P.W.D. administration is a part of the state administration. Naturally, it is subject to control by the State Government.

Broadly speaking, there are two types of controls, viz., (1) external and (ii) internal. The external control can be divided into — (A) the executive control, (B) the legislative control, (C) the judicial control and (D) the community control. The internal control can also be divided into — (1) finance and statistics, (ii) personnel management, (iii) efficiency survey, and (iv) professional standards.

First, we shall take up external controls.

(A) Executive control: Every official of public works department is responsible to and under the control of his administrative superior, in the administrative hierarchy of this department, and ultimately to the Minister who is in charge of this department. The diagram given below indicates the administrative responsibility of the P.W.D. officers.
The minister in-charge of the department is responsible for all what goes on within his department. Thus the minister or the executive head of the department exercises control over administration through the following method.

(1) **Political Direction**: The minister or the political executive of the department has the power of direction, control and supervision. It is the minister who lays down the policy and issues directives to the departmental officials for its implementation. A power loving minister may even concentrate the entire authority in his hands and reduce the Secretary to a cipher. He may go round the department in order to supervise its working. He may transfer the officials from one circle to another circle or division. In short, the
departmental officials are directly or wholly responsible to him.

However, it may be mentioned that in actual practice it is not the minister who dictates the P.W.D. officers but it is the officers, being technically qualified, who lead and dictate the minister in policy formulation and in its execution. Moreover, the power of control of minister over his department depend upon his political position. If he enjoys the full confidence of the Chief minister and has a strong hold in the party, he can exercise effective control over the officials of his department. On the other hand, if he has no hold in the party, a strong-willed Chief minister may reduce him to non-entity.

**Budgetary System** : The P.W.D. is not the sole authority to prepare its own budget. The finance department prepares the budget for all departments in collaboration with other departments and place it before the Cabinet for discussion and approval. During this time each minister including the P.W.D. minister get sufficient scope to make proper scrutiny regarding the allocation of their own department and can make suggestions for the alteration or addition to their departments. After the approval of the budget by the Cabinet it is introduced by the finance Minister in the Legislature.
Thus, the budgetary system which determines the total financial resources which no department dare to exceed gives the executive an effective means of control over administration. The controlling officer of the department must see that the Disbursing Officers work within the budgetary allocation of the department. Therefore, it can be said that under an effective budgetary system, the administration is under the constant control of the executive.

(iii) Recruitment system: Recruitment is also one of the means of executive control. Although, recruitment of the officials of this department is entrusted to the Assam Public Service Commission, an independent body, yet the general rules of recruitment are laid down, in different service rules as mentioned in chapter IV by the executive. Sometimes, the Minister selects his own Secretary and Head of the department and through them exercises full control over the administration of the department.

(iv) Executive legislation: Although legislation is the function of legislature, yet sometimes the executive also exercises the powers of legislation which is called the delegated legislation. By exercising this power the executive fill in the details of an Act which is passed by the legislature in skeleton form. Besides, the executive made certain administrative rules, the code of conduct of the officials through which it exercises full control over the officials of the department.
Legislative control: In Assam, having a Parliamentary system of Government the control of the P.W.D. administration by the legislature is important. Because, it is the legislature from which the activities of the department emanate. However, it may be noted that the responsibility of the P.W.D. administration to the legislature is indirect, i.e., through the P.W.D. Minister. Because, no official of the department can be called to the floor of the House to explain his conduct.

The means through which the legislature exercises control over administration are given below.

(1) Law making process: The creation, organisation, functions, and procedures of departmental administration are all determined by law made by the legislature. Thus, the departments owe their origin to derive their rights wholly from the legislature. As it may create so it may abolish some of the existing departments with the completion of the purpose for which it was created. However, it may be noted that it is impossible for the legislature to lay down in detail the administrative procedures to be followed by the department. It is left to the executive which is done with the power of delegated legislation. Any way it may be said in general terms that the creation and organisation of a department depend upon the policy adopted by the legislature.
(II) **Question Hour**: In parliamentary system of government there is the practice of setting apart one hour of legislatures meeting time for questions which is called "Question Hour". The members of the legislature may ask questions regarding any act or omission of administrative authorities of the department from the highest to the lowest. The Minister in-charge of the department who is also the member of the legislature, attend its sessions to reply to the questions put by the members of the legislature on the floor of the House. Thus, this practice play an important part in the mechanism of control over the departmental administration.

