

CHAPTER – II

EVOLUTION OF INDIAN ADMINISTRATION

History of Indian administration traces its earliest known form to the monarchical system. Since the earliest times, the monarchical system was used in public administration in the execution of governmental functions. In the long history of Indian administration, a number of administrative organisations rose and fell. However, there are two basic features of the Indian administrative system which continued right down the ages- the importance of the villages as a primary unit and co-ordination between the two opposite trends of centralisation and decentralisation. To put it in a nutshell the present administration is a developed since from Vedic period ¹.

Abundant sources are available to get a clear picture of the history of Indian administrative system. A lot of information regarding the organisation and functions of Indian administration is obtained from Vedic literature, Buddhist treatises, Jain literature, Dharmasastras, Indian Puranas, Ramayanas, Mahabharata, Manu Smriti, Sukra Niti and Arthashastra.

The powers of administering the states were centralised in the hands of the king during the ancient period in India. During the Vedic period the king was assisted in his work by many officers. He was surrounded by a circle of his friends and principal officers. There is a reference regarding this in the two epics of Ramayana and Mahabharata. A similar reference is also to be found in Manu Smriti and Sukra Niti. In Kautilya's Arthashastra is obtained a detailed account about the offices of the state for the first time in the history of India. By this time administrative system was fully developed. Thus the development of

the ancient Indian administration had reached its peak during the reigns of Chandragupta Maurya and Ashoka. Mauryan administrative institutions were further developed during the period of the Guptas. Their period witnessed multifarious activities in the field of administration.

The decentralisation process had started in ancient India. As a result of this, empires were divided into provinces, provinces into districts and districts into urban and rural centers from administrative angle. During the ancient period state administration was divided into numerous departments. In Vedic times the number of such departments was limited. Gradually, the number of such departments increased and their jurisdiction extended. For this we get many references can be obtained from Vedic literatures and subsequent sources. In ancient Indian administration there is also found a description of the principles of public administration. Thus, the principle of hierarchy had been given a practical shape and seeds of co-ordination were present between different departments. Such a full-fledged administrative system existed in the reigns of Chandragupta Maurya and Ashoka. Great emphasis was placed on observation and inspection along with the principle of hierarchy.²

Like the present day personnel system mention is made in ancient administration system of the recruitment, qualifications, salaries, leave, pension etc., of government employees. At that time merit, efficiency and being a member of the elite group were given special emphasis. During the time there existed the organisation of a central office where all the government records were kept. This was like the secretariat of the government, in which various government functionaries, including officers worked. Mention of such an office

is found in Mauryan times and Chola kingdom. The king appointed personal secretary as well. In brief, the main function of the central office was the control and inspection of provincial, regional and local government.

In brief, it can be said that the present Indian administration is the result of a rich legacy and continuity. It is true to say that the steps of its evolution are somehow or the other connected with the past. However, the existing administrative system in India may be said to be the contribution of the British government.

Indian 'Administration' traces its earliest known form to the tribal system which later emerges as a monarchical system. We gain a lot of knowledge about ancient Indian Administration from ancient religious and political treatises. In the early Vedic period there were many tribes who elected their own chiefs and he handled all their responsibilities and the administration of the tribes and the Sabha (Assembly of elders) and Samiti (Assembly of people) were the tribal assemblies. The chief protected the tribe but had no revenue system or hold over land thus wars were resorted to and the booty shared among the tribes.³

The first form of the 'State' in India can be traced back to the times of Manu(original name Satyavrata) the first King and progenitor of mankind according to Hinduism. People were fed up with anarchy as there was no neutral judge/arbitrator in between to solve issues of society, and so they appointed Manu as King and paid service fees as taxes for looking after them and ensuring mutual benefit and justice to everyone in society owing to his

wisdom and philosophical attitude and the King was divine and regarded as descended from God.

As per the Ramayana and Mahabharata/Later Vedic times it goes to portray the role of the King as the whole and sole of administration being helped by his principal officers who were the Purohit and Senani where the Purohit (Priest) wielded much more authority than the kshatriya (Warrior clan) kings. Other figures of administration were Treasurer, Steward, Spies and Messengers, Charioteer, Superintendent of Dices. This is also mentioned in the Manu Smriti and Sukra Niti.

No legal institutions were there and the custom of the country prevailed as the law and capital punishment was not practiced but trials took place where justice was delivered by the King in consultancy with the Priest and Elders at times. By the time Kautilya wrote the Artha Shastra the Indian Administrative system was well developed and the treatise of Kautilya gives a very first detailed account of the same. We will discuss that below.⁴

Kautilya's Arthashastra :

The Mauryan period was the era of major development in Indian Administration. Decentralisation was prevalent as the village units played a very important role as the base of administration since ancient times. Empires were divided into provinces, provinces into districts, districts into rural and urban centers for efficient administration.

Kautilya's ArthaShastra is a work on Varta (Science Of Economics) & Dandaniti (statecraft/Management Of State Administration) existing in the

Mauryan rule. It was written sometime between 321 and 300 BC. It was retrieved in 1904 AD and published in 1909 AD by R. Shamasastri. It touches upon topics like functions of the chief executive, hierarchy, bureaucracy, corruption, local administration, supervisory management, motivation, morale and Job description.

The most noticeable aspect of the Arthashastra is its emphasis on Public Welfare even in an autocratic agrarian State. That is where its timelessness lies. It is composed in the form of brief statements called Sutras and is compiled in 15 books (Adhikarnas), 150 sections, 180 chapters (prakarnas), 6000 verses (sutras).

The 15 books could be classified under:

- i) Concerning the discipline of economics and statecraft.
- ii) Duties of government Superintendent.
- iii) Concerning the Law
- iv) Removal of thorns
- v) Conduct of courtiers.
- vi) Sources of sovereign State.
- vii) End of six fold policy
- viii) Concerning vices of the king and calamities that may arise as a consequence
- ix) Work of an invader
- x) Relating to a war.
- xi) Conduct of a corporation
- xii) Concerning a powerful enemy.

- xiii) Strategic way of capturing a fort
- xiv) Secret means like occult practices and remedies to keep of enemies or traitors.
- xv) Plan of the treatise and thirty two methods of treating a subject.⁵

Kautilya viewed the State as an institutional necessity for human advancement. According to him the State comprises of eight elements - King, Minister, Country, fort, treasury, army, friend and enemy. And State's prime function was to maintain law and order, punishing wrong doers and protecting subjects.

