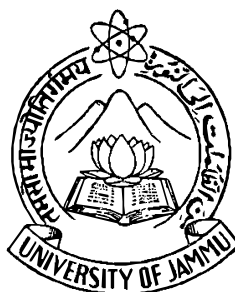


Directorate of Distance Education

UNIVERSITY OF JAMMU

JAMMU



STUDY MATERIAL

FOR

M.A. POLITICAL SCIENCE

SEMESTER III INDIAN ADMINISTRATION COURSE NO. POL 305

Prof. Baljit Singh

Course Coordinator
HOD Deptt. of Pol. Science
University of Jammu.

Dr. Mamta Sharma

In-charge PG Pol. Science
DDE, University of Jammu

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JAMMU-180 006*

COURSE NO. 305

Course Writer

Prof. Y. Pardhasarathi

Editing and Proof Reading

Dr. Mamta Sharma

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Printed by : Solar Printers, Gangyal, Jammu /2020 _____

Preface

The Constitution articulates the vision of its Founding Fathers for the people of this country and also spells out the role and functions of the three organs of the State – Legislature, Executive and Judiciary. It enshrines the Fundamental Rights which are critical for democracy and the Directive Principles of State Policy which embody the concept of a Welfare State and are a unique feature of Indian Constitution. The endeavour of Government at all levels has, therefore, been to provide for a citizen-centric administration. To this end, a robust legal framework has been created. Institutions such as the National Human Rights Commission, National Women's Commission, National Consumer Disputes Redressal Commission, and Lokayuktas etc. have been set up. Several other measures including affirmative actions have been initiated for the socio-economic empowerment of the weaker sections of society.

There is a long history to the evolution of Indian Administrative system. The British Government took over the administration of India from the East India Company by the Government of India Act, 1858. Thereafter, the British Parliament enacted several laws for governance of India. Some of the important legislative instruments in the pre-independence period were the Indian Councils Act, 1909; Government of India Act, 1919; and Government of India Act, 1935. With India attaining Independence, the Constitution of India laid the foundation of the structure of Government of India.

During the British period, the powers of the Crown were to be exercised by the Secretary of State for India, assisted by the Council of India. The Indian Civil Service was created consequent to this enactment. There was no popular participation in the governance system. The Indian Councils Act of 1909, also known as the Morley-Minto Reforms, introduced the elections of Indians to the legislative councils. The Government of India Act, 1919, also known as the Montague Chelmsford Reforms, introduced a dual form of government (“diarchy”) for some provinces –

the reserved list and the transferred list. The Government of India Act, 1935 brought several changes in the system of governance in the country. It provided for the establishment of an All-Indian Federation and a new system of government wherein the provinces were given more autonomy. The Central Legislature was to comprise two Houses – the Upper House or the Council of States and the Lower House or the Central Legislative Assembly.

Government in the pre-Independence period was primarily concerned with enforcement of law, collection of taxes, defence and administration of justice. It also took up some welfare measures for society. After Independence, the Constitution provided the framework for a democratic welfare state with the Directive Principles providing the essence of good governance. In order to achieve the objectives set by the founding fathers of the Constitution, the structure of the government was recast. New departments and organizations were established to discharge various responsibilities. In general, there was a wide expansion in the role, function and structure of government. Constitutional guarantees and provisions, Union and State laws as well as policies and programmes for economic and social development are relevant to the daily lives of the people only to the extent they are implemented honestly and efficiently. The Constitution of India gives a special role and responsibility to the State Governments for preserving public order and ensuring the welfare of citizens.

In this background, this course deals with various aspects of Indian Administration for the benefit of the student's at Masters Level. For academic convenience, this self-learning material is divided into four sections and 16 lessons. Unit I provide an in-depth analysis of the evolution of Indian Administration covering Mauryan, Mughal and British influences. Further it explains the parliamentary democracy and the salient features of administration. It gives a comprehensive view about the evolutionary perspectives of Indian Administration.

Unit II deals with structure of Central Administration with analysis of Central Secretariat, Cabinet Secretariat, Ministries and Departments, Boards and

Commissions with their structure and functioning. This provides a new insights into various aspects of working of administration at Central level.

Unit III of this material deals with dynamics of state of administration, including role of Governor, Chief Minister, Chief Secretary, Secretaries and Directorates, District Administration and local administration. It explains the important features of 73rd and 74th Constitutional Amendments, which are paving the way for local democracy.

Unit IV describes the contemporary issues in Indian Administration like relationships between political and permanent executive, Integrity in Administration, working of Lokayuktas, Good Governance initiatives and the impact of Globalization reforms on Indian Administration. It gives a fairly good account of some of the important aspects of work process in organizations.

This material has been prepared primarily for post-graduate students of political science and public administration and it provides an outline for candidates appearing for competitive examinations also.

- Y. Pardhasaradhi

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1.1 EVOLUTION OF INDIAN ADMINISTRATION: WITH SPECIAL REFERENCES TO BRITISH INFLUENCES

- Y. Pardhasaradhi

STRUCTURE

1.1.0 Objectives

1.1.1 Introduction

1.1.2 British Influences on Indian Administration.

1.1.2.1 The East India Company (1600-1772)

1.1.2.2 The Act of 1858, 1861, 1892

1.1.2.3 Morley Minto Reforms 1909

1.1.2.4 Government of India Act 1919

1.1.3 Features of the British Rule

1.1.4 Let us Sum Up

1.1.5 Exercise

1.1.0 OBJECTIVES

After going through this lesson, you should be able to know:

- Influences of British Administration on Indian Administration; and
- British Administration and its main features in India

1.1.1 INTRODUCTION

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.

1.1.2 BRITISH INFLUENCES ON INDIAN ADMINISTRATION

The present Indian administrative structure is largely a legacy of the British rule in India. The forces of British India History left a lasting imprint on the now prevailing administrative system. The analysis in the following pages seek to show how the administrative system that the British evolved, while sharing the imperfections inherent in all human institutions, brought about inestimable benefits in terms of experiments which eventually helped in our becoming a parliamentary democracy.

1.1.2.1 THE EAST INDIA COMPANY (1600 TO 1772)

The history of British rule in India can be traced back to 31 December, 1600, when the British Crown granted a group of merchants a monopoly over trade in the eastern waters. The East India Company, as it was called, was a body of merchant adventures. Its primary object was the purchase of Indian goods and their sale in Europe. They arrived, on the shores of Bengal, strictly as peddlers of their wares but eventually, stayed on to rule. Between 1600 and 1765, the Company chiefly remained a trading corporation, whose charter was renewed by the Crown from time to time. The Company had two controlling authorities – the Board of Control and the Court of Directors. The Board of control was

the superior body, as it was appointed by the British Parliament, and the Court of Directors consisted of members who were nominated by the proprietors of the Company. The most notable contribution of the British, the creation of a body of civil servants, took place during the reign of the Company. The civil service under the company was divided into two categories.

The Covenanted Civil service:

This service consisted of only Englishmen. It was so called because “this category of civil servants entered into a covenant to serve the company faithfully and gave security for doing so. This amount was ₹ 500. It was divided into different categories such as judicial, political, revenue and mercantile.

The Uncovenanted Civil Service:

This service included Indians, Parsis, Englishmen and the Portuguese. They did not sign any covenant with the Company and were therefore called uncovenanted civil servants. This service had no cadre, as candidates to this service were employed to do odd jobs by the Company, on a temporary basis. They did jobs of a mercantile nature such as registering, training or promotion. The possessions of the Company were grouped into the three presidencies of Bombay, Calcutta and Madras. The personnel policies differed from one presidency to the other.

Prominent Achievements of The Company Rule (1773 To 1857)

The Regulating of 1773 can be taken as a starting point, as this can be regarded as the basis of all subsequent legislation for determining the form of Indian government and is the first statute that recognizes the Company as fulfilling functions other than those of trade. It applied chiefly to the presidency of Bengal. There was appointed a Governor-General and a Council of controlling the presidencies of Madras and Bombay and, in all cases relating to war and peace, they were obliged to comply with the order of the Governor-General in Council. Later, in 1833, the Governor-General of Bengal became the Governor-General of India and, in 1853, a separate Lieutenant-Governor was appointed for Bengal. It may be recalled that Warren Hastings was appointed Governor-General under the Act

of 1773. Under Hastings, the civil service began to transcend its trading activity. During his regime, the civil service changed from “being a band of commercial adventurers and fortune hunters to a public service in the modern sense of the word.” The Company, during his regime from a trader became a government and took up functions of revenue and maintenance of law and order. These were the skeleton functions of a slowly emerging police state. The secretariat, an important organ of the modern administration, had its beginning in those early days when a nucleus of administration existed. The modern secretariat had its origin in the office of the factory writers. In Madras and Bengal, There was a Secretary to the Council of the Governor-General and he was assisted by five or six junior servants. This structure, created by Hastings, was perfected by his successor, Lord Cornwallis

The regime of Lord Cornwallis constituted a landmark in the history of the civil service in India. His reforms in regard to public service were memorable. He introduced a highly liberal system of remuneration, in lieu offered the pittance in the form of pay until then allowed to all classes, and it offered the recipient no alternative between poverty and dishonesty. He did much to eliminate patronage and saw to it that all important offices were held by the covenanted civil servants. He devised a system of administration that contained, within itself, correctives against the abuse of power by the officials. The Cornwallis Code, whether for revenue, police, criminal and civil justice or other functions, defined and set bounds to authority, created a procedure by a regular system of appeal, guarded against miscarriage of justice and founded the civil service of India as it exists to this day. He also separated the customs from the revenue department. Another aspect that deserves mention is that the District Officer then enjoyed greater powers than the Collector of yester years. The reasons attributed are lack of central control due to lack of means of transport and communication and absence of municipal councils and district boards to limit his authority.

During the times of Hastings and Cornwallis, boards were set up for the administration of different departments in Calcutta and Madras. In 1785, there were, in Madras, Board of a Trade, a Board of Revenue, a Military Board and a Medical

Board. They were composed of members of the Council and other officials and put in charge of the detailed administration of the various departments. In the same year, the Court of Directors declared that the government of the Company would be carried on by the Governor – General- in –Council through the instrumentality of four boards, namely, the Board of Council itself, the Military Board, the Board of Trade and the Board of Revenue. They continued till the last days of the Company’s rule. However, the weakest point of Lord Cornwallis regime was his systematic efforts to exclude Indians from taking part in the administration. He did not make any attempts to elevate the conditions of classes retained for subordinate posts by improved pay or prospects of preferment.

The period of Wellesley (1799-1805), however, ushered in epoch in the history of the civil services, the most notable contribution made by him was in the field of training. He was the first to realize that the functions of the Company were increasing. Wellesley, therefore, made quick arrangements for the general cultivation of the Company’s civil servant. So great was his urgency that, without waiting for the approval of the Court of Directors, he issued orders for setting up at Calcutta in may 1800, the Fort William College for training the Company’s Civil servants.

The Period of 1800 to 1854

The Period 1800-1833 was marked by immense expansion of the secretariat to cope with the increased volume of work. Several departments like the Persian Department, the Ecclesiastical Department, the Clothing Board and Board of customs were created, merged with others or abolished. The name of the Board of Revenue at Calcutta was changed to Sadar Board of Revenue in 1829 and another such board was set up at Allahabad in 1833. The Charter Act of 1833, together with renewing the Company’s charter for a period of twenty years, made several other provisions. The unwieldy Presidency of Bengal was divided into two parts – those of Bengal and Agra. The Governor – General of Bengal became the Governor – General of India. All civil and military powers came to be vested in him. Also the activities of the Company as a commercial body came to an end.

The next act in line was Charter Act of 1853 abolished the system of patronage

and introduced the system of open competition as a method of recruitment. The entrance examination was to be conducted in London by a Civil Service Commission, which was set up in 1854. The appointment of the Macaulay Committee marked the beginning of an experiment made on the Indian soil for the first time. From here began the chain of administrative reforms for which purpose the British government set up various commissions, committees, boards, study teams etc. from this time onwards, it became customary of the British government to appoint committees for special areas of administration. Reports in their findings were also published. They were called “commissions” because they were appointed by the British monarch under his seal. The Macaulay Committee report of 1854 is considered the Bible on competitive recruitment and training.

1.1.2.2 THE ACT OF 1858, 1861, 1892

The Act of 1858

Essentially, the Indian Revolution of 1857 created the setting for this Act. It is noteworthy that the Act abolished the Court of Directors and the Board of Control. It transferred the government, territories and revenues of India from the Company to the Crown. It also authorized the appointment of an additional Principal Secretary of state (for India) and created the Council of India. Apart from these, the Act did not make any drastic changes in the system of government. The Governor-General continued to be all powerful. Conditions of service of the public services were now to be determined by the secretary of state.

1. The decadence of the indigenous institution of self – government, the village panchayat.
2. Grouping of provinces without regard to whole some principle such as racial, cultural or linguistic affinities.
3. Enormous growth in public taxation and expenditure, particularly the growth of military expenditure.
4. Insufficient attention given to nation – building activities such as education, public health, irrigation and cooperation.

5. Neglect of indigenous industry and agriculture, resulting in extreme poverty, often culminating in epidemics and famines.
6. Excessive curbs on the political activities of the people by imposing restrictions up on the freedom of the press, speech and movement.

The bureaucracy was highly centralized and the Act of 1858 did show a degree of awareness in remedying it. But this process was too slow. In 1859, Canning introduced the 'portfolio' system. Under this the work of the government, divided into several branches, was entrusted to different members of the Governor – General's Council.

The Act of 1861:-

The Act of 1861 did initiate the process of decentralization. The Act restored and the Legislative Councils of Bombay and Madras some of their lost powers and provided for the setting up of new council in other provinces as well. However, most of the legislation enacted by these provincial legislatures had to receive the consent of the Government – General. Provision was also made for the inclusion of some Indians in the Council of the Governor – General.

The Indian Act of 1892:-

The Indian Act of 1892 enlarged the functions of the Legislative Councils. Through the system of direct elections was not approved, the preliminary process took place. Prior to nomination, the government was obliged to consult certain bodies such as municipalities, landholders etc. The government could, however reject their recommendations.

1.1.2.3 MORLEY MINTO REFORMS 1909

The Indian Councils Act (the Morley Minto Reforms) of 1909 was an extension of the Act of 1892. It further increased the size of the Legislative Councils. The Provincial Councils could have majority of non – officials. The system of communal representation for Muslims was inaugurated, thus paving the way for communal disharmony and finally, the partition of the country. The Decentralization Commission, appointed in the same year, also made recommendations for the revival and growth of panchayats and lessening of government

control over local bodies.

1.1.2.4 GOVERNMENT OF INDIAN ACT 1919

The Government of India Act, 1919 was based on the premise that popular control in the field of local government be established, the provincial governments be made responsible to the popular representatives and the control of British Parliament and the secretary of State be relaxed.

An important aspect of this Act was that local – self government became a provisional and transferred subject under a responsible Indian minister. In 1923, the British government appointed the Royal Commission on the Superior Civil Services in India under the chairpersonship of Lord Lee of Farham. The most notable contribution of this commission was that it recommended the establishment of a Public Service Commission. A decision to implement this recommendation was taken in 1926. the Federal Public Service Commission, consisting of a chairman and four other members, was appointed and it started functioning with effective from 1 October 1926. it was entrusted mainly with the recruitment function, through it could be consulted by the government on disciplinary matters also. However, its role in the pre-independence era was purely advisory.

The experiment with provincial autonomy was as dismal as the two mentioned earlier. It was enforced in 1937 and give up in 1939 because the Congress ministers in the provinces resigned in protest against the British decision to push India into the Second World War. The Governor-General had overriding powers over the administration of a province.

In the mean time, three new departments, namely, Information and Broadcasting, Civil Defence and Indians Overseas, were created in 1941. The Indians Overseas Department was redesigned the Department of Commonwealth in April 1944. In June 1947, it was merged into the Department of External Affairs and Commonwealth Relations. In 1942, the Department of Food was created and in 1943, the Department of Civil Supplies was merged into the Industries and Civil Supplies

Department. In 1944 the Department of Planning was established but was abolished in July 1946. After the end of Second World War, in 1945, the Department of Education, Health and Lands was split into three separate departments viz education, health and agriculture. After Independence, all departments were redesigned as Ministries on 29th August 1947.

1.1.3 FEATURES OF THE BRITISH RULE

The main characteristics of the British rule are being discussed briefly. These relate to the creation of the Indian Civil Service the secretariat system, pay, promotions and transfers, financial administration, financial accountability, administration of justice, local self government and bureaucratic leadership.

1.1.3.1 INDIAN CIVIL SERVICE

The most important legacy of the British rule in India was the creation of the Indian Civil Service. It represented the visible presence of the British in India and it was through its expanded network that authority was wielded. The members of the ICS constituted the essence of British power in India and, without them one would not be able to speak of a British empire in India. As described earlier two fold division of the covenanted and uncovenanted services was retained by the Aitcheson Commission (1886-87) and, in 1892, the two services were christened as the Indian Civil Service and the Provincial Civil Service.