(III) **Budgetary System**: The budgetary system not only enables the executive to exercise control over administration but also the legislature to exercise control over the administration. When the budget is introduced in the legislature, during the 2nd reading the members get sufficient scope to review the functioning of administration of all departments. The members of the legislature not only criticise the policies of the Government but also the omissions and commissions of all departments and thus bring to light its failure. The minister in-charge of departments take note of such criticisms and make necessary changes in the departmental administration.
(IV) Audit and Report: The legislature being an
unwieldy body, is not in a position to investigate in detail
of the financial transaction of departments. This is done
by the Auditor and Comptroller General who functions inde­
pendently of the executive control and is for all intents
and purpose, an officer of the legislature. The Comptroller
arranges for the periodical test audit and local inspection
of the accounts of Divisional and Sub-divisional offices
of the P.W.D. The audits is to ascertain, at the time of
audit, whether money shown in the accounts as having been
disbursed were legally available for and applicable to the
service or the purpose to which they have been applied or
charged and whether the expenditure conforms to the author­
ity who governs it. Further, it brings to notice procedural
and technical irregularities and lapses on the part of admin­
istration. In every year, the Comptroller is to prepare an
annual report of all the accounts already audited. The audit
report contains the comments of Audit authority on the
correctness or otherwise of the expenditure and other finan­
cial transactions. The report particularly points out the
more important financial irregularities like cases of bud­
getary grants being exceeded, failure to obtain the neces­
sary sanction for expenditure, non-compliance with rules and
regulations, cases of improper and wasteful expenditure and
of misappropriation and cases of embezzlement. He submits
this report to the Governor who is required to lay it before
the legislature. The legislature refers the report to their Public Accounts Committee for examination and report.

(V) Debates and Discussions: Debates and discussions is an important means of legislative control over administration. By debates and discussions, the legislature examines and scrutinizes the activities of departments. The legislature gets this opportunity on various occasions, such as the inaugural address of the Governor, the budget speech of the Finance Minister, enactment of law, and the introduction of motions or resolutions. When the Governor opens the session of the legislative Assembly, the speech delivered by him is discussed before a vote of thanks is passed. In such discussion the members of the Legislative Assembly criticize the administration as a whole or the administration of a particular department for its lapses and failures. The Budget speech delivered by the Finance Minister provides another opportunity to the Legislature to review and criticize the functioning of administration. Particularly, the legislature gets an opportunity to examine and scrutinize the working of the departments when they consider demands for grants. The enactment of a new law also provides an opportunity to the legislature to review the functioning of administration.

Besides, some other devices are there by which the attention of the Government may be drawn regarding the omissions and commissions of a particular department. Such devices are: no-confidence motion, adjournment motion,
censure notion and calling attention motion.

(VI) Appointment of committees: The Legislative Assembly being an unwieldy body neither has the time nor the scope to deal with the details of administration. That is why, the Assembly appoints some committees from its own membership to deal in detail with administration and to report to it. These committees are Committee on Assurances, Public Accounts Committee, and Estimates Committee.

When the Minister makes some promises or assurances on the floor of the House in the course of debates, discussions and questions, it is the duty of the Committee on Assurances to see that the assurances are implemented by the Government.

The Public Accounts Committee examines the departmental accounts of the Government in the light of the audit report with the assistance of the Accountant General. When the accounts of the P.W.D. come up for examination, the official representative of the department appears before the committee to explain any points raised by it. The Committee is to draw the attention of the Assembly to cases of improper, wasteful or extravagant practices, and misappropriation. The Estimates Committee is created to scrutinise expenditure of each department of the Government and of the Government as a whole. The Committee must report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates may be effected.
(2) What alternative policies are to be adopted in order to bring about efficiency and economy in administration;
(3) Whether the money is well-laid out within the limits of the policy implied in the estimates; (4) To suggest the forms in which the estimates shall be presented to legislature. The findings of the committee are submitted in the Assembly for information and necessary action.