The empire was divided in to a Home Province capital territory or administrative unit under direct control of the central government and four to five outlying provinces (States), each under a Governor or viceroy responsible to the central government. The provinces possessed a good amount of autonomy in this feudal-federal type of organisation. Provinces were further divided into districts, districts into rural and urban centres with a whole lot of officials in charge at various levels. Departments to carry out execution of policy were created in all of these divisions with specialists dominating in the Mauryan era. Elites were preferred in job recruitment and the procedure for appointing is the same as it is practiced today. A centralised data bank of all government transactions and records were maintained in an organisation of the centre just like the cabinet secretariat and this performed audit and inspection functions of the three tiers of government that is local, state and central.

This set up is very much similar to our present times where Union Territories and National Capital Territory are administrative units under Central

rule where representative of the centre in the form of administrators or Lieutenant Governor appointed by the President rule the affairs under the direct supervision of the President and Central government. The states are under a governor (viceroy in olden times) appointed by and reporting to the President(King in olden times). The President is advised by his minister(s) and the sovereign power lies in the country's people. Also, the federal setup of powers given to states under the state list, and the district administration organisation and hierarchy. Civil servants were recruited to perform the duties of policy implementation.

King was the head and his functions were military, judicial, legislative and executive, similar to modern state's functions of the President, he was to be well equipped in all areas of study especially economics, philosophy, statecraft and the three Vedas. kautilya stated that whatever pleases the king only is to be avoided and only that which pleases the people is what needs to be followed. Kautilya stated that the king was like the Father and all the people or subjects of the country or empire were his children. This show how he take care of them. This attitude of kautilya conceptualized as welfare state in modern times.

Corruption was not tolerated at all and dealt with severely where the ill-earned money was confiscated. Kautilya had his own criteria for selection of officers for the same. Once basic qualifications were met he tested them on their attitude to piety, lucre or revenue, lust, fear. Those who completed this criteria of piety were appointed as judges or magistrates and those who crossed the test of revenue became revenue collectors, and those pass the test

of lust are appointed to the king's harem, The candidates passing the test of fear are appointed as king's bodyguards and personal staff. And those who pass all the tests are appointed as councillors.

There were two courts according to the Arthashastra called the Dharmasthya (civil cases court) where the matters are disposed off on basis of dharma, procedural law, conventions, royal decree; and Kantakashodhana (criminal cases court) where accused is convicted on basis of testimony and eye witness of spies, etc. Similar to today's times where there are separate courts having the subject matter jurisdiction of civil or criminal issues.

Agriculture was the mainstay and taxes on the goods produced as well as its imports and exports were the source of revenue and the expenditure focused on public administration, national defense, army, salaries of govt. officials. Agriculture plays an important role even today in our country.⁶

Therefore, as one can see Kautilya's arthashastra deals with a proper strategy and system of centralised autocracy with a welfare objective in mind before performing any function by the king and his minister.

Weaknesses of the Kautilyan State :

- i) Over charged with supervision - too much of checks and balances.
- ii) Prominence on individuals instead of institutions.
- iii) Fundamental mistrust of officials.

The Guptas carried forward the Mauryan legacy of administration in many respects.

Links between Kautilyan Administration and Modern Personnel Administration and Public Administration

1) Personnel Administration :

A system of recruitment was there and job description as well. Salaries were clearly spelled out of ministers and government officials. It also stated a view of job permanency and increment in salary or position (promotion) if the official concerned provided extraordinary service. Personnel were to be transferred from time to time as per Kautilya because it would avoid corruption and misappropriation of government funds. Removal and tenure of officials and ministers were at the pleasure of the King just like the Governor and Attorney General, etc. hold office at a term that specifies ' pleasure of the President'.

2) Public Administration :

The King is the sole source of authority and appoints and dismisses personnel and divides the work of govt. into different ministries under several ministers and officials. Kautilya stresses on the need for specialist and generalist personnel at different levels of administration with full accountability to the King, thus talks about division of labour and coordination between them for efficient administration. As discussed above there was a clear system of recruitment, pay and terms and conditions of service very much resembling the modern State.

Modern state is more concerned about development whereas the Kautilyan model talks about collecting revenue and employing activities to help

in expediting and ensuring revenue, so it talks mainly of control instead of development. It talks about local self government that very much resembles a precursor to the Modern State local self government model.

Kautilya's Arthashastra is more about political science that is how to conduct State affairs rather than focusing on the philosophy that underlies it. He is very practical in his approach with a strict focus on amorality so that the King's rule and administration are neutral without offending anyone, and also on rationality and an organized as well as efficient way of running a system with a great deal of focus on accountability and honesty and vigilance.

Mughal Administration :

The Mughal administration was the most organised and long lasting and has even carried on to the modern times. The reason for this stability was the long lasting more than 3 centuries rule of the Mughal sultanat. Akbar was the architect of this system since his grandfather and father Babur and Humayun respectively had their hands full with battles and socio-economic uncertainties leaving little time for administrative activities.⁷

A very detailed, reliable and brilliant account of Akbar's empire, society and administration is given in the famous detailed document/text by Abul Fazl titled Ain-i-Akbari (Constitution of Akbar), lot of earlier tradition of administration were adopted by Mughals.

The Mughal administration did carry forward a lot of the earlier traditions in political and administrative matters already existing in India as mentioned above but they upheld greater centralization and a rigid structure without

paying much interest to social services of health and welfare as also morals as compared to the Mauryan rulers. Theirs was an Islamic state and right from the principles of government, church policy, taxation rules, departmental arrangements to the titles of officials all was imported wholesale from the Person-Arab crescent of khalifs of Iran and Egypt. However, even though the recruitment was mainly based on caste and kin they also did recognize merit and talent and did open up the civil services for Hindu people. It's source of revenue was taxation on land and agriculture and was highly urbanized. In the lower levels like of politics, village and lower levels of officials the Indian usage and customary practices were allowed whereas at the court or darbar and in higher official circles the foreign imported model of policy prevailed.⁸

The sovereign was the king who was paternalistic and he had supreme authority over everything. He did have a number of ministers to help, advise and assist him in the discharge of his functions, out of which the more important were four- the Diwan who was in charge of revenue and finance, the Mir Bakshi at the head of the military department, the Mir Saman in charge of factories and stores, and the Sadr-us-Sudur who was the head of the ecclesiastical and judicial department.

