister being the political chief of the department under his control is himself accountable to Parliament and to public opinion outside for the manner in which his department functions. The civil servants enjoy the benefit of anonymity and are shielded from public and parliamentary criticism by the political responsibility of the Ministers. Bureaucracy, says Ramsay Muir, "thrives under the cloak of ministerial responsibility." The official and the Minister have a mutual obligation based on the principles of impartiality and anonymity. The civil servant is expected to offer his advice to the

Minister, who has political responsibility. but is obligated to carry out loyally all Governmental decision.

The British system is supposed to and does keep out of the public eye the extent and nature of the involvement of civil servants in policy-making, but it certainly permits the higher ranking career officials to initiate and choose among policy proposals, subject to ministerial discretion. The powers actually exercised by civil servants, depends on the characteristics of individual Ministers.

The Civil Service Department

On the basis of the recommendations made by the Fulton Committee, the Civil Service Department was established to take over the responsibilities of the Treasury Department. Although theoretically the Civil Service Department is directly under the control of the Prime Minister, day-to-day responsibility is in the hands of another Cabinet Minister who is often the leader of the House of Lords. The Department's own staff is headed by a permanent secretary with the title of Head of the Home Civil Service.

Functions of the Department:

- (1) It lays down the policy on recruitment, training, promotion, staff welfare and retirement.
- (2) The general allocation of manpower, pay, pensions, and conditions of service also come within its scope.
- (3) The department has general responsibility for developing new management techniques within the civil service, and to this end it provides a management consultancy service.

Recruitment and Training of Civil Servants

Civil servants are a reservoir of experience and specialised knowledge. They furnish the Cabinet and Parliament with expert advice necessary for formulating and enacting policies on a multitude of subjects. As they have to perform important and difficult duties, it is essential that their recruitment to service must be on merit rather than on favouritism.

Before the Halleybury's experiment, civil service in Britain was the least desirable, because majority of the incumbents entered the service through recommendations, pure and simple. This practice created a class of vested interests and public opinion severely condemned it. In 1853, the Trevelyan Committee recommended that "as an indispensable means of attracting able young men into the service. admission should be placed on a system of competitive examinations open to all and administered by an independent Central Board." In 1855, by an Order-in-Council a Civil Service Commission was created. The commission is not part of the Civil Service Department. The Civil Service Department is responsible for laying down the policy on recruitment, training, promotion, etc. The Civil Service Commission retains its title and some degree of independence in the administration of recruitment. The principal recommendations of the famous North-cote-Trevelyan Report of 1854 which were put into effect, included the abolition of patronage and the substitution of appointment on a career basis at an early age through a system of competitive examinations to an unified service with a clear distinction between intellectual and routine work, and with subsequent promotion to be based on merit rather than nepotism.

In 1870, an epoch-making Order-in-Council "completed the edifice by making open competitive examinations obligatory practically throughout the service." The policy of recruitment remains the same even today except in the following cases :

1. Where a direct appointment is made by the Crown.

2. Where vacancies are filled up by promotion.
3. Where expert technical qualifications peculiar to the conditions are necessary.
4. In the case of employees with purely routine duties at the bottom of the scale.

In recruitment, competition for the British higher service until the end of World War II took the form of competitive examinations on a variety of subjects paralleling the courses of study offered in the universities.

After the World War II, recruitment of 'Fast Stream' entrants to civil service has been done mostly through what is known as the 'Method II System'. In the Method II System, recruitment is done through the Civil Service Selection Board (CSSB), who use the selection method known by the generic title of 'Assessment Centre'. The advantage of this method was that it facilitated the selection of the administrative class for which the long established conventional type of written examination was not possible because of disruption of formal University education caused by the war.

In the Method II, there are no conventional essay type papers and candidates are assessed over a period of two days by the CSSB through a battery of cognitive tests providing standardised assessment of specific intellectual abilities. The assessment is done by a team of three assessors, comprising a serving or retired senior civil servant, a psychologist and an observer.

After carrying out various tests of an objective type the three members of the CSSB also test the candidate's motivations, interest and experience, intellectual abilities and potential, through separate interview tests.

Candidates short-listed by the CSSB on the basis of the above procedure are sent up to appear before the Final Selection Board (FSB). FSB holds interviews with the short-listed candidates spread over a day and finally selects those suitable for the 'Fast Stream'.