Another important contribution of the British rule was the ideas that the competitive examinations be conducted by an independence agency. Accordingly, the Federal Public Service Commission was created in 1926, and entrusted with the task of recruiting civil servants. Another substantial contribution of the British was institutionalizing a training system. Efforts which began in 1880, with the setting up of the Fort William College at Calcutta, continued with several modifications and innovations till the end of the British rule in India. The idea was to train the personnel not only in the Service of the Empire but in the service of the people as well. Details regarding the contests of the training system will be dealt with later on. Here, it will suffice to say that training in Indian languages and law was stressed substantially. Languages were given importance in order to bring the official a little closer to the common people. Local laws were emphasized since their

knowledge helped make the civil servants more competent.

Staffing the Secretariat

The ideas of a central pool drawing manpower are evidence of the practical genius of the British. Before 1920, each individual department recruited its own staff independently. In 1920, on the basis of the Government of India made upper division clerks of the secretariat part of an Imperial Secretariat Service and appointed a Central Staff Selection Board to supervise the recruitment process. The staffing pattern of the Central Secretariat underwent change as a result of the suggestions made by the Tottencham Committee (1945-46). Later, in 1950, the old Imperial Secretariat Service was replaced by the Central Secretariat Service. Some features of the secretariat system were quite discernible; heavy reliance on precedents, incapacity of the lower grades of official to share responsibility and the practice of excessive record-keeping and nothing. The legacy continues even today.

Pay, Promotions and Transfers

A well developed pay-structure for civil servants was also devised by the British. In 1918, the posts were divided into 'superior' and 'inferior' categories. The system of promotion also brought about an onslaught on the tradition bound Indian society. In India, a person born into a low caste had to remain low and die as such. The element of promotion, on well-planned lines, developed by the British provided an element of social mobility. Spangenberg points out a defect in the transfer policy of the government. The frequency of transfers sapped the vitality of the British administration. It acted to the detriment of district administration, particularly because it nullified the advantage of oriental loyalty. It was not uncommon to find three to four sub divisional officers changing in a year.

Financial Administration

During the company's rule, revenue was obtained from two sources-land revenue and taxes on trade and personal property. The expenditure was classified into heads, (i) security or defence and (ii) social and development services. The latter comprised of education, public health etc. By far, the most important administrative innovation was the introduction of the budget system vide the Financial Resolution of 7th April 1860. Under this system, the financial estimates for each year were to be arranged, considered and sanctioned by

the Government of India before the year commenced. It contained the anticipated income and proposed expenditure of the empire. Under the same resolution, a central Revenue Department was created in Calcutta to integrate and coordinate the activities of all the revenue authorities. At the same time, an Imperial Audit Department was also set up to examine whether the department were adhering to the provisions of the budget. Yet another important contribution of the British was the introduction of government paper currency in 1860. The bank of Bengal became the agent for the printing, issuing and circulation of the notes. Paper notes from Rs. one to Rs. 1,000 was issued.

Financial Accountability

A full-fledged and systematic mechanism of control was also evolved in 1919 when the C & AG was made responsible to the Central Legislature. In 1926, he was given the power to inspect any government office of account. In 1922, a Central Public Accounts Committee was created, consisting of both elected and official members, with the financial Members as its ex-officio chairman. It considered the Auditor General's reports on the reappropriation amounts. Thus, through these two bodies, the Indian Legislature was to exercise control over the administration of public finance. The creation of a Standing Finance Committee with the Finance Members as its chairman was another practical step in the field of control. It had the duties of a public Estimates Committee. Moreover, public Accounts Committees were created in each Governor's province. Under the Act of the Central legislature of 1934, the Government of India established the Reserve Bank which began to function with effect from 1st April 1935. The foundation of the contemporary police administration in India was laid during the British Period, particularly after the enactment of the Indian Police Act, 1861 which created an organized system of constabulary. It is note worthy that the Indian Penal Code (IPC) of 1860 and the Code of Criminal Procedure (CrPC) of 1861, along with other significant legislations such as the Indian Evidence Act, constituted the legal frame work of criminal justice administration that held the police system to exercise its functions effectively. These legal instruments have become important components of the legacy of the British rule in India.

Administration of Justice

The administrative spirit of the British rule was evident in the field of judicial administration well. However, in the earlier stages of the Company's rule, when its covenanted servants had very little idea of the laws of the country, they retained the old practices. Consistent with this principle, Hastings combined, in the office of the Collector, both revenue and judicial functions, keeping in mind that the Amalguzar under the Mughals had the power of collecting revenue and of trying certain cases too. A drastic change based on the concept that the judiciary should be separated from the executive was introduced by Lord Cornwallis. Hence, the Cornwallis Code of 1793 took away the judicial power of the Collector. He thus laid the foundation of an independent judiciary. The code provided for three-tier system of European judges with the zilla and city courts at the bottom, the Provincial Court of Appeal in the middle and the sadar Diwani and Nizamat Adalat at the top. The creation of an intermediate tier of provincial courts was intended to lessen the workload of the Governor-General. Until Bentinck's time, Indians were not entrusted with any posts in the judicial set-up, but Bentinck's successor, Holt Mackenzie, recommended that the primary jurisdiction in all cases, except a few, be vested in Indians, he also removed the intermediate tier as it slowed down the process and flow of justice. He enlarged the jurisdiction of the district court to make justice locally available.

Local Self-Government

The British, while retaining some aspects of the ancient village system, introduced some changes in local administration. The Government of India Resolution, 1864, had admitted that "the people of this country are perfectly capable of administering their own local affairs...." Hence, statutory recognition was granted to panchayats as petty courts in Bombay and Madras. In 1870, Mayo's Government also included the panchayats in the management of funds devoted to education, public works etc. Another important reform was made during the time of Lord Ripon who has been called the father of local self-government in India. In 1882, he introduced a new policy through a new Act. The resolution, dated 18th May, 1882, recommended the extension of the elective element in rule bodies, reduction in the size of the official element, an elected non-official as the chairman of rural bodies, and financial decentralization. The Decentralization Commission of 1990 examined the problem of local government in great detail. It suggested a three-tier system consisting

of: (1) the village panchayat or union boards, (2) the local tehsil or Sub district boards, and (3) the district board. It recommended the lessening of government control over local bodies.

For the cities, municipal corporations were setup in Madras in 1688 and in Calcutta and Bombay in 1726. The Mountague-Chelmsford Report of 1918 on Indian constitutional reforms examined the existing system of local government in the country and came to the conclusion that local bodies be visited with greater powers and outside control be made minimal. Through the Act of 1919, local self-government became a provincial and transferred subject under a responsible Indian minister. Laws were passed in every province for the growth of village panchayats. They aimed at increasing the strength of elected members to the extent of making them the immediate arbiters of policy in local affairs. The Act of 1935 introduced provincial autonomy but due to the Second World War, up till independence, nothing more could be achieved in this realm.

The Secretariat System

Until 1843, the Central Secretariat was situated in Calcutta and was exclusively under the control of Bengal civilians. It consisted of a Secretary-General, three assistants and clerical staff, there were three departments were setup-military, Foreign, Home and Financial. Military affairs were managed by the Military Department, all Foreign and diplomatic relations by the Foreign Department, matters of justice, education and legislation by the Home Department, and the Financial Department (though created three months earlier than the Act) looked after the financial operation, the provision of ways and means etc. In 1855, a separate Department of public Works was created. The portfolio system was introduced in 1858. The essence of this innovation was that a member of the Council would be appointed in charge of one or more departments of the government and he would issue orders on behalf of the Governor-General-in Council. This practice was adopted by the Indian administrators even after independence. In 1871, matters relating to revenue and agriculture were taken away from the Home Department and put under a separate Department of Revenue, Agriculture and Commerce. This underwent several changes and mergers. In 1805, during Lord Curzon's time, the control of the railway system was entrusted

to the Railway Board on 1 March, 1905. In October 1905, it was designated as the a Railway Department. In August 1921, medical administration was transferred from the Home to the Education Department which was renamed as the Department of Education and Health. In the same year, a Department of Industries was created. Due to the pressures of work brought about by the Second World War, the Foreign and Political Department was split in 1937 into two separate departments-the External Affairs Department and Political Department. In 1941, three new departments were created, namely, Information and Broadcasting, Civil Defence and the Indian Overseas. The last department was renamed the Commonwealth Relations Department in 1944.

Bureaucratic Leadership

That the personalities of individual administrators, through a subordinate factor in history, exercise a high degree of influence in the formulation of policies and decision – making is something that no historian or student can fail to recognize. Prominent amongst those who left a mark of their constructive genius on the development of modern administrative system in India were civilians such as Thomas Munro, R. M. Bird, James Thomson, Sir George Campbell, Sir Andrew Fraser, Sir Harcourt Butler and Sir Malcolm Hailey. As a class, they represented imperialism. They were all top civilians who guided the course of administrative changes in India. They were leaders of bureaucracy who were intimately associated with policy formulation and decision-making. Although the Macaulay Report had laid emphasis on civil servants possessing qualities like industry, self-denial and perseverance, the royal Commission on Decentralization (1907-09) was unhappy regarding the conduct of junior ICS officers. It pointed out that barriers continued to exist between the government and the public. In the words of Syed Ali Imam, an Executive Councillor, “sympathy loses so largely as it descends down to district officials that hardly any trace of it remains visible. . . . If I were to mention instances of discourtesy towards Indians at the hands of officials in the districts, I could cite them by the hundreds.” The Commission insisted that the young officials be specially instructed in matters of Indian etiquette and be carefully trained in that regard under selected Collectors.

Secretariat Reforms

The British consciousness towards reforms is depicted in the setting up of several commission and committees. The Secretariat Procedure Committee recommended in 1919 a pyramidal organization for every department, with a secretary at the top, and at least two deputy secretaries. It recommended the abolition of the post of under – secretaries except in the Finance Department. The idea behind these changes was to reduce administrative delays and expedite official business.

1.1.4 LET US SUM UP

It is obvious that the contemporary Indian administrative system has been built on its British heritage. All India Services, Civil Services recruitment, administrative training, the secretariat system, office procedures, management of districts, revenue administration, police system budgeting, accounting, auditing and a number of other structural and functional areas of Indian administration have their roots in the British rule. Though the British had their own objectives of sustaining and strengthening their empire, to which the administrative system was geared, some of the consequences of their organizational initiatives have proved to be useful to India even after independence. There was a large part of India which was only partially or just marginally affected by the British rule and its administrative initiatives. More than five hundred and fifty princely states of the country did not experience the same kind of administrative innovation which the British India did. Despite the progressive policies of some of the princely rulers, the chasm in the structure and working of the administrative system of these “two India’s” was significant. There is a clear need to examine the sources of such divergence and diversity.

1.1.5 EXERCISE

1. Write an essay on Ancient administration and Kautilya’s *Arthashastra*.
2. Discuss the Company rule and civil service reforms in Administration.
3. Trace the important features of British Administration in India?

1.2 INDIAN ADMINISTRATIVE SYSTEM: SALIENT FEATURES

- Y. Pardhasaradhi

STRUCTURE

1.2.0 Objectives

1.2.1 Introduction

1.2.2 The Institutional Strategies

1.2.3 The Indian Social Context

1.2.3.1 Impact of Religion

1.2.3.2 The Caste System

1.2.3.3 Secularism, Casteism and Religious Values

1.2.3.4 The Social Classes: Urban/Rural Dichotomy

1.2.3.5 Women as Human Resource

1.2.3.6 Harnessing the Potentialities of Weaker Sections

1.2.4 The Indian Economic Context

1.2.4.1 Poverty Eradication Programmes

1.2.4.2 India's Industrial Policy

1.2.4.3 Population Growth and Unemployment

1.2.4.4 Public Employment System

1.2.4.5 The Provisions for Human Security

1.2.5 The Indian Political Context

1.2.5.1 Bureaucracy and Public Leadership

1.2.5.2 Public-administrative Environment

1.2.5.3 Judicial Control Over Administration

1.2.6 Union-State Administrative Relations

1.2.7 Let us Sum Up

1.2.8 Exercise

1.2.0 OBJECTIVES

After going through this lesson, you should be able to know:

- The Indian social, economic and political context in which the public administration has to operate;
- The judiciary, judiciary control over administration, and judicial review; and
- The administration relation between the Union and the states.

1.2.1 INTRODUCTION

The interrelationship between the state and society has been an important theme in the evolution of political systems in the past half century. That the state is deeply embedded in society, and that societal variables do affect the autonomy and performance of the state is now an accepted fact. Whether it is the system theorist, or the dependency theorists, or the ecologist interpreters of public administration, all seem to agree that in any society interactions between the state, its socio-political structures and its administrative framework ultimately determine its policy outcome. Such interactions not only help pattern societal preferences, but also pave the way to political and administrative developments in the context of divisiveness within and between classes, ethnic and religious segments, interest groups, or linguistic differences. The literature on comparative public administration is replete with the emphasis on interaction and interrelationship between an administrative system and its external environment and the impact of socio-cultural values on bureaucratic behaviour, the processes of political and administrative changes and vice versa. While scholars have concentrated more on the study of the state's capacity to bring about socio – economic change through the evolution of as pattern of political and administrative institutions, little attention has been paid to understanding the impact that the socio – political structures in any society make on its political or administrative development.

1.2.2 THE INSTITUTIONAL STRATEGIES

India was one of the first of the British colonies to gain independence from the yoke

of an imperial power. After attaining freedom in 1947, the challenge before the political leadership was to frame a well-conceived strategy of change, development and nation-building, and to forge instrumentalities thereof – both mobilization and institutional. To attempt to achieve a modicum of economic and political development in the aftermath of partition, through a democratic political system, while undertaking at the same time reconstruction of a hardened social structure not only deeply rooted to the age-old traditions, but highly fragmented, was indeed a formidable task. The four basic objectives of socio-economic and political development uppermost in the minds of political leaders at the time were:

- 1) The creation of a stable democratic polity,
- 2) Laying the foundations of a self-reliant economy for rapid growth.
- 3) Attainment of social justice through the alimentation of discrimination based on class, caste, sex and religion and eradication of poverty, and
- 4) Rebuilding of the dilapidated administrative structure to be able to withstand the pressures generated by the growing by the growing demands and aspirations of the expectant masses.

The leadership in India responded by channelizing the processes through the creation of a state system based on western liberal democratic ideology of freedom and equality, incorporating the parliamentary system of government, reconciling it with the concept of economic planning, and reforming the administrative machinery to enable it to respond to the growing exigencies and requirements of a social system divided by a variety of socio-cultural identities.

Although the framing of a new political set up with its institutions, structures and the rules of the game have proved to be matters of incalculable difficulty for many of the new nations of Asia and Africa, India presented a striking contrast. Not only was an elaborate State system created with speed, but the democratic structure it established was institutionalised in considerable details. This had been possible because of both antecedent agreement on fundamentals and continuing diffusion of

these agreements in the generation that followed Independence. Even as early as 1928, The Motilal Nehru Committee had framed a complete draft spelling out the features of (free) India's polity. It recommended, among other things, a parliamentary form and federal structure of the government and an exhaustive list of fundamental rights. These recommendations found overwhelming support among the members of the Constituent Assembly in the late 1940s.

However, decision-making on India's institutional strategy was not wholly a product of agreements that were reached during the national movement. The framers did consider the emerging framework anew. Certain occasions did come when the members of the Constituent assembly ran into serious disagreements. But the debates were avoided at most opportunities viable compromises were sought on fundamental provisions such as the federal structure of the country, the importance of judiciary in interpreting the constitution and the role of 'due process'. The question of a proper balance between personal liberties of the citizen and the integrity of the nation: between the right to property and the goal of social and economic development; between the need for centralization and the extent of decentralization to lower levels of the polity, between the right to equality and the question of special rights and privileges of minorities and tribal and religious groups, and so on.

In order to prevent the country from falling into pieces, certain restraints on the power of some institutions and the freedom of individuals were introduced. For example, the Central Government was armed with effective powers against the constituent states. Similarly, preventive detention to strengthen the government's hands came to be accepted as a necessary provision despite its restrictions on the most fundamental rights of democratic citizen.

1.2.3 THE INDIAN SOCIAL CONTEXT

Institutional strategies alone are not enough for conceiving a process of change, development and nation-building. Social structures and environmental factors do affect the state and the administrative system, and hence the development of the polity. The significance of these factors multiplies all the more in a pluralist society

of India, where the nation shares loyalties with a variety of other socio-cultural identities, These identities have contributed both to the process of its development as well as to its decay. While they have played a major mediating role between politics and society, translating group loyalties into focal prints of political solidarity, at the same time they have given rise to a number of fissiparous and separatist frameworks, weakening its overall capacity for development.