Administration was based on coercion in the name of the King by the officials. The main functions of the officials were to maintain law and order, safeguard the King's interests from internal uprising and revolts, defend and extend boundaries of the empire and collect revenue and taxes.

Every officer of State held a mansab (official appointment of rank and profit and expected to supply certain number of troops for State military service)

thus the bureaucracy was essentially monetary in character. The officials ranged from Commanders of 10 to 10000 and were classified into 33 grades. Each grade carried a certain rate of pay, from which its holder was to provide a quota of horses, elephants, etc and the State service was neither hereditary nor was it specialized. Grading system is practiced even today in recruitment matters.⁹

The pay was received in form of either cash or jagir for a temporary period from which he could collect revenue equivalent to his salary. Thus, the jagirs though having no hold over the land extracted revenue at their whims and fancies from the land.

The Army of the Mughal empire must be understood in terms of the Mansabdari system. And apart from that there were the knights who were called the gentleman troopers and owed exclusive allegiance to the King. The cavalry was the most important unit, the infantry was made up of townsmen and peasants and the artillery with guns and the Navy. The corruption within the army where the soldiers played more allegiance to the immediate boss rather than the king proved to be its undoing and thus could be easily overpowered by the Marathas during the time of Jahangir.

The Policing system of the Mughals was entrusted to village headman's and subordinates in villages and to Kotwals in cities and towns. And at the district level the faujdars took over. It was a precursor to modern policing system of India.

The administration at the Centre was personal and paternal and operated with a fair degree of efficiency as long as the King kept an eye and controlled effectively. The two highest officials were the Vakil and the Wazir of which the former was higher in position and functioned as the regent of the State and maintained over all charge of the same.

The Wazir was the head of the revenue department and was known as Wazir when he acted as a Prime Minister. Chief Diwan supervised revenue collection and expenditure and was the head of the Government's administrative wing supervising work of all high officials. All provincial diwans and their subordinates reported to him and he signed and authorised all government transactions. A Musatufi audited the income and expenditure of the government and the Waqia Navis kept a record of all important farmers.

The Khan-i-Saman was the high steward of the royal expenditure and the Mir-i-Bakshi who was the paymaster General of the empire. The Provincial or State Administration was also known as Subahs (for states or provinces) and was headed by the Subedar or the Governor. He was appointed by the King and was given a office insignia and instrument of instructions which defined the powers, functions and responsibilities. As executive head he was in charge of provincial administrative staff and ensured law and order there. He also handled local civil intelligence agencies and controlled the local zamindars and contained their political influence.¹⁰

Provincial Diwan was appointed by the central Diwan and was next in the line of importance after the Provincial governor. He appointed Kiroris and tehsildars to extract revenue from the ryots in time. He also exercised audit

functions and had full control over public expenditure. He was assisted in office by the Office Superintendent, head accountant, treasurer and clerk. The provincial Bakshi performed the same function as the central bakshi. The Sadr and Qazi were two officers at provincial level who were sometimes united in the same person but the Sadr was basically a civil judge but did not handle all civil cases and the Qazi was concerned with civil suits in general and also with criminal cases.

District and Local Administration Under Mughal Rule :

The Subah or Province was further divided into Sarkars which were of two types. One was ruled by officers appointed by the emperor and those under the tributary rajas. Each Sarkar was headed by Faujdar, he was the executive head who had policing and military functions and could surpass the provincial rulers to speak directly to the imperial government.

The Amalguzar was in charge of the revenue and the other head of the Sarkar. The Kotwal did the policing. The qazi performed the judicial duties. The Sarkars were further divided into parganas and the parganas further divided into Chaklas headed by officials called Chakladars. Qanungos kept the revenue records and the Bitikchi was the accountant and Potdar was the title of the treasurer. This was the hierarchy for a sound and efficient administration Akbar kept the land revenue at 1/3 and Todar Mal brought in reforms as in a standard system of land revenue collection that included survey and measurement of land, classification of land based on its fertility and fixing the rates. Justice was administered based on the Quranic Law as the Mughal state was a Muslim State. Fatwas were issued when required and ordinances by the emperor.

The principles of equity were followed and the Emperor's interpretations only was allowed till the point it did not run contrary to the sacred laws.

Legacy of British Rule in Politics and Administration - Indianization of Public Services

Though many of Indian administrative and political features evolved post 1947 but there still are certain features that we can see as a legacy of the British times continuing for the sake of its efficient practices and no other better alternative to the same till now.

Under the charter (official paper) of the British crown the East India Company came to India with the sole objective of making profit through commercial exchanges. The established factories here and for their protection set up a small base of soldiers. They started looking for monopolizing their profits in India as her market and resources were unmatched. This led to the initial tussle with Bengal Nawab and the event of Battle of Plessey paved the way for the same. The company officials convinced the company directors that if they interfered and got a say in local policy making in India then it would lead to a lot of profit and surplus.¹¹

Lord Cornwallis developed the Civil Services Code and so he is aptly known as the Father Of Modern Civil Services. He regularized and specified the office of the District Collector and established the office of the District judge. This helped the company achieve a well organised personnel administration through which control over territories/provinces in India could become more comprehensive.

Lord Wellesley's rule period saw the emergence of the office of the Chief Secretary (1799). The doctrine of Subsidiary Alliance was an aggressive policy that resulted in the active interest of company officials in political and administrative affairs of local kingdoms governed by local Rajas. The early 1800s could be seen as an era where company officials focused all their strategies in gaining interference rights in political, commercial and military policies of local kingdoms for their profit.

The office of the Commissioner and sectional arrangement in the Secretariat saw the light of the day under Lord Bentick's rule. Under the Charter Act of 1833, the Governor General of Bengal was appointed as the Governor General of India and policy formulation was centralized for all territories under the company at the council of the Governor General Of India (Head of the British Administration In India). Also there was an establishment of communication between the Governor general's office which was the headquarter and its various field units and formal units of organisation. 1844 established 4 departments of Finance, Home, Foreign and Military as well as a little later on under Lord Dalhousie the setting up of Post and Telegraph Services, Railways and Public Work Departments. The Doctrine of lapse theory of Dalhousie very blatantly spelled out the objective of the company in India as to have absolute control over the policy process in Indian States. Thus all these establishments and policies helped the English to set up a strong base in India along with rights of revenue by means of strong organizational infrastructures and institutions and interference in legislation and policy making even in the remotest of areas.