Those chosen enter a probationary period of at least two years during which they serve as trainees, followed by a sixteen-week course at a newly founded civil service college. During the succeeding four years further assessment and training leads to 'streaming' into ability groupings of those considered promising for high level posts in their later careers and those deemed more suitable for middle management positions, thus resulting apparently in career patterns corresponding roughly to the old administrative and executive classes. The British preference for career-staffing with entry ordinarily barred except at an early age, has meant a minimum interchange of personnel between Governmental and non-governmental careers.

The administrative class before World War II came almost exclusively from upper class graduates of Oxford or Cambridge who earlier had attended public schools such as Eton and Harrow. During the last thirty years, however, many factors have helped broaden the social and educational base from which higher civil servants are being drawn. Conclusion: W. S. Sayre has summarised the British bureaucracy as orderly, symmetrical, prudent, articulate and cohesive. The division of the executive into political and permanent is also advantageous. The amateur Minister is able to see the department as a whole instead of getting lost in the maze of technical details. He can avoid the expert's pitfall, viz., a narrow, 'departmental' outlook and can, therefore, see his department in relation to other departments and in relation to the general interest of the nation. He is better fitted than an expert to supervise the work of his subordinates and serves as a link between his department and Parliament. He can keep the former in touch with public opinion and the latter informed of administrative needs and problems. The balance

between amateur and expert elements is necessary. "The former provides the democratic element in administration, the latter the bureaucratic. Both of them are essential, one of them to make a Government popular, the latter to make it efficient." (W. B. Munro)

ADMINISTRATIVE SYSTEM IN FRANCE

France has been rightly called the laboratory of Constitutional experiments. Between 1789 and 1875 she adopted and then rejected nearly a dozen Constitutions with varying forms of Government. After the French Revolution in 1789, France has been monarchy three times, an empire twice, a semi dictatorship once, and a Republic five times. Most of these transitions had taken place as a result of violence.

French System of Government

The present Constitution of France is basically the work of the former French President Charles de Gaulle. The Constitution of the Fifth Republic was adopted on September 28, 1958. France under the Fifth Republic has a highly centralised and Unitary form of Government. It is a mixture of Presidential and Parliamentary system in which the President is directly elected by the people since 1962. The President is a very powerful Chief Executive and dominates Legislature as well as the Parliament. The Prime Minister has to enjoy the confidence of the Parliament as well as that of the President. The separation of powers between the Executive and the Legislature has greatly weakened the French Parliament as against the President. The system has, so far been functioning smoothly because the President and the Parliament have belonged to the same party. From 1958 to 1981, Gaullist – Centrist parties held the majority in the Parliament and also provided the President of the Republic. After 1981, the Socialist party was able to get its candidate elected as the President and also obtained a majority in the Parliament. Only recently the arrangement has been upset by the President belonging to Socialist party and the Parliament having a majority of Gaullist Centrist parties. The implications of this split between the President and the Parliament and consequently the Prime Minister are yet to be evaluated.

Central Administration

The Central Government is divided into several Ministries. Each Ministry is further sub-divided into directions which are the main operating units. There is also a Ministerial Cabinet attached to each Minister. The Cabinet provide assistance to the Minister in discharge of his duties. In addition, there are several consultative and control organisations that form part of the Central Government. There are a large number of field units working under these Ministries. It is said that about 95 per cent of the total workforce is located outside the Government. Ministerial Cabinet is a product of custom rather than any law. It is usually supposed to function as a buffer or an intermediary between the Minister and external political figures on the one hand and the permanent administration on the other hand. The Cabinet has its own hierarchy. There is the Cabinet Director who is a key official in the Ministry after the Minister. There are other members who act as links to particular directions and there are a few who help the Minister in his work. Below the national level, there is prefect who works as the principal representative of the Central Government in each of the 96 departments which are the units of local government.

Civil Service in France

The French civil service developed in a state where there has been a considerable period with marked emphasis on State intervention on a wide scale.

The French system of Government involves considerable administrative de-concentration, including the running of local government services and consequently involves considerable functional specialisation and expertise.

French higher education is career-oriented. The use of civil service schools and specialised post-entry training in schools attached to ministries results in the training of the French specialist classes taking place outside the traditional university system.

France has never experienced or encouraged the separation between careers in Public administration, business management and technology. The policy of the French technical schools is from the outset to recognise the need for the training of specialists to encompass both technical and administrative training.