The Indian population, which has reached one billion at the end of the 20th century, is divided by religion, sex, language, caste, dress and even by the food – habits. These divisions have been further compounded by the gap between the rich and the poor; the English-speaking elite and the vernacular mass, and the urban and the rural. In its diversity and continental size, India shares most of the characteristics of the European Community than the more integrated multi-ethnic and unified polities of the United States. India contains all of the major world religions, it is sub-divided into a myriad of castes, it has 19 official languages, 18 provided in VIII Schedule of the Constitution plus English as a continued official language and a thousand dialects, and tribal tongues. Politically and administratively, these diverse groups are organized into 28 states, after the creation of Uttaranchal, Jharkhand and Chhattisgarh in November 2000, and 7 union territories. The process of mobilization and social change in the last fifty years has heightened the since of awareness of the political and administrative development. Whereas such factors have led to political and administrative decay in most developing societies, in India these have provided potential for administrative reliance and growth.

1.2.3.1 IMPACT OF RELIGION

A major social factor that effects political and administrative development is the religion. Some of the major religions of the world, Hinduism, Jainism, Buddhism and Sikhism, are originated in India. Islam and Christianity came to India in the medieval period. The vast majority of population, almost 83 per cent are, however, Hindus, while Muslims constitute 12 per cent of the total population, the third-largest concentration of Muslims in the world. The major source of conflicts in the society has been between these two major and important religions – Hinduism and

Islam. It has been further compounded by the developments in Punjab and Kashmir during the last fifteen years. This explains the growth in the number of paramilitary and police forces and other intelligence security agencies that have come to dominate the administrative system in India – the Central Reserve Police Force, the Border Security Force, the industrial Force, the VIP Security Commandos, SPG, etc. Not only these have created problems of development and administrative coordination, but have also often been a cause of resentment and tensions between the central government and government of the states. The developmental capacities the administration have certainly received some setback, if not been completely destroyed.

1.2.3.2 THE CASTE SYSTEM

The social system in India is organised around caste structures and caste identities, which are as old as the Indian civilization. The tribal, linguistic, religious, regional and caste loyalties, the fundamental characteristics of the social infrastructure of the Indian society, have made a deep impact on the working of political and administrative system and have affected the processes of development. Caste is undoubtedly an all-India phenomenon in the sense that there are everywhere hereditary endogamous groups which form a hierarchy. Caste, being the important organizational structure, has hampered developmental processes and proved to be the most important cause responsible for backwardness and economic inequality. In its original form the system was associated with social hierarchy based on occupations, but later on it became the negative feature of the society when its basis became 'birth' and not occupation. The caste system in India, as it has emerged, stratified the society socially, corrupted it politically, and weakened it economically.

After Independence, the caste system grew further; regionalism had taken the shape of caste consciousness and caste mobilization. 'Politicisation of caste system' became the new trend in Indian politics. In the process not only Hindus of upper class but the outcastes, the so-called untouchables, also came to play important role. In order to ameliorate the conditions of this section of the society, the state in India devised the means of according special privileges to the Scheduled Castes and

Tribal and backward classes as these communities were described in the Constitution. These concessions were given to these communities for a limited transitional period only. The lower castes dilemma is still there, and it has created further discontent and conflict in the society. It needs to be made clear that the reservation system that is being resisted is not what has been conceded to the Scheduled Castes and Scheduled Tribes. It is the expanding base of reservations among the so-called backward castes and other backward classes (OBC) that threatens to produce a backlash. The vested interest in backwardness that the system of reservation has created might further lead to a re-alignment of communities on lines that can only perpetuate the present division.

1.2.3.3 SECULARISM, CASTEISM AND RELIGIOUS VALUES

Secularism has been a distinguished characteristic of India's composite culture. As a policy of the Government after Independence, secularism, as Nehru conceived was designed to safeguard the peace and security of the minorities; renunciation of revivalism and obscurantism of religion and recognition of differences and non conformities in socio-religious affairs. The state in India, as the Constitution provides, is neutral in matters of religion, but provides opportunity for all regions to flourish, subject to "public order, morality and health". Yet religion has been a dominating factor and a force in the politico administrative culture in India, despite the fact that the "new culture of science and technology has had a healthy impact of intermingling the different communities and religions".

The Indian culture, which has been a history of unity and synthesis, of reconciliation and growth, of harmony and assimilation, of fusion of old traditions and new values, has several contradictory forces within its fold. The forces of progress and regress have simultaneously worked on Indian culture. At the same time, it has been dominated by individualistic ethos, a stratified society, and the theories of dharma and karma, the institutions of castes based on occupations, and the inequalities brought in the social system due to the caste hierarchy. All these cultural factors have not only been reflected in the political processes, but also find their expression in the developmental of administrative policies. A number of developmental policies and

programmes of the government have even been influenced both in their conception and implementation through these cultural imperatives. Not only the political processes have been affected by these forces, but in many cases bureaucratic functionaries belonging to the so-called high castes have felt constrained to visit places inhabited by the so-called low caste citizenries in the course of their official dealings.

1.2.3.4 THE SOCIAL CLASSES: URBAN / RURAL DICHOTOMY

The social structure in India consists of powerful status groups based on religion, castes and language. Although a class system has also begun to emerge in India, it still remains tenuous. The slow process of industrialization and urbanization has led to a highly uneven pattern of class-growth. Status groups continue to cut across class lines. As a result, the development of class identities and political mobilization based upon class appeals has been securely inhibited. India's urban-based class structure is small as compared to the rural society. The 15 million industrial worker in the organized sector of the economy make up only 10 percent of the total work force of 150 million. Of these, only 3 percent, or 5 million, work in large modern factories. The industrial work force, moreover, is not only small, but its portion of the total labour force has also remained remarkably stable over the past several decades.

Rural India now contains 72 percent of the population, and some 70 percent of the labour force is engaged in agriculture. Despite the land reforms of late 1940s and early 1980s, the distribution of land ownership in rural India has been grossly unequal. In the early 1970s, over 96 percent of India's rural household owned less than 20 acres of land; 43 percent owned less than 5 acres; and 24 percent owned no land at all with the percentage of landless labour increasing. The disparities in land ownership are revealed in the fact that 10 percent of the rural families hold 70 percent of the cultivable land. In comparison to this the size of the urban population represents a consumer market larger than the entire European Union. These changes in the rural/urban population and the / emerging class structure have meant the evolution of new administrative policies, strategies and institutions. In the past forty years,

there has been a proliferation of a number of administrative institutions, authorities and agencies both at the centre as well as the states to cater to the strategies of integrated rural development, and the needs of growing urban metropolises, incredibly crowded, lacking in adequate housing, transportation, water, and electricity, sewage and sanitation facilities. All these developments have further meant a keen political competition among various segmented social groups and cultural communities based on language, religion, region, and caste, creating additional pressures on the administrative systems. The existence of number of multifarious agencies with conflicting and overlapping jurisdictions have not only highlighted the problems of a unified direction, control and coordination, but have also raised afresh the basic issue of centralization and decentralization and the relative autonomy of various units of administration.

1.2.3.5 WOMEN AS HUMAN RESOURCE

Women in India have not been traditionally considered as vital element of human resource. Consciousness and awareness about women as a productive agent and the need for developing the potentialities of one-half of the human resource in India was not reflected in the governmental policies of development till late seventies. And this, despite the fact that the constitution of India guarantees equal rights and opportunities for both men and women not only in public employment but also in all walks of life. The recognition of the productive capacities of women came as a result of a distinct shift on the issue of women's status and their role in development after the release of the report of the National Committee on the Status of Women "Towards Equality", which came at the start of the United Nations Women's Development Decade in 1970's.

The report expressed great concern over the declining sex ratio and work force participation of women, their displacement from work and concentration in subsistence agriculture, their lower life expectancy than males and higher mortality rates. It pointed at their occupational and educational lag and noted the discrimination and exploitation faced by women in paid and unpaid work. It commented upon their extremely poor participation in societal decision-making and leading roles, whether

as policy –makers, politicians, planners, executives as administrators or as top professionals. ”Women were really found to be at the bottom of the heap, a residual sex, deprived of the basic needs of health, nutrition education, employment, in sum of a dignified human existence.”

1.2.3.6 HARNESSING THE POTENTIALITIES OF THE WEAKER SECTIONS

A unique feature of the Indian constitutional system is the provision for according positive discrimination to the person belonging to the weaker sections of the community and to harness them as a work force for public employment. In pursuance of the constitutional provisions contained in Articles 16(d) and 35, various instructions have been issued by the Government from time to time providing for reservation in public services for the members of the Scheduled Castes (SCs) and Scheduled Tribes (STs).

1.2.4 THE INDIAN ECONOMIC CONTEXT

This part of the lesson is concerned with an analysis of the processes of deregulation, liberalization and new economic reforms undertaken in the polity of India as a response to the world bank prescription of globalisation and competitiveness during the last two decades and to examine their impact on the problems of governance and administrative reforms, with a view to assess the extent to which the emerging system of governance and economic reforms have been successful in alleviating poverty, reducing unemployment, and providing welfare activates-the necessary ingredients towards promoting human security.

The concept of human security in developing countries like India can be conceived in a positive sense in terms of maintaining a pattern of quality of life which consists of a number of indicators like Food, Health care, Clothing, Education, Housing and supporting construction needs, transport-air, Road, Rail, Sea-Communications, Women’s progress and status, Population growth, Water, Energy, Ecology and global interference, apart from eradicating (in negative sense) threats of hunger, disease, ignorance, repression, civil disorder and war, unemployment, homelessness and exclusion. The problem of development in these countries must

be defined as selective attack on the worst forms of poverty i.e., progressive reduction and eventual elimination of malnutrition, disease, illiteracy, squalor, unemployment and inequalities. This means employment should be treated as a primary objective of development, since it is most powerful means of redistributing income to the poor, as economic conditions of the poor sections cannot be improved simply by distributing purchasing power to them through welfare schemes.

1.2.4.1 POVERTY ERADICATION PROGRAMMES

The strategies of poverty eradication programmes count on faster economic growth through technology-led second green revolution, a drop in the population growth rate and redistribution. The compulsion of planned socio-economic development has no doubt change the pattern and complexion of the administration system from the British framework of a stable order to that of a system of continuous strain, both politically and administratively, “adopting ad hoc-and frequently unsuccessful remedies to a procession of deeper more intricate, and apparently less easily alleviated crises.” The administrative system, to say the least, has been unsteady throughout India, and at present is at its lowest ebb in efficiency and integrity. Commenting on this change in the temper and values of administration, a former official who has been a part of the administrative machinery both in pre-independence and post-independence period has observed.

1.2.4.2 INDIA’S INDUSTRIAL POLICY

India’s industrial policy has been largely governed by the industrial Policy Resolutions of 1948 and 1956, which had laid the pattern of industrial growth through a division of industrial sectors reserved exclusively under the public sector, or those sectors which were left open for private investments and others which both the public and private sector could continue to expand.

1.2.4.3 POPULATION GROWTH AND UNEMPLOYMENT

An important element of economic development is the demographic aspect. Unchecked population growth is a formidable obstacle to the process of economic growth. This leads to the diversion of limited resources of a nation from the production

to the consumption channels leaving a depleting recourse base for future economic development. Although employment has grown at the rate of 2.2 percent per annum in the past two decades in India, but due to a faster increase of labour force at about 2.5 per cent, the backlog of unemployment has been rising. A declining trend in employment elasticity with respect to GDP growth in recent year has made the task of accelerating the growth of employment more difficult. In addition to the generation of new enduring employment opportunities, it has to be ensured that those under-employed and employed at very low levels of earning are also able to raise their productivity and income levels.

1.2.4.4 PUBLIC EMPLOYMENT SYSTEM

Despite the tremendous increase in public employment, growth of public enterprises, proliferation of administrative agencies and the enormous burden of public expenditure as a result of the growing socio-economic demands made on the system, the process of administrative development in India has been a continuous one, while the administrative system has at times shown signs of strains due to constant pressures, largely generated by the weight of its own structure and continuous policy changes, the system has certainly acquires some resilience to withstand and bear such pressures. That the public administration in India has not disintegrated, despite a number of dysfunctionism, pathologies and negative consequences of a growing bureaucratic apparatus lends adequate support to our hypothesis that a complex socio-political structure in a developing society need not always inhibit the processes of administrative development.

1.2.4.5 THE PROVISIONS FOR HUMAN SECURITY

In order to protect the living standards of the poor during the transition period and provide for human society, the complementary social measures reflecting India's commitment to good governance were also conceived to ensure equitable distribution of both the gains and costs of economic reforms. Since over half of India's population continued to live below the poverty line, a number of direct attacks on poverty were launched during 1980's. prominent among these were special programme for backward areas, such as subsidized food supplies through a Public Distribution

System (PDS), concessional loan schemes for marginal farmers and agricultural labourers, employment schemes like Jawahar Rozgar Yojana (JRY), Nehru Rozgar Yojana (NRY), that are geared mainly towards urban housing important, after the introduction of the policy of globalization, market economy and liberalization, and despite the fiscal austerity, the government committed itself to increased outlay for clearly targeted social sector expenditure and for rural development during the overall plan period 1992-97. In particular, employment creation and human capital development in rural India through (both Poverty Alleviation Programmes (PAP) and social Services, such as primary health care, elementary education and rural water supply-cum-sanitation) were to be expanded and broadened. However constraints on budgetary resources forced the government to postpone the provision of extra-funds for those programmes, and on the contrary to curtail them along with all other public expenditures.

1.2.5 THE INDIAN POLITICAL CONTEXT

A political system, though a sub-system of the society, is supposed to perform the overall and overriding function of looking after the society and managing it to extent that this can be done at conscious, corporate level. It is necessary therefore, that a maximum number of members of a society participate in the exercise of this function. Certain groups may be legally or actually deprived of the right to participate in the process, while even many who have the right to participate may not choose to do so unless it be made mandatory for them. The extent of the formal right of participation in the political process which is concerned with the total whole, the actual facilitation of the exercise of such a right, and the actual exercise of the right, thus, may be taken as determining the degree of political development which a society has achieved when compared to other societies or to itself in a former stage. This particular aspect of making maximum possible opportunities available for free participation of people in public affairs was the one on which the edifice of a democratic system was built in India. The arena of power in India has not been limited to a ruling oligarchy or an aristocracy of birth; it has increasingly spread to the society as a whole by drawing new sections into its ambit. This is what differentiates the Indian political system

both from the European systems where, during the phase of rapid industrialization and social changes, political participation was confined to the upper classes of society; and from the revolutionary experiments in both communist and non-communist varieties where barring intraparty feuds and military coups, political competition was generally not allowed to interfere with the process of development. In India, politics is neither suppressed nor confined to a small aristocracy. On the contrary, it provides the larger setting within which decision-making in regard to social and economic development takes place.

1.2.5.1 BUREAUCRACY AND POLITICAL LEADERSHIP

Bureaucracy is still a power full component in the decision-making process and with this 'redtapism' is as much a consequence of the system of rules as their interpretation and application by it. At the same time the new breed of politicians that has emerged after mid-1960s see the bureaucracy as a needless obstacle in the achievement of their political goals which has lead to frequent conflict in the relationship between the political leadership and the permanent executive. The conflict of interests between them has further led to increased politicization of bureaucracy and the emergence of nexus between the politician, bureaucracy and the criminals, thus seriously corrupting the body politic, an a major issue of public service integrity, and loss of ethics in public life.

1.2.5.2 POLITICO-ADMINISTRATIVE ENVIRONMENT

Mapping the political and administrative history of India over a period of sixty years is indeed a difficult exercise. Obviously, there have been changes in administrative institutions, structures, style and cultures in post-independent India, and some distinct changes do carry the mark of the political leadership than in power. Thus, administrative development has been an uneven process; and it can best be understood only in the context of the totality of politico-administrative environment. It was however, after 1967, that one witnessed the beginning of erosion of most of the fundamental values of the administrative system that were consolidate during the earlier years of the Republic. This period marks the beginning of uncertainty and instability in the political system. Whether this happened because of the personal

struggle amongst leaders for consolidating and preserving their power-base, or changing economic, local or institutional condition, is a matter for speculation, but the net consequences of this uncertainty was that the policy-making administrative apparatus got disoriented and replaced by some kind of a ‘shot-gun’ approach to administration.

1.2.5.3 JUDICIAL CONTROL OVER ADMINISTRATION

Judicial control over administration means the powers of the courts to examine the legality of the officials’ acts and thereby to safeguard the rights of the citizens. It also implies the right of an aggrieved citizen to bring a civil or criminal suit in a court of law against a public servant for the wrong done to him in the course of discharge of this public duty. The end sought by judicial control of administrative acts to ensure their legality and thus protect the citizen against unlawful trespass on their constitutional or other rights.