In addition to the above, the Assembly appoints some special committees to make enquiry in some particular matters. The findings of the committees are discussed in the Assembly and thereby control the departmental administration.

Although, these methods are available into the legislature to exercise control over administration, yet it may be noted that the legislative control is ineffective for the following reasons. First, it is too large a body for which it is not in a position to exercise effective control over administration.

Judicial control over the P.W.D. Administration: Judicial, control over P.W.D. administration means the powers of the courts to examine the legality of the officials act and thereby to safeguard the rights of the citizens. In other words, it may be said as the right of an aggrieved citizen to bring a civil or criminal suit in a court of law against a departmental official for the wrong done to him in the course of discharge of his public duty. However, it may be noted that judicial intervention over the departmental
administration is restrictive in nature. Because, the courts cannot interfere in the administrative activities of the department without the initiative of any person, who feels that his rights have been infringed or are likely to be infringed as a result of some action of some officials of the department. Moreover, the courts cannot interfere in each and every administrative act. It can intervene only on the following grounds:

(1) **Lack of Jurisdiction**: The officials of the department are to act within the limits of the authority given to him and also within a specified jurisdiction. If he acts beyond his authority or outside his jurisdiction, his acts will be declared by the court as inoperative. For example, under the Assam Shramik Bahini Act 1960, the Executive Engineers are empowered to register a Shramik Bahini but they have no power to cancel its registration which can only be done by the Chief Engineer. If a Executive Engineer cancels the registration of any Shramik Bahini registered by him the court may declare the order of cancellation as inoperative.

**Error of Law**: A departmental official may misinterpret the law and may impose upon the contract an obligation which are not required by law.
Error of fact-finding: An officer of the department may err in discovering facts or may wrongly interpret the facts and thereby adversely affect a particular contractor and there may be a ground for bringing a case in a court of law.

Error of authority: The officials of the department are to act according to a certain procedure laid down by laws or administrative rules. If in any case they do not follow the prescribed procedure the courts have a right to question the legality of their action, on appeal from the party affected. For example, law requires that an employee of the department should be served with the notice of the charges before any action of suspending or dismissing him can be taken against that employee. Suppose, the Executive Engineer of a P.W.D. division takes the action against a Mohurer without serving a proper notice then his action shall be declared null and void by the court.

Abuse of Authority: If an official of the department abuses his authority vindictively to harm some person, the court can intervene and punish him if he is found guilty of abusing his authority to take a personal revenge.

Judicial Remedies for suing the Government: Judicial remedies are available against the departmental officials in the cases like the cancellation of the registration of the Shramik Bahini by the Executive Engineer, or the suspension
or dismissal of a Mohurer without serving a proper notice by the Executive Engineer. Thus, judicial control can be in the form of suing the department or the official concerned of the department for his wrongful act. This sort of judicial remedies can be secured by suing all the officials of the department. In our state excepting the Governor of the State who has been granted personal immunity from legal liability for any act done, exercise of his powers as laid down in the constitution. If any official of the department is to be sued in civil court for anything done in his official capacity, it can be done only after the expiry of two months notice. No such notice is necessary if the official does anything outside the scope of his official duties. But, if any official of the department of the state is to be sued in the criminal court for his acts done in his official capacity, previous sanction of the Governor of the state is to be obtained.

Extraordinary Judicial Remedies: In addition to the above mentioned judicial remedies of suing the department of its officials, citizens have the following extraordinary remedies against the excesses of the officials of the department.

1) Writ of Mandamus: It is a mandate or a command issued from a common law court of competent jurisdiction directing any official of the department to do a thing which is a part of his official duty but which he has failed to do. It may,
however, be noted that this writ cannot be claimed as a matter of right but depends upon the discretion of the court. This writ is not granted if the court feels satisfied that there is an alternative remedy which is self-sufficient and convenient.