The Revolt of 1857 then shook up this system and that led to the end of the British East India Company's rule in India. The Government of India Act 1858 passed in the British parliament led to the company's dissolution and all powers transferred to the British Crown which then created an India Office in India and a Secretary of State post was established with Indian governance and policy formulation matters. The Governor General was converted to Viceroy General of India (Chief Administrator of the British Crown in India) who implemented the policies devised by the India office which actually only had the role of passing on orders of the British Parliament. Military was reorganized and more higher caste officials were appointed at the higher levels and lower level occupied by lower caste as well as Europeans held the titular positions in the army. All this was done to avoid another mutiny so that communication is minimum considering the caste baseness prevalent in India.

So, in short the British East India Company paved the way for the British government to enter. As soon as the Company outlived its utility, it was removed and the British government directly entered the Indian domain.

Impey devised a civil procedure code and Macaulay devised the Indian Penal Code, Contract Act and Indian Council Act. The enactment of the Criminal procedure Code by the British Parliament in the 1860's brought immense joy to the local rajas and people as they thought that now all the English officers would function under a code of conduct and there will be uniformity in treatment. There was also formulation of Arms act, Vernacular press act, Relationship codes, Transfer rights, etc. Thus, this era of late 1800's could be seen as one that was dedicated to establishing a legal environment

for the smooth functioning of the British officials as they felt that no rules and regulations earlier led to the situation of disarray and sepoy mutiny or revolt. There was also the demand of Indian initiation of the Civil services that was first totally occupied by Europeans and was causing a lot of discontent among Indians and Indian associations. Thus, for this purpose the Aitchison Commission recommended the induction of 25% Indians into the ICS, but this only remained on paper. The Islington Commission was appointed in 1912 and its report, submitted in 1915 recommended a scheme of 2 entry paths to the civil services. One was for insuring induction of natives of India through competitive exams and the other exam for superior ICS and Home services preliminary exam to be conducted in England was open to all. The Civil services was under the control of the Secretary Of State.¹²

The Govt. Of India Act in 1919, created the All India Services replacing the imperial civil services format. This act also advocated the setting up of Public Service Commissions in India. The provincial civil services were under the control of the provincial governments.

Lee Commission and the Royal Commission on superior civil services specially recommended for the establishment of central services. Subordinate services were advocated for removal from the classification of civil services and transferred to the regional levels for conducting exams and filling up of positions only by Indians. So, basically it was a system to prevent Indians from entering the higher civil services as everybody could not afford to go to England for training and exam purpose and the lower levels were more approachable and attainable by the Indians. Also English as a compulsory language offered

little scope of success for non-westernised Indians. On the recommendation of the Lee Commission, the first Public Service Commission was setup at Allahabad in 1925. The Lee Commission recommended a 40-40 percent of Europeans and Indians to fill up the superior ICS and the rest 20% to be filled up with promotions from the provincial Indian sub ordinate services. Thus he advocated 60% Indians. This led to the Britisher's losing interest in joining the services as they feared a monopoly of Indians and so the number of Indians in the services increased gradually. The Govt. Of India Act 1935 provided for the setting up of federal Public service commissions and also recommended for similar institutions at the state levels. This was the realisation of giving the All India Service an Indian flavour and towards the Indianisation of Civil Services.

Portfolio system was introduced in the Central Secretariat under Lord Canning and arrangement of departments under Lord Mayo, Lord Lytton and Lord Ripon. Tenure arrangement was introduced under the Secretariat staffing scheme of Lord Curzon in 1905.

A special mention needs to be made here of the administrative systems or features passed on Judicial administration system of the Mughal period still exists in Indian administration.

Revenue Administration and District Administration Under British Rule

After the battle of Buxar ended with the treaty of Allahabad, the company obtained "Diwani" rights from Shah Alam II and was legally authorised to issue dastaks in the name of the King thus paving the way for the company officials to enter revenue assessments and collection duties.

This very event began the evolution of the system of district arrangement that we see today. The District Collector's office was established in 1772 and it played a leading role in stabilizing the company's hold over the revenue at local levels. 1780 saw the establishment of a Revenue Board created as the apex advisory body for suggesting scheme of Land Revenue Settlement. This is where we see the shift of the company major from commercial activities to administrative control in India. The revenue Board's recommendations culminated into Permanent Settlement Act in Bengal, Orissa and areas of Assam, Ryotwari arrangement in Presidencies of Maharashtra and Bombay, Mahalwari system in areas under the control of North India.

Local Self Government Under British Rule :

This term originated during British rule. Lord Ripon is called the father of local self government in India but was unable to push for major reforms. They lacked autonomy and gradually declined by way of establishment of local civil and criminal courts, revenue and police organisations, increased communication, and starting of the Ryotwari system where peasants paid directly and individually instead of collectively or under the zamindar. Panchayats maintained the local social order according to the socio-political norms prevailing.

The Montague Chelmsford reform in 1919 made it a transferred subject under the dyarchy that led to the establishment of a number of panchayats in all villages to have a proper and efficient local self government or administration as well as revenue collection for the British but was still under

the total control of the District collector and red tapism and corruption plagued it and funds crunch was always there as a deliberate attempt by the British to stranglehold the provincial Indian governments from having control over them and so had to depend on the centre/British government for everything.¹³

So, the local self government though had control over certain aspects but in the others it was just a pawn of the British government for their colonial benefits.

The present administrative system in India was evolved during the East India Company's rule in the country. This period will be divided into two parts for study purposes. First, the East India Company's rule upto 1857 and second, the British government rule from 1858 up to 1947. The East India Company came to India for purely business purposes, but later took over the government of the country. The end of the company rule came in 1858 with the taking over of the government by the British Crown. These are some of the very important evolutionary steps in the administrative history of India. After the death of Aurangzeb in 1707, the Mughal empire began to disintegrate and the central administration became paralysed. The small rulers who earlier accepted the suzerainty of Mughal emperors, started fighting among themselves. The East India Company took advantage of this situation and established its hold over several parts of the country. The battle of Plassey in 1757 paved the way for the real authority in the hand of the Company.

The East India Company in the year 1765 secured the Diwani rights of Bengal, Bihar, and Orissa, but it did not change the administration of these provinces and mainly continued the administrative system of the Mughals.

