

## LEGISLATIVE CONTROL OVER ADMINISTRATION

In all systems, parliamentary or presidential, control of the administration by the legislature is important because all state activities emanate from the legislature. The Ministers are collectively responsible to the parliament in a parliamentary form of government.

1. Law-making Process—the legislature makes the law which determines the organization, functions and procedures of public administration—a new department may be created—after passing from legislature the rule must be sent to the executive for his approval
2. Question-Hour—in the parliamentary system, the ministers are the members of the legislature—they attend its sessions and are present in House to reply to the questions put by the members of the legislature—in every parliamentary system there is the practice of setting apart one hour of Parliament's meeting time for questions which is called Question Hour—a very healthy check on administration
3. Budgetary System—budgetary system places control of administration in the hands of the executive—the legislature passes the budget every year and authorizes expenditure and no money can be spent by the administration without proper authorization from the legislature—members criticize the policies of the government
4. Audit and Report—government has no power to detailed investigation on financial transaction—this is done by the Auditor and Comptroller-General—the Public Accounts Committee of the Legislature thereafter scrutinizes the Report and reviews the financial dealings of the different departments of the Government
5. Debates and Discussion—important for the Parliament to examine and scrutinize the activities and efficiency of various governmental agencies—inaugural address of the President, the Budget Speech, introduction of a bill for amendment of an Act or enactment of new law, introduction of Motions or Resolutions provide an occasion for debates and discussions and its lapses and failures of administration
6. Appointment Committee—the appointment by the legislature of committees from its own membership is another method of exercising control over administration i.e. public accounts committee, estimate committee, public undertakings etc.

## EXECUTIVE CONTROL OVER ADMINISTRATION

If a mistake is made by a civil servant in a Department, the minister in charge of Department is held responsible even if he knew nothing about it or he was not consulted by the concerned before taking the action. In India, ministers had to resign for the mistakes committed by the officials in their departments. The minister or executive exercises control over administration through the following methods—

1. Political Direction—the Minister has the power of direction, control and supervision—he lays down the policy and looks to its implementation—actual practice civil servants are not always dictated to by the ministers, but they also lead and dictate—being experts the civil servants exercise substantial influence on the Ministers in policy-formulation and its implementation
2. Budgetary System—the civil servant has to work within the budgetary allocation—he cannot spend a single penny without the proper sanction from the higher authorities and financial rules
3. Recruitment System—generally, recruitment to civil service is placed in the hands of Public Service Commission i.e. an independent body, general rules of recruitment are laid down by the government—qualifications, experience,

age, etc., required for different posts are determined by the executive-to the higher posts of the civil service, the executive has a free hand-the ministers select their own secretaries and heads of departments

4. Executive Legislation—Delegated Legislation-the rules framed by the executive have the force of law-the scope of administrative law making is very wide in the modern social welfare states

#### JUDICIAL CONTROL OVER ADMINISTRATION

Judicial control over administration means the powers of the courts to examine the legality of officials' acts and thereby to safeguard the rights of the citizens-the courts cannot interfere in the administrative activities of their own accord but only when they are invited to do so by any person-the courts cannot interfere in each and every administrative act—courts can interfere on the following grounds;

1. Lack of Jurisdiction—every officer has to act within the limits of the authority given to him and also within a specified geographical area-if he acts beyond his authority or outside the geographical limits of his powers, his acts will be declared by the courts as ultra vires and hence ineffective
2. Error of Law—a public servant may misinterpret the law and may impose upon the citizens duties and obligations which are not required by law
3. Error of Fact-Finding—if an official has mistaken or wrongly interpret facts or ignore them-this may affect a citizen adversely and so there may be ground for bringing a case in a court of law
4. Abuse of Authority—if a public official uses his authority vindictively to harm some person, the courts can intervene and punish him if he is found guilty of using his authority to take a personal revenge
5. Error of Authority—public officials have to act according to a certain procedure as laid down by laws and if they do not follow the prescribed procedure, the court have a right to question the legality of their action, on appeal from the party affected