Career orientation is the chief characteristic of French civil service. Its other features include: allegiance to corps rather than to the service; use of specialists as administrators; and little distinction between technical and advisory functions. Movement in and out of the service is common particularly in the higher corps.

France has been referred to as a 'civil service' or Administrative State'. The reasons for this may be listed as follows:

1. The planning role of the Government has been steadily increasing in regard to the national economy.
2. Freedom of executive action from the Legislature's supervision and control was increased markedly under the Fifth Republic. and the executive is now firmly rooted in the Cabinet itself and in the President's staff.
3. Policy is becoming increasingly the result of interaction between the administration and pressure groups.
4. The role of political parties and the Legislature has declined in the formulation of policies.
5. Intra-administration groupings have developed, each seeking influence on administrative policy.

Recruitment and Training

In France, the scheme of recruitment of members to the civil service through the Ecole Nationale a' Administration (ENA) has some unique features. Firstly, the French Civil Service has two broad sources of recruitment, namely, the external and internal candidates. External candidates are university graduates, who should be less than 27 years of age. Internal candidates are those who are from the lower echelons of service, have put in at least five years of service and are less than 36 years of age.

Secondly, both external and internal candidates are selected to join the Ecole Nationale Administration (ENA) through two different systems of Entrance Examination. However, both the systems of Entrance Examination are heavily weighted in favour of subjects related to administration such as Economics, Public Law, Social Issues and International Affairs. Interview Tests and Personality Tests are also included in the scheme of Entrance Examination to ENA.

Every year, about 80 candidates, selected on an equal basis from the external and internal candidates, join the ENA at Paris for intensive training of two years. Training consists of

academic work and attachment in Government and private industries. During the entire two years' training period the candidates are continually assessed. The final merit-rating is done at the end of two years period. Candidates who qualify in the merit-rating are asked to choose different services based on their merit and preference.

Criticism : Even though the French civil service has been considered suitable for the French system of Government, there has been some criticism of the mode of recruitment and training of the civil servants through ENA.

It is often said that the system of recruitment through the ENA produces a class of civil servants who are extremely elitist. The civil servants are conscious of their superior intellectual attributes and their assured role in key areas of the French Government.

Since the prospects of different categories of civil services differ in France—the highest status being that of the Grand Corps—the common system of training at the FNA often does not result in promoting a spirit of harmony among different classes of higher civil servants, there being aggressive competition among the trainees aspiring to be at the top of the grade.

Structure of French Civil Service

- (a) **Classes :** The civil service is horizontally divided into four classes, based essentially on educational background which deal with broad functions. For example. Category A deals with 'policy and direction.' Promotion barriers exist both between and within classes.
- (b) **Corps :** All civil servants are appointed to corps within which their particular careers lie. Corps have been defined as groups of civil servants governed by the same regulations and qualifications for the same grades. Each corps is a watertight unit.
- (c) **Services :** Services represent the vertical divisions of the civil service. A service consists of a series of vertically related corps, and results in the unification of policy-making and field services through the top management sections in Paris.
- (d) **Grades :** Grades exist within each corps.

Recruitment and Promotion

In France, recruitment is generally based on examinations and little emphasis is placed on character, proven ability, etc. In the technical corps. examinations are usually theoretical meant to test the intellectual ability of the incumbent. Recruitment to the corps in Class A requires admission to post-entry schools, i.e., the National School of Administration or the Ecole Polytechnique, and graduation from these.

Promotion to the higher corps is by 'objective' examination procedures. Within the corps, promotion is usually by seniority though at the higher grade level procedures are more formalised.

The French civil service places predominant reliance on prescribed qualifications. These qualifications in specialists take the form, however, of civil service rather than professional body qualifications. French specialists are regarded as both technical personnel and potential administrators and both technical and administrative corps members may be promoted to administrative positions.

Local Government in France

The most important feature of local government in France is its centralisation. From the communes, which are the real units of local government, right up to the Ministry of Interior at

Paris the administration is linked up in one chain. According to Munro, “The Minister of Interior at Paris just presses a button—the Prefects, the Sub-Prefects and the Mayors do the rest. All the wires run to Paris.” The main areas of local government are :

- (1) Departments;
- (2) Arrondissements;
- (3) Cantons; and
- (4) Communes.