However, the British wanted to reduce the exploitation of the people of these provinces by the 'Zamindars' and other intermediaries. Therefore, they established rapport with the people through their own officers and this led to the establishment, in stages of the modern system of district administration. In 1772 they appointed 'Supervisors' in each bigger district, who were later nominated as 'Collectors' by Warren Hastings in 1772. The Board of Directors of the Company in 1786 directed the Governor-General in Council to place all the districts under Collectors. These collectors were responsible for collection of land revenue, dispensation of civic justice and magisterial work, etc. This office is a most significant one, even today. In the year 1829, Divisional Commissioners were appointed in Bengal to supervise the administration of a group of districts and this was the beginning of the Divisional Commissioner system, which is still in vogue in present states. Four years after receiving the 'Diwani; the conferment of which did not 'ipso facto' make the company a sovereign authority in Bengal. Bihar and Orissa but which led the way to exercise of such authority, it did not make any move in respect of organizing the government which was now in a state of virtual collapse. But from 1769 onwards, the Company started making experiments in this regard. At first, they proved to be not only ineffectual but also almost disastrous. By 1786, however, it appeared to have groped its way into the right direction. But even then further experiments had to be made to make the structure efficient and well organised and the administration stable and strong. Though the Company had control over some of the Indian provinces, the administration was unstable and not so good. The result was the passing of various Acts by the British Government.

For the purpose of study of the evolution of the Indian administrative system during this period, we shall divide it into the following two periods:

1. Administrative system before 1858.
2. Administrative system after 1858 upto 1947.

The year 1773 was a landmark in the growth of Indian Administration. Before 1773 there was no central authority in the country. The 1773 Act restricted the powers of the presidencies from making war or treaties without the sanction of the Governor-General in Council. This confirmed the British Parliament's control over East India Company's affairs. The Pitt's India Act of 1784 placed Indian Affairs under the direct control of the British Government, by establishing a Board of Control representing the British Cabinet, over the court of Directors. The Court of Directors of the East India Company were required to pay due obedience (and be) governed and bound by such orders as they shall from time to time. receive from the said board." The appointment of Governor-General was made by the directors with the approval of the Crown. The position of the Governor-General became very difficult with the introduction of the system of dual control. This system with some modifications remained in operation till 1858. As a result the Company's administration became not only cumbersome but also dilatory.

The Company's rule ended with the enactment of the Government of India, Act, 1858 and passed on to the Crown. The Board of Control and the Court of Directors, both were abolished and their powers were given to the newly created office of the Secretary of State for India. His office was known as India office which enabled him to discharge his functions smoothly.

Portfolio System :

The governments work increased and its pressure was felt by the successive governor generals. Inordinate delay became unavoidable. This situation improved when the innovation known as portfolio system was introduced in 1859 by Lord Canning. According to this innovation, a member of the Council would be appointed in charge of one or more departments of the government by Governor-General and he would issue orders on behalf of the Governor-General- In-Council. The Act of 1861 Section 8 gave statutory recognition to this innovation. Where any other department was concerned, it was also consulted: the finance department would advise on matters relating to finance and expenditure, so also the home department for matters relating to the services of the general administration or internal politics. If the concerned department did not agree, the matter was referred to the Governor-General. Every important matter of any department, as well as where it was proposed to overrule any local (Provincial) government, reference to the Governor-General was necessary. The Portfolio system, in the first place increased efficiency and speed of the government work. Second, the members of the council were recognized as heads of their departments and had greater degree of initiative and responsibility in the working of the departments.

The Act of 1861 enlarged the Executive Council of the Governor General by adding a fifth as the law member and he was given power: to conveniently transact the business. This Act tried to render the Executive Government too strong to be handicapped by any expansion of the legislature and restored the legislative powers of the local governments without affecting central control. The Act of 1870 also empowered the governor general to suspend such

measures of resolutions of the Councils which may have the interest of British possessions in India. The Indian Council Act of 1892 enlarged the function and members, of the legislative Councils, but not implemented into. Two fifths of the additional members were to be non-officials. The Act also introduced the principle of election in an indirect manner. Although the Act did not provide for direct election, the mode of indirect election produced a result which turned the balance of power against the landed aristocracy and placed legal Practitioner in the dominant position. The Act of 1909, popularly known as the Morley-Minto Reforms. carried the above policy further. The Act increased the size of the legislative councils at all levels. They still remained deliberative bodies only. The indirect election system continued but for the first time separate representation was given for the Muslims.

Introduction of Local Self-Government :

In 1688 a corporation in Madras was established. In 1726 Calcutta and Bombay corporations were created. In the Presidencies of Madras and Bombay, ancient village system of rural self-government agency was retained and in the 19th Century, Panchayats received encouragement from district authorities.

The Government of India resolution 1864 admitted the desirability of the local people's capability to run the local affairs. A further step in the direction of local self-government was taken by Lord Mayo in 1870, popularly known as Mayo Resolution of 1870. As a result New Municipal Acts were passed in various provinces between 1871 and 1874 to relieve the burden on imperial finances by levying local rates and cesses and also extended the elective

principle. The next important step was taken during the viceroyalty of Ripon, who has been called the 'Father of Local Self Government In India'.¹⁴

In 1882, the famous Ripon Resolution for local self Government was issued which continued to influence the development of local government in India, till 1947. The resolution said. "It is only primarily with a view to improvement in administration that this measure is being put forward and supported, it is desirable as an instrument of political and popular education". The result was enactment of series of Municipal Acts and enactments for rural areas.

The Decentralization Commission in its report of 1909, emphasised the importance of Village Panchayats and recommended the adoption of special measures for their revival and growth. It also recommended the lessening of government control over local bodies and augmenting the sources of income of these bodies but neither the government of India nor the provincial governments faithfully carried out the Ripon's Resolution.

The Montague-Chelmsford Report on constitutional Reforms (1918) examined the system of local self-government prevalent in the country and stated that local bodies would be made autonomous and outside control would be minimal.