The Judiciary intervenes into administrative cases on the following grounds:

Lack of Jurisdiction: Every officer has to act within the limits of the authority given to him and also within a specified geographical area. If he acts beyond his authority or outside the geographical limits of his powers, his acts will be declared by the courts as ‘ultra vires’ and hence interactive. As, for example, in India it is expressly laid down in the Constitution that No government employee shall be dismissed by an authority below the rank to the authority which appointed him; otherwise the action of the dismissal shall be declared ultra vires due to lack of jurisdiction.

Error of Law: A public servant may misinterpret the law and may impose upon the citizens’ duties and obligations which are not required by law. A citizen who has suffered on account of this has the right to approach the court for damages.

Error of Fact-Finding: Thirdly, there may be cases in which the official has erred in discovering facts. He may wrongly interpret facts or ignore them and thus may act on wrong presumptions. This may affect a citizen adversely and so there may be ground for bringing a case in a court of law.

Abuse of Authority: If a public official uses his authority vindictively to harm some person, the courts can intervene and punish him if he is found guilty of using the authority to take a personal revenge.

Error of Authority: Above all 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 and appeal from the party affected. For example, the law requires that an employee should be served with a notice of the requires that an employee should be served with a notice of the charge before any action of suspending or dismissing him can be taken against him. Suppose the officer takes the action against him without serving a proper notice, then his action shall be declared null and void by the court.

Methods of Judicial Control

Control of administration by the courts may take one of the following forms:

1. Judicial Review
2. Statutory Appeals
3. Suit against Government / Government Officials
4. Extra-ordinary Remedies in the form of Writs.

1. Judicial Review: By Judicial Review we mean the power of the courts to review the administrative acts and decisions for their validity. On examination, if such decisions and acts are found to be ultra-vires, the courts refuse to enforce them. It has now become common place for courts to exercise this power in the countries following the Anglo Saxon system of jurisprudence.

2. Statutory Appeals: Statutory appeal occurs where certain provisions of the statute themselves provide for appeal against administrative decisions and actions. By virtue of such provisions of the statutes the adversely affected or aggrieved citizens will have the right to appeal to a court or a higher administrative tribunal. Statutory appeals are now steadily gaining ground as legislative regulation of the administrative process increase.

3. Suits against the Government: Judicial intervention can be in the form of suing the government itself or the public official concerned against whom any citizen may want to be redressed of his grievance. The position regarding the suability of the government and public officials differs in the countries following the system of Rule of Law from those

- a) *Suability of the Government and Public Officials under the Rule of Law:*
The rule of law system prevails in England, U.S.A. and most of the Commonwealth countries including India. According to this system the public officials are subject to the ordinary laws of the land and cannot seek official protection for acts performed in their official capacity for which they are personally liable or suable in courts. However, there are always certain high officials who enjoy legal immunity for official acts in all countries like the British monarch, the President of India, the Government of a State in India etc.

In India, the suability status of the Government of India or the Government of a State is governed by Article 300 of the Constitution, which clearly states that the state is suable for contracts, that is, trading functions and is not suable for the tortuous acts of its officials in the exercise of its sovereign functions. In practice, however, the state is often held responsible for the illegal acts of its public officials.

- b) *Suability of the Government and Public Officials, under Administrative law:*
on the other hand, in the countries where the system of Administrative Law prevails, the state is liable and suable for all illegal acts of its officials. The errant officials in these countries are tried not in ordinary courts but in the administrative courts which have the requisite powers.

1.2.6 UNION-STATE ADMINISTRATIVE RELATIONS

After Independence India has adopted federal form of Government wherein the powers are distributed between the union and the state governments. In India there were cordial relationships between the union and the states between 1947 to 1967.

During this period single political party enjoyed the power both at the centre and states. But central state relationship has become a very serious problem after the 1967 elections. In this election the congress party came to power at the centre and anti congress party governments viz., the DMK in Tamil Nadu the communist party in Kerala and the Jansangh in Union territory of Delhi came to power. Similarly many coalition governments were formed in other states too. Though the strains released after 1977 elections, 'yet the problem exists since then. In 1977, General elections the Janata party government came to power at the centre, whereas in Southern states non Janata parties were in power. Though the congress party came to power at the centre in 1980 elections in many states and there were coalition governments formed by non congress parties. Which did not believe in political ideology of the political party at the centre, some states such as Kerala, West Bengal, Assam, Andhra Pradesh began to demand more autonomy than what these had been enjoying hitherto? This has resulted in various problems in the central state relationships in all the fields namely i) Legislative and ii) Financial iii) Administrative field. In this lesson emphasis is given only on centre-state administrative relations.

1.2.6.1 LEGISLATIVE RELATIONS BETWEEN THE UNION AND THE STATES

The constitution of India divides and distributes the legislative power, between the centre and the states under three lists namely i) the union list ii) the state list and iii) the concurrent list.

Union List

It consists of 97 subjects. Later the 42nd Amendment of the Constitution added one more subject to this List. The subjects include the matters of national importance Such as Defence of India, Armed Forces, Posts and Telegraphs, Currency Inter-state Trade and Commerce, Banking Insurance, Election of Parliament etc. The Union Parliament has exclusive power to make laws with respect to any of the matters enumerated; in the Union List. List include Defence of India, Armed Forces, Foreign Affairs, Railways, National highways, Shipping and navigation, Airways, Posts and Telegraphs, Currency, Inter-State Trade and Commerce, Banking Insurance, Election

of Parliament etc. The laws made on these subjects are applicable to all the States and to all the citizens equally.

State List

It consisted of 66 subjects. By 42nd Amendment this number was reduced to 62. The State Legislatures have exclusive power to make laws on matters enumerated in this list. Law and order, police, Prisons, local governments, public health, programmes, libraries, agriculture, fisheries, markets and fairs, land revenue are some of the important subjects included in this List. The Laws made by the State legislatures over the State List are applicable only to the individuals or institutions within that state only.

Concurrent List

Both the Centre and the States are authorized to make laws over the subjects included in this list. There were 47 subjects under this List. But by 42nd Amendment, their number was increased to 52. The matters in this List are of all India importance or common importance. Some of the items under the Concurrent List are – criminal law and procedure, Marriage and Divorce, Trusts and Trustees, Forests, Protection of Wild Animals, Adulteration, Planning, Population control, Trade Unions, Education, Weights and Measurements, Electricity, Press and Newspapers etc. The Centre and the States can make laws over these subjects. However, if both the Centre and the States make laws over a particular subject of this list, then the laws made by the Centre prevail over the laws of the States. The Union Parliament is empowered to amend and repeal the laws made by the states on any subject mentioned in the concurrent list. The Parliament has power exclusively to make any law with respect of any matter not enumerated in the Concurrent List or State List (Article 248). In other words, the residuary powers are allotted to the Union Government. Thus the grip of the centre on the states is very tight.

Financial Relations:

According to Indian Constitution our States enjoy considerable financial autonomy.

These have right to collect taxes and also to spend money in the way approved by the State Legislature. But as compared with their sources of income their sources of expenditure are many more, with the result that the states are required to financially depending on the centre. It is. Therefore, it is essential to discuss briefly about centre-state financial relationship.

Financial Pattern

There are certain types of taxes which are levied by the Union Government but collected by the State e.g., Stamp Duty, Excise Duty etc. These will be collected by the state government of the state in which the tax is levied but collected on behalf of central government. On the other hand, there are taxes which are collected by the union government and assigned to the States. In such cases, the pattern of distribution is however, decided by the Parliament e.g. duties in respect of succession to property ; estate duty ; terminal taxes; railway fares and freights, taxes on sale and purchase of newspapers. There are certain types of taxes which are levied etc., and collected by the Union but shared with the state government e.g., income tax excise duty etc.,

Grants in Aid

The constitution also provides for grants in aid to the states. The Parliament is empowered to sanction grants in aid to the states as it deems necessary. This power is intended to help the centre in removing the financial disparities between the states. These grants are chargeable on the Consolidated Fund of India. The centre provide these grants to the states on two accounts i) schemes of development for the welfare of scheduled castes and tribes and for raising the level of administration of Scheduled Areas. For the development of Tribal Areas Bihar, West Bengal, Orissa and Assam states receive grants in aid in lieu of export duty of jute and jute products. The union government fixes the quantum of grants and lay down the conditions under which they are to be admitted. The union government uses its grant in aid as a potential instrument to control the states and curb the autonomy of the states. Thus, it is clear that the high handedness of central government over the finances of states.

Finance Commission

In establishing financial relations between the centre and the states finance commission plays a very important role. The President is empowered to appoint a finance commission after every five years to:

- a) Decide basis of net distribution of proceeds realized through income tax;
 - b) Distribution of other divisible central taxes;
 - c) Principles governing grant-in-aid of the revenues of the States and also the basis of deciding shares of state governments about property tax etc.,
- So far the President has set up fourteen finance commissions.

By the above discussion it is clear that the financial resources are also concentrated in the hands of the centre.

1.2.6.2 TECHNIQUES OF ADMINISTRATIVE CONTROL OF THE UNION OVER STATES

In India, the state governments enjoy their constitutional powers, over the administrative matters in their jurisdictions in normal conditions. However the central government exercises control over the administrative affairs of the state under certain conditions.

The Union Government exercises rigid control over the states governments through various agencies and various techniques as discussed under.

Through Governor:

The President of India appoints the governors of the state. They act as the agents of the union government. They have to submit a periodical reports to the centre about the law and order conditions in their states. After 1967, when the coalitional era dawned in the states, the political parties enjoying powers, at the centre began to use these reports to topple the democratically elected opposition party ruled state governments by using the article 356 of the constitution. In certain cases the Governor acted as a tool of the central government, indulged in undue pinpricking and ultimately manoeuvred the end of the popular role in the states. As a result the Central

Government gets an opportunity to takeover state administration into its hands by proclaiming president rule. This power has been very extensively used and today in India there is no state in which President rule has not been imposed.

Directions to the States:

The Indian constitution has authorized the union government to exercise considerable control over the state administrative machinery. According to the article 256 of the Indian constitution the executive power of every state is to be exercised in a way as to ensure compliance with the laws made by parliament. If a state government fails to enforce the laws passed by the parliament within its jurisdiction the union government can issue directions to the state government to do so. The union government can also give directions to the states as and when necessary arises or the situation demands. In the absence of this the union cannot implement the laws passed by Parliament, since it has no separate administrative machinery to execute such laws.

Further Article 257 specifies that every state is called upon not to impede the executive power of the union in the state. If a union agency fails to function within a state the union executive can issue proper directions, to the state government to remove all obstacle. In two specific matters union power of issuing directions extends i) the constitution and maintenance of means of communication declared as of national or military importance ii) the protection of railways within the state. In both the cases the additional expenditure incurred by the states shall be paid by the union.

If the State Government fails to carry out the directions of the Union Government, the President of India under Article 365 may proclaim a breakdown of the constitutional machinery of the State and place all the powers of State Government in the hands of the Union Government. Apart from this drastic action that can be taken against a State Government the Union Government exercises general powers of direction and control in several matters which concern the States. For instance the Union Government can deploy its army or any other force to the states at any time without the consent of the states. The forces will work as per the directions of

the union government. This further tightens the nose of the center around state government. Further the superintendence, direction and control of all elections whether to Union Parliament or to the State Legislatures are vested in the Election Commission appointed by the President. The judges of the High Courts are appointed and can be transferred by the President. The financial accounts of all States are under the supervision and control of the Comptroller and Auditor-General of India. The President has been given special powers in respect of the welfare of scheduled tribes and backward classes. Thus the Constitution has conferred wide authority on the Union Government to exercise control and direction over the State Executive.

Delegation of Union Functions:

The central government can entrust any work to state government or to the functionaries of the state. Parliament also can entrust powers to impose duties on state officers through any of its laws which are applicable in a state. Mention may also be made of Article, 355 which imposes a duty on the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every state is carried on in accordance with the provisions of the Constitution. The fulfilment of the obligations may sometimes require Union intervention in purely State matters.

1.2.6.3 ALL INDIA SERVICES

The Indian Administrative and the Indian Police services are common to both the Union and the States. They occupy all the higher administrative positions in the state administration. They are governed by the rules and regulations and service conditions laid down by the central government. They can be removed by the central government only. Further the union parliament is authorized to create more such services. The all India services are treated as a device to exercise control over the state Government in a manner that they do not run in flat contradiction to the spirit of the constitution or the important national policies.

1.2.6.4 INTER STATE COUNCIL

Though the states in India are autonomous within their own territorial limits, yet the

Constitution of India empowers the Parliament to provide for the adjudication of any dispute or complaint with respect to the use, distribution, or control of the water, or in, any inter-State river or river valley. Parliament may by law also provide that neither the Supreme Court nor any other court shall exercise any jurisdiction in respect of any such dispute or complaint. Provision has also been made for the creation of Inter-State Councils charged with the duty of i) inquiring into and advising upon disputes between States; ii) investigating and discussing subjects of common interest to some or all States; and iii) making recommendations on any subject and, in particular, recommendations for the better coordination of policy and action with respect to that subject. The President is empowered to determine the organization and procedure of the Inter-State Council.

Problems

In spite of clear division of powers between the union and the state governments in the constitution, as discussed earlier, the structural defectives in them and also several distortions in their actual working. Some of them are: I) appointment of the governors of the state without consulting the concerned Chief Minister and also appointing the active politicians of the ruling political party (at the centre) as Governors. ii) Some Governors acted as the agents of the centre in the state while discharging their discretionary powers, viz., i) in appointing the Chief Minister and ii) sending periodical reports to the centre iii) Toppling of several democratically elected opposition party governments in the state by using Art. 356 very frequently iv) Egoism and misunderstanding between the Chief Ministers and the Governors, v) Imbalance between the responsibilities and financial resources of the states vi) Delays in releasing Grants to the states, vii) Delays in giving assent to state bills viii) Non inclusion of development projects (in the five year plans) sponsored by the State Governments ix) Adoption of import and export policies without considering the impact on the state's economy iv) Deployment of paramilitary forces in the states for maintaining the law and order in the state v) Giving permission to establish large scale plants and projects on political grounds without considering the merits and demerits, and vi) Delay in providing financial support in adequate measure to the states affected by

natural calamities like floods, earthquakes, Tsunami etc.,

1.2.7 LET US SUM UP

After more than 50 years of Independence, India's achievements in regard to life expectancy, literacy, health and poverty alleviation compare unfavourably with many other developing countries. The record is very uneven across various States. Furthermore, there are disquieting trends in regional disparities with respect to overall economic development, which need to be addressed by a combination of Central government policies and more determined efforts by lagging States to avail of opportunities for faster development. It is necessary, therefore, that effective public programmes implemented through local participation and accountability must become the norm for future progress. To sustain and accelerate the growth of the economy and employment, while ensuring low inflation, the economic policies followed in India must combine fiscal discipline with rapid economic reforms where necessary.

However, as has been observed by an eminent scientist Professor U.R. Rao, a former President of the Indian Science Congress, "the solution to provide food, economic and health security to meet the growing demands of increasing population with limited land resources, lies in the adoption of a holistic approach for achieving environment friendly, sustained development. It is towards this end that the policies of globalization and competitiveness need to be directed to achieve the elusive goal of human security. This is in itself a big challenge to the process of governance. India's experience of the past years of vicissitudes in the reform process may well serve as a lesson for many developing countries of the world to correct and reformulate the course of their policies for achieving the basic objective of human security for their masses.

In conclusion, however, it should be remembered that no amount of planning and thinking in all these areas would be useful unless the government is capable enough to take hard and unpleasant decisions and has the will and capacity to implement and continuously monitor and evaluate their impact. At the same time, the political leadership has to demonstrate its own stable from corrupt and criminal

influences, and setting ethical standards of good governance both at the political and administrative levels. The processes of modernization of state and administration need an active and consociational association of people at all levels of the governmental structure in order to realize the goals and objective that the society sets for itself.

Until and unless there is a political consensus is reached between the political parties there is no use in appointing committees and commissions to solve the problem. The ruling political parties at the centre should not make attempts to misuse its authority in order to topple the democratically state governments. The opposition party state governments also should not demand more powers than stipulated in the constitution. The need of the hour is cooperation rather than confrontation. In fact it is essential to strengthen the central government to deal with the complex problems such as interstate territories, invasion of foreign countries over the territories of the state. The central government too, should come forward to decentralize its administrative powers. With the passing of 73rd & 74th constitutional amendments, center state relations are now on a positive note.

1.2.8 EXERCISE

1. Write an essay on social Context of Indian Administration.
2. Describe the Economic Context of Indian Administration.
3. Discuss the Political Context of Indian Administration.
4. Discuss the administrative relations between the union and the states of India.

