

## **18BPO33C-PRINCIPLES OF PUBLIC ADMINISTRATION. UNIT -V**

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**UNIT – V : LEGISLATIVE CONTROL OVER ADMINISTRATION :** Legislative control and accountability ( a) control on delegated legislation- legislature clearly says limit of power delegated, delegation should function under rules and regulations. Function should be transparent. Public should be allowed to participate.

(b) PRESIDENTS SPEECH: Budget session, joined meeting, discussion.

( c ) Financial control: a) Budget discussion, b) Audit report , c) Estimate committee & public accountants committee of parliament.

( d) OTHER FORM OF LEGISLATIVE CONTROL : ( I) Question hour- 11am to 12 pm

( ii ) Half an hour ,short discussion, calling attention motion.

( iii) Zero hour discussion- after 12 pm , 5 members allowed.

( iv) Adjournment debates.

( v ) Non confidence motion.

( v ) Debates on legislation.

( e) Parliament committees : ( I ) committee on assurances. ( ii ) committee in subordinate legislation.

### **EXECUTIVE CONTROL OVER ADMINISTRATION :**

Every official is responsible to administrative superiors , known as minister. Minister is responsible to all goes within the department.

**POLITICAL DIRECTION:** Minister has power of direction, control and supervision. He lays down the policy and looks its implementation. He may issue orders to eradicate red tapism. Increase efficiency.

**BUDGETARY SYSTEM:** Which determines the total financial and personnel resources, which no department may exceed, gives the executive an effective means of control over administration. This the administration is under constant control of executive.

**RECRUITMENT SYSTEM:** This is another important means of executive control over administration. General rules of recruitment are laid down by the government. Thus, through their appointments they exercise full control over the administration of department.

**EXECUTIVE LEGISLATION :** The executive exercises power of legislation, is termed 'Delegated Legislation'. The executive control on administration is constant and continues, this is not negative or coercive but positive and corrective.

#### **JUDICIAL CONTROL OVER ADMINISTRATION :**

Judicial control over administration means the powers of courts to examine the legality of the officials.

#### **CASES OF JUDICIAL INTERVENTION :**

Judicial intervention is restrictive in nature and limited in its scope. The courts cannot interfere in the administrative activities of their own accord. They intervene only when they are invited by any person.

( I ) **LACK OF JURISDICTION :** Every officer has to act within the limits of authority given to him. If he acts beyond his authority his acts will be declared by the courts as ultra vires.

( II ) **ERROR OF LAW :** A public servant may misinterpret the law may impose the citizens duties and the right to which are not required by law. A citizen has the right to approach the court for damages.

(iii ) **ERROR OF FACT FINDING** : Cases in which the official has erred in discovering facts, he may wrongly interpret facts. This may affects a citizen adversely ground is there for bringing a case in a court of law.

( IV ) **ABUSE OF AUTHORITY** : If a public official uses his authority vindictively to harm some person, the courts can intervene and punish him.

( V) **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 courts have a right to question the legality of their action.

( For extensive reading refer books)