Administrative Reforms of 1919 :

The Government of India Act, 1919 introduced the bicameral system and demarcated the central and provincial subjects. The central list consisted of important subjects such as defence, foreign affairs, tariff and customs, railways,

post and telegraphs, income tax, currency and coinage, all India services, etc. The Provincial list included local self-government, public health, public works, education, water supply, irrigation, agriculture, land revenue, police, forests, justice, excise & fisheries, etc. The Provincial subjects were further divided into “reserved” and “transferred” subjects. The ‘reserved’ subject being important, were placed under the charge of counselors, who along with governor were made responsible to the Secretary of State and the Central legislature. The administration of “transferred” subjects was entrusted to the ministers responsible to the Provincial Legislative Council. The distribution of executive power between the Governor-General in- Council and the governor acting on the advice of his ministers responsible to the provincial legislative council was called dyarchy. This reform reduced the control of Secretary of State for India, over the central and provincial administration so far as the “transferred” subjects were concerned; but as regards “reserved” subjects, there had been no change. This Act was a step to provide opportunity to Indians to take charge of departments of Provincial administration, not as nominated ones but as the elected leaders of legislatures. This new scheme was based on three principles. First, the central and provincial spheres were demarcated and distinguished from each other. Second, the provinces were considered to be the most suitable for experiment of self government. Third, an attempt was made to give an effective voice to the people in the conduct of the Central Government.

Administrative Reforms of 1935 :

The Government of India Act, 1935 had two basic concepts: one Provincial autonomy and the other, an all India federation. In the structure of

the Home Government, some changes were made. The Indian Council was dissolved and to take its place, there was to be a set of advisers to the Secretary of State for India, whose number was fixed between three and six. The Secretary of State had the right to consult these advisers individually or collectively. The Act provided for the introduction of dyarchy at the centre, whereas the system of dyarchy in the provinces, was abolished. The federal executive was made partly responsible to the federal legislature. The executive councilors were put in charge of defence, external affairs, ecclesiastical affairs and tribal affairs and were responsible to the Governor-General and not to the federal legislature. The governor General would interfere in the work of the remaining subjects in the federal legislature, on the ground that it affected the discharge of his special responsibilities. But this was never done as the scheme could not be operated.¹⁵

Under the federal set-up, the subjects were divided into three lists, the Federal, Provincial and Concurrent list. In the Federal list there were 59 subjects of administration related to the centre. The Provincial list had 54 items related to the provincial government. The Concurrent list consisting of 36 subjects was common for the central and provincial governments. These provisions of the Act at the central level could not be implemented, but at the provincial level, these were introduced in 1937.

In spite of the failure of the federal provisions of, the Act, the Government of India continued its working under the provisions of the Act of 1919 with certain modifications, till the Indian Independence Act of 1947 came into force. In Britain, the Labour Party came to power after the 1945 elections and initiated

a new approach. The imprisoned Indian leaders were set free; elections were held to the central and provincial legislatures; and popular ministries were restored in the provinces.

The famous Cabinet Mission Plan was published on May 16, 1946. An interim government was formed in 1946, With Jawaharlal Nehru as its Vice-President. The Muslim League initially declined to join the Interim government but later agreed. Further, elections were held to the Constitutional Assembly which met at Delhi in December 1946, but the Muslim League boycotted it, in March Mountbatten was appointed Governor- General and in June, he formulated his scheme for the partition of the country. On 18th July, the British Parliament passed the Indian Independence Act, 1947 and at mid-night on 15th August 1947. India became a free nation. The new constitution was adopted on 26th January, 1950.

A Constitution represents a higher law of the land. The civil, criminal and other varieties of administrative laws are enacted within the parameters of this higher law which can be amended by the sovereign Parliament of the nation. In India, the independent judiciary is the guardian of the Constitution and its sanctity along with fundamental rights of citizens is judicially guaranteed under one of the fundamental rights, i.e., Right to Constitutional Remedies.

The Constitution, which was hammered out, by the veteran nationalists and freedom fighters of the country meeting in Constituent Assembly prescribes an institutional framework, which keeps the day-to-day administration of the country in operation as per intentions of the legislature, directions of the executive and overseeing of the judiciary.

The administrative machinery and the administrative personnel which work in accordance with administrative laws, rules, regulations, directions, ordinances and codes and manuals, etc., are the creatures of subordinate law which has to be congruent with parliamentary statutes and other dictates of the constitutional bodies.

Constitutions generally do not prescribe administrative institutions and their working, but being a part of the executive wing of the government, the administration has to be accountable directly as well as indirectly to higher organs of government or even to the people of a democratic polity. The founding fathers of Indian Constitution who freely borrowed from other Constitutions of the world did very little to reconcile the administrative legacies of British Raj to the constitutional system of government they wanted to establish.

Naturally, when political institutions have been constitutionalized in a democratic frame the administrative institutions and behaviors are taking their time to get acculturated to political change, which is faster than administrative change in free India. The district administration and politics about which the Indian Constitution was meaningfully silent in 1950 has now been amended to induct Panchayati Raj Polity in 1993 to usher into a new era of administration in the countryside. The relationship between Constitution and administrative system can be studied under three specific heads of the phenomenon.

- 1) Constitutional philosophy or value premise, which all institutions of polity, society and government should respect, imbibe and practise in their respective operations.

- 2) The constitutional framework within which the political institutions of central, state and district governments work to achieve the constitutional goals which the people keep prescribing for themselves through their elected representatives.
- 3) The administrative working of the civil services and varied administrative organisations which have to operate under the regime of rule of law and implement the policies of the governments according to the letter and spirit of the Constitution.

All this implies that politics and administration are the creatures of the Constitution and hence subordinate to it. The people elect the members of legislatures. The legislative bodies select and permit executive or cabinets to run the government, which in turn should take the services of the administrators to implement the law and their policies for the good governance of the people.

The legislature, executive and judiciary all the three are the best judge in their respective spheres. But, if it is a matter of interpretation of the Constitution then an independent and neutralist non-political judiciary has to protect and defend the Constitution from perversion and disfigurement.

Consequently, public administration which is a subordinate branch political executive has to work under its control and supervision, but the other wings of government and the people who are the beneficiaries and victims of administrative operations have a right to seek public accountability of administration in the interest of fundamental rights (now human rights) of citizens and welfare of the society as a whole.

The Indian Constitution besides being detailed and bulky elaborately lays down the roles of all the organs of government. It enumerates Fundamental Rights and Duties and enjoins upon the future governments to take care of the Directive Principles enunciated in the Constitution while formulating and executing the state policies.

The administration of extra constitutional bodies and the infrastructure that has proliferated must permeate with the spirit of the Constitution, which Parliament must feel, executive should obey and the judiciary must defend and preserve. The philosophy of the Indian Constitution can be understood from the evolutionary landmarks of constitutional history of India since 1858. The Act enunciated the principle of absolute imperial control of home government without any native participation.