M.A. Political Science, Semester III, **Course No. 305, Indian Administration**
UNIT-I: Evolution, Features and Environmental Setting of Indian Administration

1.3. PARLIAMENTARY DEMOCRACY, FEDERALISM AND PLANNING SYSTEM : ORGANIZATION AND WORKING

- Y. Pardhasaradhi

STRUCTURE

1.3.0 Objectives

1.3.1 Introduction

1.3.2 The Inheritance

1.3.3 Independence and the Constitutional Imperatives

1.3.4 Federalism: The Administrative Implications

1.3.5 Fundamental Rights and Directive Principles: Imperatives

1.3.5.1 The Public Services

1.3.5.2 The Statutory Authorities

1.3.6 Policy of Planning Economy

1.3.6.1 Planning at Central Level

1.3.7 N I T I Ayog

1.3.8 Let us Sum Up

1.3.9 Sample Questions

1.3.0 OBJECTIVES

After going through this lesson, you should be able to know:

- Evolution of Indian Administration in post-independence India;

- Federalism and its implication on administration;
- Influence of Fundamental Rights and Directive Principles;
- Economic policy and structure and functions of Planning Commission
- Establishment of NITI Ayog replacing earlier Planning Commission

1.3.1 INTRODUCTION

After Independence in 1947, India embarked on the experiment to constitute itself into a sovereign republic and modernize the state and its administration through the adoption of a 'parliamentary democracy. Over all these years, while evolving a consensual framework of a democratic government, the leadership in India has also from time to time attempted to devise strategies for good governance, which is associated with an efficient and effective development-oriented, citizen-friendly and responsive administration committed to improvement in quality of life of the people. This chapter is concerned with a review and evaluation of not only the inherited systems from British administration but also the various efforts and strategies adopted in India for bringing out administrative development for good governance, and points out some further directions of reforms which are immediately needed in public management system in order to meet the challenges of the advent of the 21st Century.

1.3.2 THE INHERITANCE

At independence, India inherited from the British a monolithic, strictly hierarchical administrative structure, with the line of command running unimpeded from the Viceroy and Governor – General in Delhi to the farthest village, but with certain well established traditions. The purpose of such a system was to keep the interest of the British power in India dominant, make sure that the government got the revenue it need, and in terms of peace and security, maintain law and order. The system of administration that had evolved in India during the 18th Century from the time of Warren Hastings and Lord Cornwallis-from imperial rule until Independence had five distinguishing features:

- a) the district as the basic unit of administration, and the office of the district

collector as a prototype of a “District – Maharajah”, “the alter – ego of the vice – legal authority” controlling, directing, and coordinating all administrative in his district;

- b) centralization – as the recognized principle of administration of decision-making in almost all policy areas – public finance, legal and judicial systems, education, health and even public works;
- c) the steel-frame of administration – strong institution of a single dominating civil service, with the Indian Civil Service (ICS) the elite generalist service, occupying the top position among other allied and subordinate services down the levels of central and provincial hierarchies;
- d) a system of elaborate rules and regulations designed by the British as a means of maintaining control over the decision-making power of their large number of Indian subordinates, who had varying levels of training, outlooks, and goals, and who were dispersed far from the administrative centres; and
- e) A system of Secretariat and Executive offices – a split system prevailing at both the central and provincial levels, ostensibly separating questions of policy from those of administration.

Such a system of administration suited the British. This was the status quo regime. It maintained and Preserved broadly the structure of society in India as it then existed, particularly the large proportion of rural society. It did not concern itself with any radical of specific socio-economic changes. The impact of the administration on the large proportions of Indian citizens was minimal. Thus, when the time for transfer of power came in 1947, the administrative system was not appropriately prepared to handle the massive developmental and post-independence tasks.

1.3.3 INDEPENDENCE AND THE CONSTITUTIONAL IMPERATIVES

The period since independence has witnessed most changes in the administrative system. The attainment of independence brought in its wake momentous problems,

simultaneously needing multiple revolutions.

1. First, the transition from a colonial system of government to a full-fledged parliamentary democracy with a federal structure of government and commitment to a Welfare state.
2. Second, the transformation of a semi-subsistence economy into a modern industrial economy to solve the problems of poverty, unemployment, and want.
3. Third, a social revolution changing a caste-ridden stratified society into a progressive community-oriented to social justice; and
4. Fourth, a technological revolution to shine the light of modern science on the crusted traditional ways of a conservative people.

The board changes adopted by the Indian leadership, to usher into a new era, were:

- a) the political integration of the country;
- b) the framing of a new Republican Constitution;
- c) the adoption of adult franchise;
- d) a policy of rule of law and independence judiciary;
- e) a policy of rule mixed economy and democratic socialism for agro-industrial growth;
- f) a policy of equal opportunity and protective discrimination to further social justice; and
- g) a policy of non-alignment in foreign affairs.

All these strategies have led, since then, to a number of veritable changes in the policy process and the administrative system. But some of the old problems still persist in one form or the other, while the processes of modernization and socio-economic changes over the last five decades have given rise to a new set of problem pertaining to policy and administration.

The new set of problems that have arisen in the modern times relate to various issues such as:

- i. the empowerment of women and the downtrodden and the social upliftment of the poor and the backward;
- ii. growing incidence of social and political violence due to terrorism, communalism, regionalism, linguistic and group-conflicts;
- iii. environmental security and sustainable development;
- iv. challenges of globalization, liberalization, market economy and world capitalism;
- v. constraints of the emergence of a civil society; and
- vi. the challenges of the revolutions in information, communication and other technologies.

The Public Management system in India has had to respond to these continuing problems and challenges faced by the polity from time to time, and it did so by first establishing a constitutional framework of a Republican Democratic Government. The pattern of administrative development in India was thus largely guided by the imperatives of the Republican Constitution, which came into force on 26th January 1950. the structure of colonial administration not only had to adjust to the system of democratic parliamentary government and the principle of federalism enshrined in the Constitution, but was also expected to implement the new policy goals inherent in the Preamble and a number of its provisions relating to socio-economic dispensations. Some of these are discussed in the following sections.

1.3.4 FEDERALISM: THE ADMINISTRATIVE IMPLICATIONS

Indian federalism has retained the principle of centralization of the British era in the structure of administration; it has vested imposing powers and responsibilities in the Union government. The emergency powers contained in the Indian Constitution enable India,

under certain circumstances, to transform itself into a unitary state. Under emergency provisions, the Union Executive and the Parliament can direct a state government in the use of its powers or assume all of its powers, the Union Executive acting for the state executive and the Union Parliament enacting legislation as if it were state legislature.

Apart from the fact that central government has the constitutional right to modify the distribution of powers between the Centre and the states under certain circumstances, the central government also has vast powers over the collection and distribution of revenues, which make the states heavily dependent on the central government for financial support. Although the constitution provides for the devolution of revenue to the states under Article 275, the Union Government under Article 282 has the power to make grants to the states for which Parliament cannot normally legislate. Under this provision, the central government allocates vast amounts of development funds to the state as part of five Year Plans drawn up by the National Planning Commission, an advisory body of the central government, putting additional responsibility on its administrative structure. However, despite these centralized trends, each state has a personality of its own and can no longer be treated by the central government as merely a piece of territory for administrative purposes. The number, territorial size, and composition of states have changed many times since independence in response to the demands of the people of various regions. The new states were formed viz., Uttarakhand, Jharkhand and Chhattisgarh towards the end of 2000 and Telangana in 2014.

1.3.5 FUNDAMENTAL RIGHTS AND THE DIRECTIVE PRINCIPLES OF STATE POLICY: IMPERATIVES FOR ADMINISTRATION

The Constitution of India is committed to providing fundamental changes in the socio-economic order through its provision of Fundamental Rights and Directive Principles of state policy. While the Fundamental Rights guarantee for each citizen certain substantive and procedural protection against the state, the Directive Principles of state Policy, although not enjoying legal force through the courts, provide direction to the nation “to promote the welfare of people by securing and promotion as effectively as it may a social order in which justice; social, economic, and political,

shall inform all the institutions of national life” Taken together, these provisions have meant a number of mandatory obligations that are required to be observed by administrative personnel in the discharge of their functions and the emergence of a large number of different types of administrative institutions at all levels to carry out the purpose and aspirations of a new nation.

1.3.5.1 THE PUBLIC SERVICES:

Perhaps India is the only country whose public services have been accorded constitutional status, and their rights and privileges have been safeguarded. Article 311 of the Constitution provides a safeguard to a public employee’s right to be served with a notice to show cause notice before he/she can be dismissed from the service on charges of misconduct, inefficiency or corruption. Such legal and constitutional guarantees, which were intended to protect civil servants from arbitrary actions and unjust administrative decisions, have come to be used as the “guardian” of corrupt and incompetent bureaucrats.

The most unique feature of the provisions of the Indian Constitution is Article 312, pertaining to the creation of all India services, which retain the same prestige and status once accorded to the old ICS. The special characteristic of these services is that although officers are recruited and trained by the Union government, they serve both the Union and the state government and occupy top policy – making and executive positions in both the central and the state governments. Moreover, they cannot be dismissed, removed, or reduced in rank, except for cause and only with the approval of the Union Public Service Commission. Apart from the All-India Services, the Constitution also provides for Central Services for the Union Government and state Services for the state governments. While the All-India and Central Services are recruited by the Union Public Service Commission, the state Services are recruited by the state Public Service Commissions. The Commissions have been established as constitutional agencies to protect the services and the merit system from political interference.

1.3.5.2 THE STATUTORY AUTHORITIES

The other independent bodies for various administrative purposes provided in the Constitution are:

- the Election Commission to conduct elections for various legislative bodies and all elective offices under the union and the states;
- the Finance Commission, appointed every five years for determining the principle of distribution of revenues between the central and state governments;
- the Comptroller and auditor General to audit accounts of the Union and the state governments; and
- the Scheduled Castes and Scheduled Tribes Commissions to look after the welfare of the Scheduled Castes and Scheduled Tribes in India.

1.3.6 POLICY OF PLANNED ECONOMY

In pursuance of the objectives of a welfare state and rapid economic growth, India had adopted five Years Plans as a major instrument of public policy and the principle of “mixed economy” as the guiding ideology for planned developmental efforts. The planning objectives and social premises were derived from the Directive Principles of State Policy set out in the Constitution. Attempts to formulate and implement development plans have been accompanied by a vast expansion of various administrative planning institutions and agencies, and phenomenal growth of public services for developmental purposes. In the process the new institutions that have come into existence as a result of the adoption of the system of economic planning are:

1.3.6.1 PLANNING AT CENTRAL LEVEL

The role and nature of the planning machinery would depend upon the nature of planning *per se*. Before we look at the institutions of planning, it may be useful to have a bird’s-eye view of the process of planning at the Central level. Planning in India, as in most other settings, is “essentially a backward and forward process — an exercise in successive approximation as well as successive coordination”. Broadly and briefly, the main stages of India’s planning at the Central level are as follows:

1. Perspective Targeting

The Planning Commission in the light of the basic national objectives, lays down tentative and general goals for long-term development, say for 15-20 years. These goals may or may not be explicated, but against their background only, are broad targets for a five year

plan formulated.

2. Formulation of Guidelines

The five year targets are given provisional guidelines by a number of Central Working Groups, created for each important sector. These groups comprise specialists, economists and administrators in the Central ministries and the Planning Commission. They formulate targets for their respective sectors, keeping their needs and resources in view. The Planning Commission also seeks suggestions from the state and U.T. governments on the structure of their respective plans.

3. Preparation of the Approach Paper

On the basis of the reports of the working groups and the details received from the state governments and union territories, the Planning Commission prepares an approach paper for the five year plan. This approach paper is discussed and approved/modified by the National Development Council.

4. Publication of the Draft Plan

On the basis of the approach paper, the Planning Commission prepares and publishes the draft five year plans. This is done several months before the plan is to come into force. The draft plan outlines the set of objectives of the plan, makes resource-assessment and provides broad indications of the priorities and targets in various sectors. The draft is discussed in governmental as well as non-governmental circles at the central and the state levels.

5. Finalization of the Plan

On the basis of reactions, responses and modifications, resulting from discussions with the Central ministries and state governments, the final version of the plan is formulated. The plan represents a synthesis of the technical, financial, administrative and even 'political' imperatives of growth and development. The five year plan is formally endorsed by the Union Cabinet and then presented to the Parliament, where it is generally approved following discussions.

6. The Phase of Implementation

The final plan is communicated to the concerned Central ministries and state governments. The process of implementation starts with the release of sanctions by the Ministry of Finance, and at the state level, by the respective Departments of Finance.

7. The Exercise of Evaluation

Periodical evaluation and appraisal of the plan is undertaken at the levels of the National Development Council, the Planning Commission, Central ministries, state governments and the district planning authorities. Certain readjustments may have to be made in the plan in the light of the evaluations.

Annual plans are formulated broadly on the above pattern. An annual plan is a component of the five year plan. The work on an annual plan starts in September-October and detailed consultations of the Planning Commission with the Central ministries and state governments take place in November-December. The draft plan is discussed and modified at various levels and by February, the annual plan for the next year is expected to be ready. Then, it gets integrated with the annual budget of the Central state government. By April, the finalized plan is ready for implementation. And, the process of monitoring and evaluation continues periodically.

It should not be surmised that the above stage wise process is rigid. In practice, political and economic uncertainties and exigencies may dislocate the sequence of the plan process, and a draft plan may be modified several times at the level of the Planning Commission itself. During the period 1989 to 1991, when Prime Ministers changed thrice and the fourth one took over, the Eighth Five Year Plan got transformed in size, priorities and tone, several times.

In the context of the resume of the various stages of the planning process, the following institutions may be identified as having an important role in this process:

Planning Commission

National Development Council

State Planning Departments and Boards

District planning agencies, supported by the institutions of decentralized planning.

As mentioned already, the Union Parliament, the Union Cabinet, the state legislatures and the state cabinet also have important roles in plan formulation; but, so far, their impact on the formulation and evaluation of the plans has not been distinct and noteworthy. Hence, in the following pages, focus of analysis will be on the aforementioned four institutions which provide the Indian planning system a multi-level framework.

1.3.7 NITIAAYOG

National Institution for Transforming India Aayog, (Policy Commission) is a Government of India policy think-tank established by Prime Minister Narendra Modi after his having dissolved the Planning Commission. Pronounced *nithi*, meaning “policy” in Sanskrit, the acronym stands for National Institution for Transforming India. The stated aim of NITI Aayog’s creation is to foster involvement and participation in the economic policy-making process by state governments of India, a “bottom-up” approach in contrast to the Planning Commission’s tradition of “top-down” decision-making. The Prime Minister heads the Aayog as its chairperson. Thus, while the Planning Commission had no representation for state and Union Territories, the NITI Aayog has. The Union Government of India announced formation of NITI Aayog on 1 January 2015 and the first meeting of NITI Aayog was held on 8 February 2015. “NITI Blogs”, which provide public access to articles, field reports and work in progress as well as the published opinions of NITI officials, are available to the public on the Aayog website. NITI Aayog is a group of people with authority entrusted by the government to formulate/regulate policies in social and economic issues with experts in it. India’s Finance Minister Arun Jaitley made the following observation on the necessity of creating NITI Aayog: *“The 65-year-old Planning Commission had become a redundant organisation. It was relevant in a command economy structure, but not any longer. India is a diversified country and its states are in various phases of economic development along with their own strengths and weaknesses. In this context, a ‘one size fits all’ approach to economic planning is obsolete. It cannot make India competitive in today’s global economy”*

1.3.7.1 MEMBERS

The NITI Aayog comprises the following:

1. Prime Minister of India as the Chairperson
2. Governing Council comprising the Chief Ministers of all the States and Union territories with Legislatures and lieutenant governors of other Union Territories.
3. Regional Councils will be formed to address specific issues and contingencies impacting more than one state or a region. These will be formed for a specified tenure. The Regional Councils will be convened by the Prime Minister and will comprise of the Chief Ministers of States and Lt. Governors of Union Territories in the region. These will be chaired by the Chairperson of the NITI Aayog or his nominee
4. Experts, specialists and practitioners with relevant domain knowledge as special invitees nominated by the Prime Minister
5. Full-time organizational framework (in addition to Prime Minister as the Chairperson) comprising
 1. Vice-Chairperson: Arvind Panagariya
 2. Members: Three (3) Full-time: economist Bibek Debroy, former DRDO chief V.K. Saraswat and Agriculture Expert Professor Ramesh Chand
 3. Part-time members: Maximum of two from leading universities research organizations and other relevant institutions in an ex-officio capacity. Part-time members will be on a rotational basis
 4. Ex Officio members: Maximum of four members of the Union Council of Ministers to be nominated by the Prime Minister
 5. Chief Executive Officer: To be appointed by the Prime Minister for a fixed tenure, in the rank of Secretary to the Government of India. Sindhushree Khullar appointed as the Chief Executive Officer.
 6. Secretariat as deemed necessary

1.3.7.2 PRESENT STRUCTURE

1. Chairperson: Prime Minister Narendra Modi
2. CEO: Sindhushree Khullar IAS
3. Vice Chairperson: Arvind Panagariya
4. Ex-Officio Members: Rajnath Singh, Arun Jaitley, Suresh Prabhu and Radha Mohan Singh
5. Special Invitees: Nitin Gadkari, Smriti Zubin Irani and Thawar Chand Gehlot
6. Full-time Members: Bibek Debroy (Economist), V. K. Saraswat (former DRDO Chief) and Ramesh chand (Agriculture Expert)
7. Governing Council: All Chief Ministers and Lieutenant Governors of States and Union Territories

1.3.7.3 AIMS AND OBJECTIVES OF NITI AAYOG

- NITI Aayog will seek to provide a critical directional and strategic input into the development process. The centre-to-state one-way flow of policy, that was the hallmark of the Planning Commission era, is now sought to be replaced by a genuine and continuing partnership of states.
- NITI Aayog will emerge as a “think-tank” that will provide Governments at the central and state levels with relevant strategic and technical advice across the spectrum of key elements of policy.
- The NITI Aayog will also seek to put an end to slow and tardy implementation of policy, by fostering better Inter-Ministry coordination and better Centre-State coordination. It will help evolve a shared vision of national development priorities, and foster cooperative federalism, recognizing that strong states make a strong nation.
- The NITI Aayog will develop mechanisms to formulate credible plans to the village level and aggregate these progressively at higher levels of government. It will ensure special attention to the sections of society that may be at risk of not benefitting

adequately from economic progress.