When the court is prayed for issuing this writ the petitioner must fulfil the following conditions:

1. That he has a legal right to the performance of a legal duty by the respondent.

2. That, the right is a public right and duty sought to be enforced as a public duty.

3. That, the petitioner is the same person whose right is being infringed.

4. That, the petitioner must prove that he had made a demand for the performance of duty relating to his right upon the public official and that the official had refused to perform it.

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(2) Injunction: It is a writ issued by the court requiring a person to do or refrain from doing a thing. Injunction is of two kinds — mandatory and preventive, according as it requires the defendant to do a particular thing or refrain from doing it. Thus it seems to resemble with both mandamus and prohibition.
Mandatory injunction resembles with mandamus because both of them command the respondent to do a thing. The only difference between the two is that mandamus cannot be issued against a private person while injunction is usually directed to the parties in the dispute who so ever they may be.

Preventive injunction resembles with prohibition because both of them are issued by the court refraining the respondent from doing a thing. The difference between the two is that prohibition is issued against judicial authorities only, while injunction is issued against departmental officials.

Limitations of judicial control: The judicial remedies, mentioned above, although provides an effective control against the officials excesses of the department, yet it has certain limitations:

First: All the action of the officials are not subject to judicial control. Moreover, there is a tendency on the part of the legislature in our state to exclude certain administrative acts from the jurisdiction of the judiciary.

Second: The judiciary cannot by itself intervene. It can intervene only when a request is made by somebody who has already been affected by an official action.

Third: The judicial process is very slow and cumbersome which is beyond the comprehension of a layman. There is a saying that justice delayed is justice denied. Thus an
affected person cannot wait for the judicial remedy through a dilatory judicial procedure indefinitely.

Fourth: In some cases the remedies granted by the law courts to a person are deprived of by the department by changing the rules and regulations thereof. For example the existing rules provides that the lowest rate tenderers will get the contract in the P.W.D. If a contractor is deprived by this right he may resort to judicial remedy. By this time the department may change the existing rules and make new ones which provides that the lowest tenderer will get the contract if he has a good reputation. Thus, on the ground of good reputation he may be deprived of the contract.

Fifth: The judicial remedy is very expensive. Filing a suit means paying the court fee, fee of the lawyer and Muharir engaged etc. Due to the heavy expenditure to be incurred in getting the judicial remedies, it is of little advantage to the ordinary citizens.

Sixth: At last it may be said that the administrative actions of the department is very much technical in nature. The judges being the legal experts may have little knowledge of the technicalities of administrative problems. As a result they cannot arrive at a right decision. That is why the modern trend is towards the establishment of administrative Tribunals which consist of experts in technical matters.
(c) **The community's control over administration**: The P.W.D. headed by a minister who is the political head of the department is subject to the control of the community as a whole.

The formal methods of community's control over the department are as follows:

1. **Election**: The minister of the department is the member of the legislature and is elected by the electorate. The top administrative officials of the department are responsible to the minister, the political head of the department and through the minister to the legislature and through the legislature to the people. In other words, these officials become indirectly responsible to the people and come under their control.

2. **Pressure groups**: Pressure group is another method of public control over administration of the department. Generally, a pressure group is a vested group with a vested interest which brings pressure upon the minister through the legislature and upon the departmental officials through the minister.

The pressure group may be useful to the administration of the department which convey the reactions to administrative decisions in the time and thereby enable the department to adjust its policy and activities. But sometimes these groups may adopt some illegitimate means to secure an official favour and thereby leads to corruption and favouritism and thus destroy the efficiency of the department.
(3) **Advisory committees**: The constitution of Advisory committees, councils or boards are another method of community control over the administration of the department. In the P.W.D. in Assam since 1928 various committees and boards were constituted to advise and assist the department in the selection of schemes for the improvement of road communication and for the effective control of the flood. In recent years these committees were constituted not only at the state level but also in sub-divisional level by the representatives of the special interests and representatives of the citizens besides the top officials of the department. Although these committees are advisory in nature yet its suggestions are binding because of the involvement of the top officials of the department. Very often, in the state level advisory committees, the minister in-charge of the department is appointed as the chairman of the committee who is the political head of the department.