The provisions of the Act established a rigidly centralized unitary system of government without any separation of functions. The Governor-General was supposed to run the administration under the superintendence, direction and control of the secretary of state for India with the help of a bureaucratic apparatus. The Indian Council Act 1861 expanded the size of the Executive Council with additional non-official member to transact legislative business of the colony.

The subsequent installment of 1892 retained the non-official element but created a majority of official members in the legislative council at the centre. It was the Morley Minto reform of 1909 when the Council System was given the semblance of a legislative body of 67 members. The electoral system though extremely limited and absolutely communal was introduced.¹⁶

The deliberative functions of the council were increased. Still, Lord Morley firmly declined that the reform had any intention to introduce a parliamentary form of government in India. Ten years later, when Montague Chelmsford surveyed the scene, the constitutional framework was totally overhauled in the light of the Queen's proclamation of 1917.

The 1919 Act, introduced dyarchical reforms in provincial government, bisecting the subjects into reserved and transferred. The former part was to be controlled by the Governor with the half of his ICS advisers while the latter transferred half was to be administered by responsible Indian minister under a variety of restraints and constraints. The reforms relaxed central control over provincial governments without any conscious division of federal nature.

The central legislature was made bicameral and more representative. Even the so-called liberalisation, expansion and Indianisation did not restrain the powers of the Governor-General and the Governors, who reduced the entire scheme to a force. The Gandhian era witnessed all sorts of proposals including the report of the Simon Commission, Round Table discussions, Communal Award and Poona Pact, etc.

The Government of India Act 1935 envisaged a federal system with provincial autonomy and diarchy in provincial and central governments respectively. The 1935 Federation though unborn, laid the foundation of the present constitutional arrangement in the distribution of subjects in three lists, emergency powers of Governors and Governor-General and reservation of seats in legislatures of the parliamentary system.

The Republican Constitution of India was prepared and passed by the Constitutional Assembly, which was constituted under the Cabinet Minister Plan of 1945. But then its demand can be traced back to Mahatma Gandhi's protest movements of 1922 and Round Table discussions of 1930-31. Earlier, the Nehru Report attempted to draw a Constitution of India under the Chairmanship of Pandit Motilal Nehru in consultation with Ali brothers.

The failure of provincial autonomy in 1939 forced the Indian National Congress to formulate the demand in clearer terms and Cripps' Proposal of 1942 gave respectability to this legitimate demand of Indian. While the World War II was on and the Japanese were knocking at the doors of India the coalition Government of His Majesty decided to despatch veteran statesman Sir Stafford Cripps to India to negotiate constitutional reforms with leaders of Indian National Congress and Muslim League.

Sir Cripps unfolded his mission by presenting his proposals in the following form :

- 1) That the Constitution of India was to be framed by an elected Constituent Assembly of the Indian people;
- 2) That the Constitution should give India dominion status, equal partnership of the British Commonwealth of Nations;
- 3) That there should be one Indian Union comprising all the provinces and Indian states; but

- 4) That any province (or Indian state) which was not prepared to accept the Constitution would be free to retain its constitutional position existing at that time and with such non-accepting provinces the British government could enter into separate constitutional arrangements.

But the two parties failed to come to an agreement to accept the proposals. The Muslim League argued that India should be divided into two autonomous states on communal lines, and that some of the provinces, earmarked by Mr Jinnah, should form an independent Muslim state, to be known as Pakistan; instead of one Constituent Assembly, there should be two Constituent Assemblies, i.e., a separate Constituent Assembly for building Pakistan. When Qaidi-Azam Jinnah refused to accept a maimed and moth eaten Pakistan, Mahatma Gandhi called Cripps a Devils advocate presenting a post-dated cheque on a crashing bank.

He advised him to take next plane home. The efforts were renewed in 1945 when the government of Earl Atlee sent a Cabinet Mission under the leadership of Lord Pathirc Sarwence, the last Secretary of State of India. He along with Sir Stafford and A.V. Alexander presented the Cabinet Mission Plan in concrete details in two parts. First, the Constitution of the Constituent Assembly on the basis of indirect election from provincial assemblies and nomination of some members by the rulers of princely states.

There were serious differences in the perceptions of Congress and League leaders about the details, which could not be sorted out in earlier Simla Conference, convened by Viceroy Lord Wavell. The second part of the proposal pertained to the guidelines of the future Constitution of India. The

Muslim League was sharply opposed to it, while Congress had its own reservations about grouping of provinces.

The broad features of the scheme were :

- 1) There would be a Union of India, comprising both British India and the states, and having jurisdiction over the subjects of foreign affairs, defence and communications. All residuary powers would belong to the provinces and the states.
- 2) The Union would have an executive and a legislature consisting of representatives of the provinces and states. But any question raising a major communal issue in the legislature would require for its decision a majority of the representatives of the two major communities present and voting as well as a majority of all the members present and voting.
- 3) The provinces would be free to form groups with executives and legislatures, and each group would be competent to determine the provincial subjects, which would be taken up by the group organisation.

The scheme was recommendatory, and it was contemplated by the Mission that it would be adopted by agreement between the two major parties. An explosive situation arose after the election for forming the Constituent Assembly was held. The Muslim League joined the election and its candidates were returned. But a difference of opinion had in the meantime arisen between the Congress and the League regarding the interpretation of the 'grouping clauses' of the proposals of the Cabinet Mission.

The British government intervened at this stage and explained to the leaders but League members did not attend the Constituent Assembly meeting. The League urged for the dissolution of the Constituent Assembly on the ground that it was not fully representative of all sections of the people of India.

The British government in a statement on 20th February 1947, declared that British rule in India would in any case end by June 1948, after which the British would certainly transfer authority to Indian hands; and if by that time a fully representative Constituent Assembly failed to work out a Constitution in accordance with the proposals made by the cabinet delegation which internal stated.

His Majesty's government will have to consider to whom the powers of the Central government in British India should be handed over, on the due date, whether as a whole to some form of Central government for British India, or in some areas to the existing provincial government, or in such other way as seems most reasonable and in the best interests of the Indian people.