- The NITI Aayog will create a knowledge, innovation and entrepreneurial support system through a collaborative community of national and international experts, practitioners and partners. It will offer a platform for resolution of inter-sectoral and inter-departmental issues in order to accelerate the implementation of the development agenda.

In addition, the NITI Aayog will monitor and evaluate the implementation of programmes, and focus on technology upgradation and capacity building. Through the above, the NITI Aayog will aim to accomplish the following objectives and opportunities:

- An administration paradigm in which the Government is an “enabler” rather than a “provider of first and last resort.”
- Progress from “food security” to focus on a mix of agricultural production, as well as actual returns that farmers get from their produce.
- Ensure that India is an active player in the debates and deliberations on the global commons.
- Ensure that the economically vibrant middle-class remains engaged, and its potential is fully realized.
- Leverage India’s pool of entrepreneurial, scientific and intellectual human capital.
- Incorporate the significant geo-economic and geo-political strength of the Non-Resident Indian Community.
- Use urbanization as an opportunity to create a wholesome and secure habitat through the use of modern technology.
- Use technology to reduce opacity and potential for misadventures in governance.

The NITI Aayog aims to enable India to better face complex challenges, through the

following:

- Leveraging of India's demographic dividend, and realization of the potential of youth, men and women, through education, skill development, elimination of gender bias, and employment
- Elimination of poverty, and the chance for every Indian to live a life of dignity and self-respect
- Reddressal of inequalities based on gender bias, caste and economic disparities
- Integrate villages institutionally into the development process
- Policy support to more than 50 million small businesses, which are a major source of employment creation
- Safeguarding of our environmental and ecological assets.

1.3.8 LET US SUM UP

The Planning Commission, set up under Jawaharlal Nehru's primeministership, was a logical expression of an idea that underlay India's anti-colonial struggle, namely that in independent India, an improvement in the material conditions of life of the people, subjugated and plundered through a century and a half of colonial rule, required a comprehensive marshalling and conscious allocation of all national resources. It was an essential component of what Nehru had called India's "tryst with destiny". From the beginning however the planning process had suffered from several flaws. But in practice this instrument failed to achieve the objectives for which it was supposed to be used. The second obvious flaw was that the Planning Commission was envisaged as a mere departmental body of the central government, where there was no representation from the states. This did not matter in the beginning when the same political Party ruled at the centre and in the states; but it later became a serious limitation of the planning process, since this process came into conflict with the federal nature of the Indian polity. In this context, NITI Aayog seeks to facilitate and empower the critical requirement of good governance, which is people-centric, participative, collaborative, transparent and policy-driven. It will provide critical directional and strategic input to the development process, focusing on deliverables and outcomes.

1.3.9 EXERCISE

1. Identify the changes in Indian administration after Independence.
2. Explain the importance of Planning Commission and its functions?
3. Write about the National Development Council and its role.
4. Critically comment on the functioning of NITI Aayog in transforming India.

1.4 POLITICAL EXECUTIVE AT THE UNION LEVEL: NOMINAL AND REAL - PRESIDENT, PRIME MINISTER AND COUNCIL OF MINISTERS

- Y. Pardhasaradhi

STRUCTURE

1.1.0 Objectives

1.1.1 Introduction

1.1.2 President of India

1.1.2.1 Qualification for the Election as a President

1.1.2.2 Term of Office of the President

1.1.2.3 Powers and Functions of the President

1.1.2.4 Nature of Presidential Powers

1.1.2.5 Real Position of the President

1.1.3 Introduction to Prime Minister

1.1.3.1 Appointment, Tenure and Dismissal of Prime Minister

1.1.3.2 The Powers and Functions of the Prime Minister

1.1.3.3 Prime Minister and the Party

1.1.3.4 Other Powers and Functions

1.1.3.5 Prime Minister's Office (PMO)

1.1.4 Council of Ministers

1.1.4.1 Composition

1.1.4.2 Powers and Functions of the Council of Ministers

1.1.4.3 Role of Cabinet

1.1.4.4 Cabinet Committees

1.1.4.5 Suggestions for Improvement

1.1.5 Let us Sum Up

1.1.6 Exercise

1.4.0 OBJECTIVES

After going through this lesson, you will be able to:

- Know about the office of the President of India, qualification for the election as a President, term, powers and functions of the President and the actual position of the President in the executive branch of the Indian State;
- Understand the importance of the Prime Minister in Indian polity, his tenure, reasons for dismissal from the office, the powers and functions, Prime Minister role in the party, etc.; and
- The place of Council of Ministers in the executive branch, their powers and functions and importance of cabinet committees.

1.4.1 INTRODUCTION

Under the provision of the Indian constitution, the executive power of the union government is vested in the President. The President of India can exercise all these powers either directly or through officers of his subordinates. He is supposed to run the administration when country is under normal conditions or when national emergency has been declared in the country. In theory his role is immense in so far as administration is concerned. Since India has Parliamentary form of government and as such real administrative powers are vested in the cabinet and the council of ministers. But all the executive action is carried out in the name of the President. However, this power is to be exercised in accordance with the constitution.

1.4.2 PRESIDENT OF INDIA

The President of India is de jure executive head. The election to the office of President is held in accordance with the system of proportional representation by means of a single transferable vote and secret ballot system. He is elected by an electoral college consisting of elected members of i) both Houses of Parliament, and ii) State Legislative Assemblies. The constitution says that these should be a) uniformity in the scale of representation of different states; and b) parity between the states as whole and the union at the election of the President. The election of the President is held on the following basis:

A) No. of votes of each MLA will be decided as follows:

Total population of the state

÷ 100

Total No. of elected representative of Assembly

B) No. of votes of each M.P. will be decided as follows:

Total No. of votes assigned to the assemblies of the states

Total No. of elected members of parliament

The system of indirect election in the case of President has been deliberately introduced to maintain his impartiality after the elections by avoiding mud slugging and also to keep him high in the eyes of the people.

1.4.2.1 QUALIFICATION FOR THE ELECTION AS A PRESIDENT

To contest election to the office of the President of India, a candidate should have the following qualifications:

- He/She should be a citizen of India.
- He/She should have completed thirty-five years of age.
- He/She should not hold an office of profit under the government, State Government, or local body.
- He/She should have the other qualifications required to become a member of the Lok Sabha.
- His name should be proposed by at least ten electors and seconded by another ten electors of the Electoral College which elects the president.

1.4.2.2 TERM OF OFFICE OF THE PRESIDENT

The term of office of the president is fixed at five years. He may resign before the completion of his term. He may also be removed from office by impeachment in the manner provided in Article 56 (1) and 61 of the constitution, but the rigid provisions make the removal difficult. The impeachment charges should be signed by one fourth members of the House and a 14 days' notice should be given to the president.

Then, it will have to be passed by a two third majority in that House. The second House is to investigate the charges. The president can personally appear before it to defend himself or send his representative. If the charges are proved and the motion is passed by a two third majority in the second chamber also, the president is considered removed from that time and day. A person holding office as president is eligible for re-election. However, in practice only Rajendra Prasad was elected twice to the office of the president and after him no person has secured more than one term.

1.4.2.3 POWERS AND FUNCTIONS OF THE PRESIDENT

The president of India as a head of the state enjoys wide powers, viz., executive, legislative, financial, judicial and emergency powers. These have been discussed here under:

Executive Powers:

The constitution vests the executive authority of the union in the President. He exercises these powers through the council of Ministers. The various powers that are included within the comprehensive expression of executive power can be classified as under:

Appointment and Removal Powers:

The executive power of the President of India includes the power to appoint and remove the dignitaries of the officers like Governors, Election Commissioners, Supreme Court and High Court Judges, Chairman and members of the Union Public Service Commission, the Attorney General of India, Members to the Finance commission, Planning Commission and National Commission for scheduled castes and scheduled tribes and Commission on official languages etc., He also nominates 12 member to the council of states, and nominates two members of the Anglo Indian community to the Lok Sabha. He is also empowered to set up an inter state council to examine the disputes between the states.

Military Powers:

The president is the supreme commander in chief of the defence force. It is his duty

to refrain the state from foreign aggression. The president has the power to declare war but he has to obtain the prior permission of parliament. In this regard the position of the President of India is different from that of the American President.

Diplomatic Power:

The President is the head to maintain foreign relations. The negotiation of all treaties and agreements are made in the name of the President. He accredits the ambassadors and envoys to foreign States and accepts the letters of credence of the foreign diplomatic representatives. But, the final power in the diplomatic matters vests in parliament. The task of negotiation, treaties and agreements are subject to ratification by parliament. He represents India in International forums and affairs.

Power to Make Rules of Business:

The President make rules of Business for the central government and allots the portfolios to the Ministers. He has the right to keep informed of all decisions taken by the council of Ministers through the Prime Minister. He may call for such information from the Prime Minister. According to the Article 78, the Prime Minister shall communicate to the president all administrative decisions and proposals for legislation.

Legislative Powers:

The president is inalienable part of the Parliament. Therefore, the legislative power of the President covers a wide field. The Parliament which is the highest legislative body in the country is summoned, prorogued and Lok Sabha is dissolved by him. He assents all the bills passed by the Parliament for the consideration of a bill which is pending before it. No bill passed by the parliament can become a law without the assent or approval of the President. He can nominate members both in the Lok Sabha and the Rajya Sabha. He addresses every budget session of the Parliament which outlines policies and programmes of the government for the ensuing year. He also convenes a Joint Session of two Houses of parliament when there is a difference of opinion between them. He is also empowered to issue ordinances when the

Parliament is not in session. The ordinance will have the same force, as an Act passed by the Parliament, for a limited period. It is left to his discretion to decide whether there is any need and necessity or not for the issue of an ordinance. He is also competent to return a bill for the reconsideration of the Parliament, which has been sent to him for his assent.

Financial Powers:

The financial powers of the president are as follows:

No Money Bill can be introduced in the Parliament except on the recommendations of the President. Every five years or on the demand of the states, he appoints the Finance Commission and on its recommendations, allocates their share to the states in the income tax proceeds. He grants advances to the states out of the contingency fund. He also makes advances out of the Contingency Fund to meet unforeseen expenditure. Such advances, must however be authorized by Parliament subsequently. In the beginning of every financial year, he causes to be laid before parliament the annual "Financial statement i.e., the Union Budget". If necessary he may also present a supplementary Budget. In practice, this is done by the Finance Minister.

Judicial Powers:

The president has the power to grant pardon. He may suspend, remit or commute the sentence of any person convicted of any offence. However, this is applicable, (i) in all cases where the punishment or sentence is by a court martial (ii) in all cases where the offence is under a law under central jurisdiction, (iii) in all cases of sentence of death. Further the President is not answerable to any court of Law. The president has also the power to consult the judges of the Supreme Court. He can exercise this power in relation to any matter involving constitutional law or which according to him is public importance.

Emergency Powers:

Far more significant and vital than the executive and legislative powers vested in the President are the emergency powers which the Constitution confers on him. He enjoys his emergency powers after a state of emergency has been proclaimed by

him. The circumstances enabling the President to declare a state of emergency are of three types.

- National emergency - emergency caused by war, external aggression or internal disturbance; (Article 352)
- President Rule - emergency caused by the breakdown of constitutional machinery in a state; and (Article 356 and 365)
- Financial Emergency - emergency caused when the financial stability or credit of India or any part thereof is threatened. (Article 360 (1))

National Emergency:

The President of India may declare a proclamation of emergency if he is satisfied that there exists a grave menace whereby the security of India or of any part of it is threatened by armed rebellion or is likely to be threatened by external aggression. Proclamation of emergency may also be issued in anticipation of war or external aggression or armed rebellion. This has to be laid before both Houses of parliament and shall cease to operate at the end of two months unless it has not been approved by both Houses. If the proclamation is issued when the Lok Sabha has been dissolved or if the dissolution takes place within a period of two months and the Rajya Sabha gives its approval, then the proclamation is to be approved by the newly elected Lok Sabha within thirty days, of its first sitting; otherwise, it will cease to operate. The 44th Amendment Act safeguards the country against abuse of this power. It provides that the President shall not issue a proclamation unless the decision of the union cabinet to this effect is communicated to him in writing.

Consequences:

The consequences of the above proclamation are: (1) Parliament has unrestricted power to make laws for the whole country or any specific part on any of the subjects in the State List: (2) the Union Government can give directions to the States in the exercise of its executive powers: (3) the President has the right to modify or alter any of the provisions related to the distribution of revenues between the Union and

the States for securing adequate means for the Union to meet the emergency. Such orders must be immediately placed before each House of Parliament; (4) the Fundamental rights to the seven freedoms and the restriction imposed by Article 19 on the executive and the legislature are suspended. Moreover, the President is empowered to suspend the right to Constitutional remedies also. Such an order should be placed, as soon as possible before Parliament.

The National emergency was declared three times so far. The first emergency, due to external aggression was declared in October 1962, as a result of Chinese invasion on Indian territories. The second emergency was proclaimed in December 1971 due to war between India and Pakistan. The third emergency was declared in June 1975 on the ground of “internal disturbance”. This was done when the second emergency was already continuing. The first two emergencies did not evoke any controversy and there was not much effect on the social, economic, and physical life of the country. However, the third emergency which was declared on the ground of “internal disturbance” was highly controversial. During this emergency the central government put many opposition leaders in Jail. It is generally believed that the emergency was imposed to thwart the opposition demand of resignation of the Prime Minister in view of Allahabad High Court Judgment which set aside her election to the Lok Sabha on the basis of her employing corrupt methods.

The misuse of emergency provisions resulted in the 44th constitution Amendment Act, wherein the controversial term “internal disturbance” was omitted and a new term “armed rebellions” was inserted. Besides, the President could proclaim emergency only on the written communication from the cabinet. Thus the emergency provisions are now very rigid and not liable to be misused.

President’s Rule:

It is also known as state emergency or constitutional emergency. If the President is satisfied with the report of a Governor that a situation has arisen in which the State Government cannot be carried on in accordance with the provisions of the constitution, he can proclaim a state of emergency under Article 356. But it should

be approved by the Parliament within two months. If approved it remains in force for six months. It can be extended for a maximum period of three years with the approval of parliament every six months. The President acquires the following extraordinary powers when the President rule is imposed in a state. (1) The President can assume to himself all or any of the functions of the concerned State Government and the powers of the Governor or any other authority in the State except the State Legislature: (2) The powers of the State legislature shall be exercised by or under Parliament's authorization; (3) The parliament can authorize the President to sanction expenditure from the consolidated fund of the states,. (5) He can promulgate ordinances for the administration of the state when parliament is not in session. (5) The President may assume to himself any of the powers of the State Government except the powers vested in a High Court.

Further, when the President's rule is imposed in a state, the President dismisses the state council of ministers headed by the Chief Minister. The state governor, on behalf of the President, carries on the state administration with the help of the chief secretary of the state or the advisors. This is the reason why a proclamation under Article 356 is popularly known as the imposition of 'President's Rule' in a state. Further, the President either suspends or dissolves the state legislative assembly. The Parliament passes the state legislative bills and the state budget.