(4) **Public opinion**: There is a saying that in democracy, eternal vigilance is the price of liberty. If the people are indifferent to what goes on in the administration, the officials of the department get the chance to be despotic. The enlightened public opinion make the officials of the department conscious of their duties and responsibilities towards the community. Thus, group public opinion is the most effective means of community control over administration of the department.
Internal controls: Internal controls are those which operate from within the administrative machinery of the department. The internal controls range from top to bottom and is designed hierarchical, in which the minister-in-charge of the department controls the Secretary and the Secretary control the Chief Engineers and so on up to the sectional officer.

The internal controls may be divided into:

1. Finance and statistics
2. Personnel management
3. Efficiency survey and
4. Professional standards.

1. Finance and statistics: The Ministry of finance and the Controller and Auditor-General are the two main agencies which control the P.W.L. in regards to its finance. These two agencies prescribe the manner in which the department is to maintain the accounts. Various forms, proformas, returns, statements are prescribed by these two agencies which the department make use of while incurring any expenditure. Besides, rules are made by these two agencies which guide the officials in money matters of the department. Thus, these rules serve as a check upon the financial administration of the department against misappropriation or extravagant expenditure.

Besides accountancy check there are audit check to control department against misappropriation or excess
expenditure. The auditors audit the accounts maintained by the department in the prescribed form and bring to notice in the form of audit notes, objection, statements etc., any irregularity or excess of expenditure. The official concerned is asked to reply to audit objections. The Inspection officers required, if possible, to discuss the drafts of their reports with the head of the office inspected before submitting them to the Comptroller. The audit report is laid before the legislature which is in turn referred to the Public Accounts Committee for examination.

Thus, the accountancy and audit arrangements control the department in regard to their finance from within.

The quantitative measurement in the form of the supply of statistics also exercise internal control within the department. Certain minimum standards may be laid down to determine the quantity of work and each employee may be asked to produce regular statistics of their activities. Thus a comparison may be made among the different employees regarding their activities.

(2) Personnel management: The administrative machinery of a department is hierarchical in structure. Literally, hierarchy means the rule or control of the higher over the lower. Concretely, a hierarchy means a graded organisation of several successive steps or levels, in which each of the lower levels is immediately subordinate to the next higher one and through it to the other higher steps right up to
the top. Conversely, in such a departmental organisation authority, command and control descend from the top downwards step by step to the bottom. Thus, the hierarchical structure of administration provides for clear lines of responsibility and accountability.

Another devise of control through personnel management is the standardization of recruitment and promotion system by leaving it in the hands of an independent body. In P.W.D. Assam, the recruitment and promotion are entrusted to the Assam Public Service Commission.

(3) Efficiency survey: Another methods of internal control is efficiency survey which may be divided into two inspection and efficiency audit.

The inspection is very important in a widespread department like P.W.D. The officers from the headquarters go on inspection to ensure that the minimum levels of efficiency are being achieved by the field establishments which are lying in a far off place from the headquarter. The inspecting officer must have wide knowledge and experience of work, and rules and regulations. During the time of inspection the inspecting officers are to be tactful and should be more suggestive rather than fact finding.

Efficiency audit is nothing but the application of standards of performance in order to judge, its effectiveness in terms of economy and efficiency. The efficiency auditor
concerns himself with such questions as whether each employee has full days work or more or less, whether the organisation is overstaffed or understaffed, whether the procedures are economical and expeditious.

(4) **Professional standards**; Every profession has its professional code or ethics to which the members following the profession adhere. In the public works department most of the employees belong to the engineering profession. Naturally they adhere to this professional code of ethics. Some other employees are there who belong to the accounts profession. So, they adhere to this professional code of ethics. Besides some other employees are there who have no professional code of ethics. But they are also public servant. For the public servants as a whole there is a code of ethics such as in-corruptible, loyal, humble, non-partisan, honest, efficient and of integrity. These code of ethics are adhered by all public servants including the Engineers and accounts officers.

Thus, these profession code of ethics and the public servants code of ethics are another means of internal control over the department.