Still the League did not consider it necessary to join this assembly, and went on pressing for another Constituent Assembly for 'Muslim'. The British government responded by sending Lord Mountbatten to India as the Governor-General, in place of Lord Wavell, to expedite transfer of power, for which they had fixed a time limit. Lord Mountbatten brought the Congress and the League into a definite agreement that the two 'problem' provinces of the Punjab and Bengal would be partitioned so as to form absolute Hindu and Muslim majority blocks within these provinces.

The League would then get its Pakistan – which the Cabinet Mission had denied by excluding Assam, East Punjab and West Bengal, while the Congress which was taken as the representative of the people of India other than the Muslims would get the rest of India where the Muslims were in minority.

The actual decisions as to whether the two provinces of the Punjab and Bengal were to be partitioned was, however, left to the vote of the members of the Legislative Assemblies of these two provinces, meeting in two parts, according to a plan known as the 'Mountbatten Plan'. It was given a formal shape by a statement made by the British government .¹⁷

Indianization of Administration :

India became independent in August 1947 with the end of the British rule. A new Constitution was framed and adopted on January 26 1950 and India became a republic. The pertinent question is what was the new republic like, and what was handed over by Britisher's along with the power' The answer of these questions can be found easily during the period Britisher's governed the country by establishing various institutions. Though Indians were very happy to get rid of the colonial rule it was soon realised that the governmental system and administrative apparatus developed by the Britisher's was capable of meeting all the needs of the country therefore, the same administrative system was maintained even after independence of course, with some changes as per the requirements of the time. The main features of the British governmental and administrative system, like parliamentary form of government. Federal structure, governors in the states, secretariat system, central and state administration. Civil Services, District and Regional

administration, the procedures of work, Rule of law, and Local government, etc. continue to be the main points of the present Indian administrative system.

Federal Structure :

The federal structure of the Indian Constitution has its roots in the Government of India Act of 1935. The Constitutional history of India shows, that the Act of 1919 mentioned 'transferred' subjects which were entrusted to ministers of provinces accountable to elected provincial legislatures, and 'reserved' subjects meant for officials under the Governors. Thus, a 'dyarchy' system was the main characteristic of the Act of 1919, sowing the seeds of division of subjects between provinces and centre. The Government of India Act 1935, added three contributions to the political development in the country: these were: first, it established a full responsible government in the provinces, second, it contained a list of division of powers between provinces and the centre, third, it established a Federal Court. The Act of 1935 provided in its 451 clauses, a model for the Indian Constitution of 1950. Thus, the type of federation we have adopted in our Constitution, is a British legacy¹⁸.

Major developments impacting administration

1. Globalization.
2. Increasing disparities.
3. Transformation of the world into a global village.
4. Deregulation and privatization trends.
5. Increasing awareness about human rights.
6. State formerly interventionist, producer, regulator and seller now called upon to be a facilitator, promoter, and partner.

7. Emergence of powerful technological solutions-computers and IT.
8. Increasing expectations from the Governments to 'perform'.

Administrative Reforms in India :

The administrative machinery of any country cannot be bereft of its social, cultural, political and economic conditions. Since independence, India has witnessed major developments in the social and the economic fields. The Government today is no longer playing the traditional role of a regulator. Its role evolved to that of a promoter and then to that of a facilitator and service provider.

Administrative reforms have been necessitated because of :

1. Change in the role of the Government.
2. Changing environment.
3. Rising aspirations of the people.

Improving efficiency and effectiveness and Administrative Reforms in India after independence.

Several Commissions and Committees have gone into the subject, and suggested various measures. Major reforms have been brought about based on the recommendations of these. Some of the important studies or reports are as follows:

Report on Reorganisation of the Machinery of Government (1949) by Mr. Goplaswami Ayyangar

It recommended that the Central Ministries be bunched into Bureaus and Administrative Reforms in India after independence.

The Gorwala Committee appointed by the Planning Commission :

It gave a general report on Public Administration

Paul H. Appleby submitted two reports on Indian Administration :

The O & M organisation and the Indian Institute of Public Administration were set up as a result of the recommendations.

The Committee on Prevention of Corruption was set up under Chairmanship of Mr. K .Santhanam (MP).

The Central Vigilance Commission was set up, Administrative Reforms in India after independence. The First Administrative Reforms Commission (ARC) was set up in 1966. The ARC set up 20 study teams, 13 working groups and 1 Task Force. It gave 20 Reports making a total of 581 recommendations in a period spread over 1966-70. The First Administrative Reforms Commission. It gave Reports on the following subjects:

1. Machinery of Government of India and its procedures.
2. Personnel Administration.
3. Redress of Citizen's Grievances.
4. Centre-State Relations.
5. State Administration.
6. Administration of Union Territories.
7. Machinery for Planning.
8. Economic Administration.
9. Finance, Accounts and Audit.

10. Delegation of Financial and Administrative Powers.
11. Railways.
12. Post and Telegraph.

Studies or Reports after the First Administrative Reforms Commission :

1. Committee on Recruitment Policy and Selection Methods (D.S.Kothari) - 1976.
2. The Commission on Centre-State Relations (Sarkaria) -1983.
3. The Fourth Central Pay Commission Report -1986
4. The Committee to Review the Scheme of the Civil Services Examination (Satish Chandra, 1989)
5. The Economic Administration Reforms Commission.
6. The Fifth Pay Commission (1993)
7. Surendra Nath's Committee Report (2003)
8. Committee on Civil Services Reforms.

The Second Administrative Reforms Commission: Constituted on 31st August 2005.

Objective: To prepare a detailed blueprint for revamping the public administration system

Terms of Reference: The Commission will inter-alia consider the following.

1. Organisational structure of the Govt. of India.
2. Ethics in Governance.
3. Refurbishing of Personnel Administration.

4. Strengthening of Financial Management Systems.
5. Steps to ensure effective administration at the State level.
6. Steps to ensure effective District Administration.
7. Local Self-Government or Panchayati Raj Institutions.
8. Social Capital, Trust and participative service delivery.
9. Citizen Centric Administration.
10. Promoting e-governance.
11. Issues of Federal Polity.
12. Crisis Management.
13. Public Order.

The approach of the Second Administrative Reforms Commission :

1. A set of subjects is selected by the Commission for study.
2. Eminent National Institutions are requested to carry out studies of the subject and help the Commission.
3. The Commission carries out Public Hearings.
4. The Commission carries out deliberations with all stakeholders.
5. Detailed consultations with the State Government.
6. He Commission carries out field visits in order to assess the ground realities.

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