Financial Emergency:

The President can proclaim financial emergency if he is satisfied that the financial stability or credit of the country or any of its parts, is threatened. Such a proclamation must be approved by the parliament within two months. The President acquires the following extraordinary powers when a financial emergency is proclaimed. (1) The President can issue directions to the States for deduction of salaries and allowances of all or any class of persons connected with the affairs of State: (2) the Union Executive may require all Money Bills or other financial Bills that have been passed by the State Legislature for the President's consideration; (3) The President may also reduce the salaries and allowances of the Judges of the Supreme Court and the

High Courts; (4) to restore financial stability, the President may take other measures as he deems necessary and adequate. This type of emergency has not been declared so far.

Residuary Powers:

The President has been vested with powers, which may be called residuary in nature. He has the constitution authority to make rules and regulations relating to (i) Authentication of his orders (ii) custody and withdrawal of money from the public accounts of India (iii) emoluments payable to a Governor appointed for two or more states (iv) administration of scheduled area and Tribal Area in Assam.

1.4.2.4 NATURE OF PRESIDENTIAL POWERS

The constitutional position of the President is more or less like that of the British monarch. He is only nominal head of the executive. The real head of the government is the Prime Minister. We should, therefore, note the constitutional limitations under which the President is to exercise his powers.

He has to exercise the executive power of the Union vested in him in accordance with the Constitution. (Art. 53) Thus, Article 75 requires that, “Other Ministers shall be appointed on the advice of the Prime Minister.” It is clear that the President has no choice in the appointment of other Ministers. There will be a violation of the Constitution if the President appoints a person as Minister from outside the list submitted by the Prime Minister. Article 74 explicitly lays down that the President shall in the exercise of his functions, act in accordance with the advice of his Council of Ministers.

A question arises whether the President is bound by the advice of Council of Ministers. The constitution was silent on this matter, though constitution fathers had hoped that he will always go by the advice tendered to him by his Council of Ministers. The 42nd constitutional Amendment Act of 1976 has made the president bound by the advice of the council of ministers headed by the Prime Minister. The 44th constitutional Amendment Act of 1978 has authorized the President to ask the council of ministers to reconsider such advice. However, he shall act in accordance

with the advice tendered after such reconsideration. It is only in the last resort that he must accept the final advice.

1.4.2.5 REAL POSITION OF PRESIDENT

The real position of the President of India is clouded with different suspects. Some of the constitutionalists demanded the president as mere figurehead or titular head or rubberstamp or golden zero. There are many causes to call the President such which are as follows:

- The first cause may be that the President is the head of the State, not of the Government. Secondly India does not have Presidential form of the Government. Thirdly, British tradition still prevails in our constitution. The last but not the least the president works on the advice of the Ministry.
- The President of India does not have the only power to sign on the dotted lines but also has the following powers, which clearly shows the position of the President. First of all these are the powers, which the President possesses, clearly shows the position of the President of India.
- The President is the chief of the union executive. Under Article 31(1), all executive power of the union is vested on him. The power is exercised either or indirectly through officers subordinated to him.
- Appointment – The laws passed by the Parliament are executed by him. Appointment of the executives – The President appoints the Prime Minister. The Judges of both the Supreme Court, High Court, and the high officials like C.A.G., Election Commissioners, Member of U.P.S.C. Governors of different states etc., are appointed by the President.
- Removal of executives – The President can remove any minister from and the Council of ministers of the Parliament, the judges of the Supreme Court, High Court, Election Commissioners, the members of the U.P.S.C. and the Governors.
- Determination of the National Policy – The executive powers are exercised

by the Council of Ministers headed by the Prime Minister directly but the decisions are intimated to the President by the Prime Minister. If the President is not satisfied with the decision of the Council of Ministers then he may return the proposal for the reconsideration in the Cabinet.

- Discretionary Power – The President can appoint any one as Prime Minister and he can dissolve the Lok Sabha without the suggestion of the Prime Minister in the following four cases viz.
 - a) when the Prime-minister loses his majority in the house.
 - b) when he is unable to prove his majority.
 - c) when the vote of no-confidence is passed against him,
 - d) when he is not facing the Parliament, but the Parliament has a proof that the ruling party has no majority in the house.
 - e) when if the President acts otherwise than on the ministerial advice the validity the act cannot be questioned in any Court on any ground”. It makes clear that, even the advice in performing functions is unconstitutional, then it is not binding on the President.

Therefore it is clear that the President is independent in performing his functions. Further going ahead according to the constitution the cabinet will hold office only “during the pleasure of the office” Moreover, the court also Dinesh Chandra v. Choudhari Charan Singh held that, to argue pleasure could be interpreted in Art.75(2) to mean the President can dismiss any minister at any time, at his will. Further, the Supreme Court in S.P.Anand v. H.D.Devergowda, held that, it could then be said that, since ministers also include Prime-minister, the President can dismiss Prime-minister at his will. So, the President can’t be called as a mere head.

1.4.3 INTRODUCTION TO PRIME MINISTER

The office of the Prime Minister occupies prominent place in the Indian Administrative system. The entire Indian Administrative system is focused around him. Therefore many administrators prefer to call this government as Prime Ministerial form of government rather than Parliamentary form of Government.

However, the constitution does not explain the real position of the Prime Minister as all the executive powers of the union have been assigned to the President, who is to use them according to aid and advice of the Council of Ministers headed by the Prime Minister.

1.4.3.1 APPOINTMENT TENURE AND DISMISSAL OF THE PRIME MINISTER

Article 75 (1) of the Indian constitution says that the Prime Minister shall be appointed by the President and the other Ministers are appointed by the President on the advice of the Prime Minister. This is a formality. The president's choice in appointing the Prime Minister in actual practice is limited to appointing the majority party in the parliament (Lok Sabha) as the Prime Minister. The president is bound to appoint a person as the Prime Minister in whom the Lok Sabha has confidence otherwise he may face the consequences. But the president is to exercise his discretion when no political party has absolute majority in the Lok Sabha. Other Ministers in the council of ministers are also be appointed by the president on the advice of the Prime Minister. But in appointment of the Ministers the president cannot exercise his discretionary powers. There is no fixed term for Prime Minister of India. Article 75 (2) of the constitution says that the Prime Minister will be in office as long as he enjoys the pleasure of the president. This has to be read with Article 75 (3) which states that all the Ministers are collectively responsible to the House of the people. This is taken to mean that so long as the Prime Minister is able to command majority support in the Lok Sabha there is no threat to his continuance in office.

Dismissal of Prime Minister

The constitution bestowed the power of dismissal of Prime Minister in the hands of President of India. Normally no Prime Minister is dismissed by the President. It has not happened in Indian political system till now. Normal practice is that the Prime Minister resigns when he realizes that he has lost the confidence of the Lok Sabha. This was done by Morarji Desai and Charan Singh in 1979, Chandra Sheker in 1991 and Vajpayee in 1996. V.P.Singh and Deva Gowda resigned after being defeated in Lok Sabha. A.B. Vajpayee also resigned after his defeat in Lok Sabha by one vote in 1999.

Jawahar Lal Nehru had the distinction of longest tenure as Prime Minister of India. He remained in power for nearly 17 years. Then Mrs. Gandhi ruled for nearly 14 years (1966-77 and 1980-84 till her assassination). Rajiv Gandhi, P.V.Narsimha Rao, A.B. Vajpayee remained Prime Minister for 5 years. Dr. Manmohan Singh became Prime Minister of India in 2004 after completion of five years term he again elected as Prime Minister for second time in June, 2009. In case of death of Prime Minister the senior most member of the cabinet is made acting Prime Minister. For instance Gulzari Lal Nanda became Acting Prime Minister on two occasions after the death of Jawaharlal Nehru and Lalbahadur Shastri.

1.4.3.2 THE POWERS AND FUNCTIONS OF THE PRIME MINISTER

The powers and functions of the Prime Minister can be studied under the following heads.

Prime Minister and Council of Ministers:

The first function of the Prime Minister is the formation of Ministry. He has to suggest the names of persons who can be appointed as ministers by the President. After the completion of this exercise the Prime Minister allocates different departments among the Ministers. The Prime Minister enjoys discretion in allocating portfolios to the Ministers. He is empowered to reshuffle the ministry to oust the ministers whom he does not like or who are not up to the mark or to upgrade the deserving ministers or to induct new Ministers. He can ask a minister to resign in case of difference of opinion or he can advise the President to dismiss a minister. An analysis of the formation of Ministers in last six decades clearly indicates that the Prime Minister keeps in mind certain considerations – region, community, caste and group representations apart from providing for talent. In the selection and allocation of portfolios it largely depends on his hold over the party.

The Prime Minister gives life to the council of Ministers. As the leader of the council of Ministers he presides over its meetings. He is also the presiding officer of the meetings of the cabinet, which is a smaller body and takes all policy decision. The cabinet functions under the leadership of the Prime Minister. The

agenda is prepared by him. The Prime Minister ensures coordination between the departments and he has a right to supervision over the administrative departments. He guides, directs and controls their activities. He is the arbiter in case of conflict between the two or more ministries / departments.

Powers of Patronage:

One of the important powers of the Prime Minister is the power of patronage. All the major appointments of the central government are made by the Prime Minister in the name of the President which includes Chief Justice and other judges of Supreme and High Courts, the Attorney General, the chiefs of army, navy and air force, governors, ambassadors, and High Commissioners, Chairman and members of various commissions, including the Chief Election Commissioner and the other members of Election Commission.

Leader of the House:

Prime Minister is the leader of the Lok Sabha. As such he advises the President with regard to summoning and proroguing the house. The agenda of the meeting is prepared by the speaker in consultation with the Prime Minister. As a leader of the house he announces the major policy decisions of the government. As long as he is the leader of the majority party his words are the policies of the government. The Prime Minister helps the Ministers in answering the questions posed by members of the House during question hour. He comes face to face with the opposition parties during the question hour. Further the Prime Minister helps the speaker in maintenance of discipline of the House. He also plays an important role in the formation of various committees of the Parliament.

The most important power of the Prime Minister with regard to Parliament is to recommend dissolution of Lok Sabha. This is a power by which the Prime Minister controls even the opposition.

Legislation and Administration:

The Prime Minister is also integral part of the legislation in the Parliament. He

decides what type of legislative measures are needed for checking administrative lacunas and that how far these are avoidable. He accordingly advises his colleagues in the cabinet to bring forward legislative measure. Without his consent no bill can be introduced in the Lok Sabha. He also guides the bills through various stages in the House. In fact Prime Minister possesses such a towering personality that there is no aspect of nation's administrative life which remains out of his reach and or influence. His presence is everywhere felt and every administrative organ looks forward to him for his guidance.

Chief Link between President and Cabinet:

The Prime Minister is the main channel between the President and the cabinet. Article 78 of the Indian constitution specifies that the Prime Minister is to act as a link between President and the Council of Ministers. As such, It is the responsibility of the Prime Minister to inform the President about all decisions of the cabinet. Whenever he makes foreign trips he should apprise the President about the outcome of the discussions held with foreign dignitaries. It is the official duty of the Prime Minister to be the Chief constitutional adviser to the President. The Prime Minister advises the president with regard to the appointment of important officials, such as the Controller and Auditor General, Chairman and member of the UPPSC.

1.4.3.3 PRIME MINISTER AND THE PARTY

Parliamentary government is avowedly a party government. It is the party that wins at the polls forms the government and it is the person elected by the majority party as its leader, who is invited to form the government. The Prime Minister thus owes his office to the party support and depends for the tenure of his office on such continued support. The Prime Minister should try to see it that the ministers, Legislators and the members of his party in carrying out the policies of the government in a decent manner. He can use his official status and authority to keep the rank and file in discipline and in check. The success of the Prime Ministers will depend upon his hold in the party. He should maintain cordial relations with the key important functionaries of the party.

1.4.3.4 OTHER POWERS AND FUNCTIONS

The Prime Minister carries many other functions. Some of these are:

- He is the Chairman of the Planning Commission, National Development Council, National Integration Council and Inter-State Council.
- He plays a significant role in shaping the foreign policy of the country.
- He is the Chief spokesman of the Union Government.
- He is the crisis manager-in-chief at the political level during emergencies.
- As a leader of the nation, he meets various sections of people in different states and receives memoranda from them regarding their problems, and so on.
- He is leader of the party in power.
- He is political head of the services.

But in practice office of the Prime Minister is made by what its occupant makes that. A powerful personality can bring glory to it whereas a weak personality can much lower the office. But a Prime Minister with a clear majority of his own party enjoys more respect and speaks with more confidence than a Prime Minister who needs a coalition government. The Prime Minister plays a very significant and highly crucial role in the politico-administrative system of the country. Dr. B.R.Ambedkar stated: “If any functionary under our constitution is to be compared with the U.S. President, he is the Prime Minister and not the President of the Union.”

1.4.3.5 PRIME MINISTER OFFICE (PMO)

The Prime Minister’s secretariat, initially called the Prime Minister’s office, established on August 15th 1947. the secretariat was created for the purpose of taking over the functions performed till then by the secretary to the Governor – General as the Prime Minister took over the functions which the Governor General, prior to independence, performed as the executive head of the government. It is an extra constitutional institution that has nomination in the Indian constitution. However, it has given a status of government department under allocation of business

rules, 1961. The importance of Prime Minister's secretariat was increased during the period of Lal Bhadur Shastri. During the Janata regime, the secretariat was reduced to status of office. Again during the regime of Mrs. Indira Gandhi the office was redesignated (June, 1977) as the Prime Minister's Secretariat. Prime Minister's secretariat was very powerful during the emergency (197-77) and considered nerve center of all government activities RAW (Research and Analysis Wing) was also added to the Prime Minister's Secretariat. But during the regime of P.V. Narsima Rao as Prime Minister's he maintained a balance between the cabinet secretariat and the Prime Ministers secretariat. Atal Bihari Vajpayee inadvertently tilted the scale in favour of Prime Minister's office. After the downfall of Vajpayee government, Manmohan Singh became Prime Minister he reorganized the Prime Minister's office and its role is restricted to advisory apparatus. That way, it can be stated that the growth and importance of the Prime Minister's office to a considerable extent, was influenced by the personality of the Prime Minister.

Importance

Because of the increasing role and functions of Prime Minister the importance of the Prime Minister's office is also parallely increased. This necessitates the establishment of a well organized staff agency comprising men and women with special talents commitment to work and a passion for community. That way the Prime Minister's office is a kind of staff agency engaged in crucial advisory functions. It is described as the most powerful and strategic power center policies and evaluation and execution of the development programmes.

Organization:

The Prime Minister's office is headed by the secretary to the Prime Minister, who is now designated as the principal secretary to the Prime Minister. The organizational hierarchy of office is as follows:

Principal Secretary: He heads the bureaucratic pyramid at the PMO and deals with all governmental files in the office. He also looks after the affairs of the various ministries that the Prime Minister may ask him to handle.

Additional Secretary: He looks after the personnel and policy matters of the ministries that the Prime Minister may ask him to look after.

Joint Secretary: (I): He looks after Home Affairs, Law and Justice.

Joint Secretary: (II): He handles the administration of the PMO and the Ministries of Surface Transport, Communications, Railways and Civil Aviation.

Joint Secretary (III): He looks after the Ministries of External Affairs, Defense and the Department of Atomic Energy.

Director (I): He is an Officer on Special Duty looks after rural development and civil supplies.

Director (II): He is in-charge of Home Affairs.

Director (III): He is the odd job-man in the PMO. He has no fixed responsibilities, and hence acts as a trouble-shooter.

Director (IV): He has been assigned the task of looking after matters connected with the various state governments, especially those in the North-East.

This distribution of work is not a permanent one and the Prime Minister may modify it according to changing needs. Below the above officers are several functionaries belonging to class I, II, III and IV services. Generally the status of the officers of the PMO can be taken to be the same as that of officers of corresponding ranks in the ministries of the government.

Functions:

The Prime Minister's office has several functions. They are:

- To deal with all references that come to the Prime Minister under the rules of Business.
- To help the Prime Minister in respect of his overall responsibilities as head of the Government.

- To help the Prime Minister in respect of his responsibilities as the chairman of the Planning Commission.
- To deal with the personal side of the Prime Minister's office example, briefing the press, relations with the public; and
- To deal with certain general subjects which cannot be allotted to any particular Ministry in relation to answering questions in the Parliament.

1.4.4 COUNCIL OF MINISTERS

As the Constitution of India provides for a parliamentary System of Government modelled on the British Pattern, the Council of Ministers headed by the Prime Minister. It is the real executive authority in our politico-administrative system.

1.4.4.1 COMPOSITION:

The Council of Ministers consists of three categories of Ministers, namely, Cabinet Ministers, Ministers of State and Deputy Ministers. The difference between them lies in their respective ranks, emoluments, and political importance. At the top of all these ministers stands the Prime Minister – supreme governing authority in our country.