The country is divided into ninety Departments. At the head of each Department is the Prefect, appointed and removable by the President of the Republic. Departments are divided into Arrondissements or districts and these in turn are divided into Cantons. Each Arrondissement has a Sub-Prefect who is appointed in the same way as the Prefect. The Sub-Prefect is a mere agent of the Prefect and he has no independent authority. There is an Arrondissement Council elected from the Cantons. All cities large and small are communes. Paris is the largest of all and the smallest communes are mere hamlets of a few families. Each of them has a Municipal Council which holds four ordinary sessions every year and regulates by its deliberations the affairs of the commune. But its resolutions are subject to three limitations : (a) certain proceedings are subject to the approval of the Prefect; (b) proceedings of importance are subject to confirmation by the Central Government; and (c) more important proceedings need ratification by Parliament. The executive head of the commune is the Mayor.

ADMINISTRATIVE SYSTEM IN JAPAN

The existing Japanese Constitution which was adopted in November, 1946, was an amendment of the Meiji Constitution of 1889. It was a total revision which drastically transformed the nature and structure of the Government in Japan. The three basic principles of the Japanese Constitution are : (a) sovereignty of the people, (b) the guarantee of the Fundamental Rights, and (c) the renunciation of war. The last being a most peculiar feature of the Constitution and an object of the country’s greatest Constitutional controversy. The Japanese Constitution is the only instance which Constitutionally renounces war.

The Constitution of Japan provides that the Emperor is the symbol of the State and the unity of the people. He derives this position from the will of the people, with whom resides the sovereign power. The Emperor has no powers and authority related to the Government. The people of Japan elect their representatives to the Japanese Parliament (Diet). The executive power is vested in the Cabinet and it is made collectively responsible to the Diet. The Emperor appoints the Prime Minister as designated by the Diet. He also appoints the Chief Judge of the Supreme Court as designated by the Cabinet. The Emperor performs his duties with the advice and approval of the Cabinet on behalf of the people.

The Constitution of Japan is unitary and all authority flows from the Government. The provinces derive their authority in exercise of their jurisdiction and powers from the Acts of the Diet. The provinces are subordinate units of Government. The Diet is bicameral in structure and consists of two chambers — (a) the House of Councillors and (b) the House of Representatives. Both the Houses of the Diet possess identical legislative powers. The Constitution unequivocally establishes the supremacy of the House of Representatives over the House of Councillors in financial matters.

Chapter III of the Japanese Constitution is exclusively devoted to the enumeration of Fundamental Rights. The Rights are fully guaranteed and the Constitution declares them ‘eternal

and inviolate' and include political, social and economic equality as well as suffrage, welfare and liberty for the people.

Universal adult suffrage is guaranteed with regard to the election of public officials. In Japan, the judicial power is vested in the Supreme Court and in such inferior courts as are established by law. All judges are independent in the exercise of their conscience and shall be bound only by the Constitution and the laws.

A peculiar feature of the Japanese Constitution is that it unequivocally renounces war for ever. The provisions for renunciation of war is made under Article 9 are, however, now interpreted by the Government to mean that defensive armament is permissible and the Constitution outlaws only war and threat or use of force as means of settling international disputes.

The Constitution explicitly vests in the Supreme Court the power of judicial review, though it establishes a unitary system of Government. The Japanese Supreme Court has the Constitutional power to interpret the Constitution and to maintain its sanctity and supremacy.

No money can be expended except as authorised by the Diet. The Cabinet prepares and submits to the Diet for its consideration and decision, a budget for each fiscal year. The Japanese Constitution prominently introduces the principle of local autonomy. Local governments, prefectures and city, town and village municipalities have been granted by the Constitution extensive rights of self-government. Local autonomy is the basic aim of decentralisation of power. Local public entities have the right to manage their property, affairs and administration and to enact their own regulations within law.

Civil Service in Japan

The people of Japan have the inalienable right to choose their public officials and to dismiss them. All public officials are servants of the whole community and not of any group thereof. All public officials are divided into two categories : (i) Special Government Service and (ii) Regular Government Service.

In the Special Government Service are included members of the Cabinet, all such positions the appointment of which requires approval of the Diet, high officials in the Imperial Court, Judges, Ambassadors and Ministers, Diet employees, common labourers and employees of state corporations. The Regular Government Service includes the personnel of the National Government, administrative and clerical, except those classified belonging to the Special Government Service.