Cabinet Ministers:

The Cabinet is a small body consisting of 15 to 18 members. They are the senior most members of the council of Ministers and the party. The Cabinet Ministers head the important Ministries of the Central Government like Home, Defence, Finance, and External Affairs etc. the cabinet meets under the Chairmanship Prime Minister to discuss about the formulation of important policies. The members of the Cabinet play an important role in deciding policies. Thus, their responsibilities extend over the entire gamut of Central Government.

Ministers of State:

The Ministers of State can either be given independent charge of ministries/ departments or can be attached of Cabinet Ministers. In case of attachment, they may either be given the charge of departments of the Ministries headed by the Cabinet

Ministers or allotted specific items of work related to the Ministries headed by Cabinet Ministers. In both the cases, they work under the supervision and guidance as well as under the overall charge and responsibility of the Cabinet Ministers. In case of independent charge, they perform the same functions and exercise the same powers in relation to their Ministries/departments as Cabinet Ministers do. However, they are not members of the Cabinet and do not attend the Cabinet meetings unless specially invited when something related to their ministries/departments are considered by the Cabinet.

Deputy Ministers:

Next in rank are the Deputy Ministers. They are Junior Ministers in the Hierarchy. They are all ministers within the definition of the constitution. They are not given independent charge or ministries/departments. They are attached to the Cabinet Ministers or Ministers of State and assist them in their administrative, political, and parliamentary duties. They are not members of the Cabinet and do not attend the Cabinet Meetings. At the time, the Council of Ministers may also include a Deputy Prime Minister. Thus Sardar Patel in the Nehru's Ministry, Morarji Desai in the Indira Gandhi's Ministry, Charan Singh in the Morarji Desai's Ministry, Jagivan Ram in the Charan Singh's Ministry, Devilal in the V.P. Singh's Ministry and L.K. Advani in the A.B. Vajpayee's Ministry served as Deputy Prime Ministers. The Deputy Prime Ministers are appointed mostly for political reasons.

1.4.4.2 POWERS AND FUNCTIONS OF THE COUNCIL OF MINISTERS

The Constitution provides that there shall be a Council of Ministers to aid and advice the President in the exercise of his functions. But in practice, it is the Council of Ministers which does everything which the President is supposed to do under the Constitution. Thus the powers and functions which are attributed to the President are in reality the powers and functions of the Council of Ministers. The important functions of the Council of Ministers are discussed below:

Policy Making: The Council of Ministers formulates the policy of the country for its political and economic administration. The Ministry also decides the foreign

policy of the country. It is responsible to decide the policy of the state for the maintenance of internal peace and order and for increasing the standard of living of the people.

Administration: The Ministry is solely responsible for the administration of the country. It is in accordance with the principles laid down by the Council of Ministers that the administration is run by the civil servants. But the ultimate responsibility is that of the Ministers. They are responsible to the Parliament for the work of the department entrusted to them. The members of the Parliament have the right to ask questions concerning the administration of the country, and in their own interest the Ministers are expected to give satisfactory replies.

Legislative Functions: The Council of Ministers has a direct hand in the framing of the laws of the country. It determines the legislative programme of the Parliament. The Ministry is the main steering wheel of the parliament and it introduces almost all the important Bills. Bills introduced by private members of the parliament have little chance of passage without the support by the Parliament it is sent to the President for his assent on getting which it becomes a law.

Budget Preparation: The budget is also prepared and introduced in the Parliament by the Cabinet. The Finance Minister prepares the budget in consultation with the other Minister. After the introduction of the Budget in the Parliament, different Ministers present their respective demands. The Parliament is free either to accept or reject the demands. Rejection of the demand would tantamount to the lack of confidence in the Ministry. But normally such a situation would never arise as the Government has the support of the majority in the Lok Sabha.

1.4.4.3 ROLE OF CABINET

The cabinet plays an important role in Indian administrative system as detailed below:

- It is the highest decision making authority in our politico-administrative system.
- It is the Chief Policy formulating body of the central government.

- It is the Supreme executive authority of the central government.
- It is the chief coordinator of central administration.
- It is an advisory body to the President and its advice is binding on him.
- It is Chief crisis manager and thus deals with all emergency situations.
- It deals with all major legislative and financial matters.
- It exercises control over higher appointments like constitutional authorities and senior Secretariat administrators.
- It deals with all foreign policies and foreign affairs.

In short the cabinet not only executes the policies but also provides leadership to the legislature during legislation. It is thus the link that joins and the buckle that fastens the administrative and the legislative arms of the government.

1.4.4.4 CABINET COMMITTEES

Since the cabinet is to run the whole administration, it is very essential that it should work on scientific lines. There should be a vigilant cabinet to check un-necessary delays in implementing decisions of the cabinet. For this the cabinet works through the committees. It is felt that by setting up committees the work load on the cabinet, on the whole, will decrease and cabinet will then devote more time to important work. The system will provide continuous co-ordination and many affairs are settled at cabinet committee level and not allowed to go up to cabinet level. The number of cabinet committees has been changing from time to time. As on today there are 13 cabinet committees. They are i) political affairs ii) Parliamentary affairs iii) Appointments iv) Accommodation v) Economic Affairs vi) Price, vii) Infrastructure viii) Trade and Investment ix) Drug Abuse control x) Natural Affairs, xi) Foreign Investment xii) Expenditure xiii) Food and Agriculture. Among these most powerful committees is political affairs committee which consists of senior most Ministers. It functions as a super cabinet in providing direction to the government.

The strength of these cabinet committees is not fixed. In many cases Finance

Minister, Home Minister and some ministers of the cabinet rank are its members. Prime Minister is member on many committees. In fact, Prime Minister, Defence, Home and Finance Minister dominate the whole show and help the committees in deciding their recommendations.

1.4.4.5 SUGGESTIONS FOR IMPROVEMENTS

Gopalaswami Ayyangar, as early as in 1949, recommended that there should not be too many cabinet committees. He also suggested that one of the methods for improvement was that the size of the cabinet should be small. The suggestion seems to have obvious advantages. A small size cabinet will be less expensive and chances of better co-ordination are very many. Team spirit can be fostered when the size of the cabinet is small. It is also said that when the cabinet is small, less senior people will be required for governmental work and that senior politicians will be available for looking after non-governmental work. He also suggested that the ministries doing more or less related work should be grouped together to promote coordination, avoid delays and reduce the number of both the committees as well as the size of cabinet. Discussing the advantages he says that, “On the one hand it is necessary, in order to promote initiative define and locate responsibility clearly and generally to improve efficiency that unwieldy units should be sub-divided and made into units of manageable charge.” He has suggested that the labour, health and education should be bunched together. Similarly railway, transport and communication can be bunched and so on. If these suggestions are accepted there can be better co-ordination in the working of cabinet system in India.

But the difficulty is that the workload with the government is increasing day by day with that need and necessity of creating more departments rather than reducing them is being felt. New departments are bound to be created and it is thus very difficult to reduce the number of committees. It will thus be concluded that cabinet committees are saving their utility and all the cabinet have found the system very useful and effective. In case non-cabinet ministers are also allowed in cabinet committees, they can provide better exchange of views.

1.4.5 LET US SUM UP

The president is the executive head of India. He is elected for a term of five years. He is empowered to exercise certain powers viz. executive legislative, financial, judicial, emergency and residuary. These powers, excepting the emergency powers, are exercised by the President in the ordinary course of administration of the country. He exercises the emergency powers under abnormal situations of war, armed rebellions etc. However, the position of Indian president is controversial because the constitution itself does not explain much regarding this. Therefore some of scholars felt that the president is only the nominal head and all the real powers are exercised by the Prime Minister and the council of Ministers. But some scholars expressed that the president enjoys a strong position in Indian Administration. He can reject the advice tendered by the council of Ministers. The president's role becomes very important particularly in hung parliament. In case of coalition Government, he becomes the centre of focus. In fact, the position of the President largely depends upon his experience and personality.

The Prime Minister of India is in practice the most powerful person in the Government of India. The Prime Minister is technically outranked by the head of the state, the President of India. But, as is typical in most parliamentary democracies because the head of state's duties are largely ceremonial, the Prime Minister is the head of the government.

The Prime Minister is endowed with enormous power as no other constitutional ruler in the world possesses. In fact, the powers and position of the Prime Minister largely depend on his personality efficiency and the support of the dominant class in the country. The Prime Minister performs several functions such as determining the administrative policy, issuing directions to the administrative departments, controlling the state finance, appointing and removing of personnel, supervising and controlling administrative operations.

To assist the Prime Minister in his day-to-day functions an office was established in 1947. It is called as Prime Minister's secretariat. It has become a

major power centre in Indian Administration and going strength by strength. As the constitution of India provides for parliamentary form of government wherein the executive authority is vested in the council of Ministers headed by the Prime Minister. Cabinet is the Prime mover of political action and the core of Indian Political System. It decides all policy matters of national governance. The cabinet ministers are senior most members of the council and certainly the most influential. The cabinet functions through several committees such as political, economic and price committee. Among these the political committee is most powerful.

1.4.6 EXERCISE

1. Explain the powers and functions of President of India.
2. Illustrate the position of the Indian President in Administration.
3. Explain the role of President of India during emergency. Is he always bound to act according to the advice of council of Ministers?
4. Explain the functions of the Prime Minister of India.
5. Discuss the composition of the council of Ministers in a Parliamentary Democracy like India.
6. Explain the position, and role of the Prime Minister in Indian Administration.

2.1 CIVIL SECRETARIAT: MEANING, ROLE AND FUNCTIONS

- Y. Pardhasaradhi

STRUCTURE

2.1.0 Objectives

2.1.1 Introduction

2.1.2 British Origins

2.1.3 Evolution of the Central Secretariat

2.1.4 Functions of the Secretariat

2.1.4.1 Advantages of the Split System

2.1.4.2 Functions

2.1.5 Structure of the Secretariat

2.1.5.1 Staffing of Officers

2.1.5.2 Arguments against the Tenure System

2.1.5.3 Operation of the Tenure

2.1.5.4 Central Secretariat Services

2.1.5.5 Criticism of the Secretariat

2.1.6 Recent Developments

2.1.7 Let us Sum Up

2.1.8 Exercise

2.1.0 OBJECTIVES

After going through this lesson, you will be able to know:

- The historical legacy of India's bureaucracy and the contributions of the British;
- The evolution, structures and functions of the Central Secretariat;
- The major criticism against the central secretariat;
- The recent development in bureaucracy in general and Central Secretariat in particular.

2.1.1 INTRODUCTION

The secretariat has evolved over a period of 200 years. This lesson would include the evolution of the secretariat, its meaning, organization and role in the administrative system of the country. The Constitution does not mention the word 'Secretariat'. Article 77 (3) of the Constitution lays down that the president shall make rules for the more convenient transaction of the business of the government of India and for the allocation among ministers of the said business. The secretariat is required to run the business of the government. The word 'secretariat' has been derived from the word 'secret', that means something held back or withdrawn from public knowledge or view, unrevealed, covert or confidential. The main function of the secretariat is to advise the minister in matters of policy and administration. The affairs of the state and particularly the dealings between the secretary and the minister are confidential in nature, therefore, the functions of the government appear to have become synonymous with secrecy. Thus, probably for this reason the term, 'secretariat', is derived from the word 'secret'.

2.1.2 BRITISH ORIGINS

During British rule in India, the government was the secretary's government. After Independence the actual power belongs to the council of ministers. The minister's obviously cannot work alone and needs assistance; therefore, for administrative purposes, the government of India is divided into ministries and department which together constitute the 'central secretariat'. Thus, the term central secretariat is used to denote the sum total of the secretariat staff of all departments/ministries.

There are attached offices, subordinate offices and other field agencies to implement the policies made by the ministers in consultation with the secretariat. The Constitution also provides a host of agencies independent of ministries/departments that report directly to the Union Parliament. Such agencies are the election commission, the union public service commission and the comptroller and auditor-general. In addition to these, there are staff agencies to advise the government in the field of planning but in practice it has become a parallel secretariat. Some ministers and departments share their functions with boards and commissions with some autonomy. Sometimes a ministry or department has its own advisory bodies to assist and advise on specific matters.

2.1.3 EVOLUTION OF THE CENTRAL SECRETARIAT

In the beginning the secretariat in India was the office of the governor-general. The original role of the secretariat was described as, ‘the Central Secretariat at Fort Williams in Bengal was designed to furnish the requisite information for the formulation of the policy and to carry out the orders of the Company’s Government. Further, B.B. Mishra said, ‘before the year 1756 the president and the council at Fort William transacted all their business in one general department with the help of a secretary and a few assistants. On the arrival of packets from England the secretary laid them before the council for orders and constructions which when issued were conveyed for execution to the priorities concerned.

The Regulatory Act of 1773 for the first time created the ‘supreme government’, having controlling authority over the ‘presidency government’. It consisted of a governor-general and four councilors in whom all the powers of controlling the military of India vested. This system continued throughout the British rule. Only the number of members of the council kept increasing. With the expansion of company’s rule, it took a number of governmental functions and the role of the secretariat expanded along with its size. Lord Cornwallis took some steps to organize and strengthen the secretariat. He created the office of the secretary-general in whom all powers and responsibilities concentrated. He later came to be known as chief secretary. Lord Wellesley also took a keen interest in reorganizing the secretariat, and his reforms work of the secretariat increased considerably both in bulk and responsibility. He raised the status of the secretary to government. He did this by raising their salaries and augmenting their responsibilities. The functions of the

secretaries were extended to research and planning in addition to their ordinary routine business of execution.

At the end of the 18th century, the supreme government consisted of a governor-general and three councillors, and a secretariat of four departments. Each of them was under a secretary all of whom worked under the overall control of the chief secretary. After more than a hundred years, on the eve of the Montford Reforms in 1919, the government of India consisted of a governor-general and seven members. The secretariat also expanded and it had nine departments excluding the railway board and the Indian munitions board. The total strength of the secretariat was 29 to which 17 more officers of the two boards should be added. This number remained unchanged till the outbreak of the Second World War in 1939. The Montague-Chelmsford Reforms of 1919 brought about a significant change in the system of administration. The reforms introduced division of functions between the centre and provincial governments over a large part of the field, the provinces became virtually autonomous. Only subjects like the army, and telegraph and railways, were directly administered by the Central government leaving the rest to the provincial governments. With the division of powers the central government came to administer many more areas directly. In consequence, the role of the secretariat began to change from a merely policy formulating, supervising and coordinating agency to that of an executive agency as well. The trend got further impetus by the introduction of provincial autonomy in 1937 and after by the outbreak of the Second World War. Almost overnight the central government was called upon to perform functions like civil defence, mobilization of men and material for war, food and civil supplies. As a result the post of officer on special duty was created in the department of home affairs to look after the civil defence work. Later a separate department civil defence was created and the secretary of the department was also made the director-general of civil defence. A lot of expansion in the secretariat took place to look after many other areas. The strength of the governor-generals council increased from 7 to 14 and the number of secretariat department rose to 19. The total strength of officials also increased up to 200. Under the belief that the expansion was a temporary time

phenomenon and would be restored to its old position once normalcy was restored with the end of the war. But, the post-war reconstruction programmes and later the advent of independence did not permit reduction in the size of the secretariat. On the other hand post-independence problems and expanding

Social welfare functions of the new popular government further expanded the secretariat. Thus, the number of departments in the secretariat rose from 19 in 1945 to 74 in 1994; likewise, the number of attached and subordinate offices also increased from 20 in 1947 to about 100 in 1991.

2.1.4 FUNCTIONS OF THE SECRETARIAT

The functioning of the secretariat in our country has, by and large, been based on two principles. First, was the principle of separation of policy from its implementation - the administration in action so that the latter can be handed over to a separate agency, which enjoys certain freedom in the field of execution. Second, a transitory cadre of officers drawn from states cadres, operating on the tenure system of staff, controlling a permanent staff is a prerequisite to the vitality of the administrative system as a whole. L.S. Amery, in his book, *Thoughts on the Constitution*, pointed out that in such a situation of dual functioning, it is the policy-making functions which are likely to suffer most. Routine business is always more urgent and calls for less intellectual efforts than the policy-making functions. As the human mind tends to follow the path of least resistance, routine functions get attended to while policy department that the general staff, freed from administration as a whole, is secured for thoughtful and effective planning. This system is known as split system.

2.1.4.1 ADVANTAGES OF SPLIT SYSTEM

Many advantages have been claimed in favour of the Indian system of separation of functions. The important ones are, first, freedom from day-to-day problems of execution, which provides the opportunity to the policy makers to do whatever is necessary for forward planning. Second, the secretariat acts as the dispassionate advisor to the minister. It has no interest in any proposal. The proposals coming from the executive agencies are examined in an objective way from the larger point

of view of the government as a whole. That is the reason why the secretary in the secretariat is the secretary not to his minister, but to the government as a whole. Third, the separation keeps the secretariat's size small. Fourth, this system also avoids over-centralization. The executive agencies have to be given reasonable amount of freedom in the implementation of the policies and in the functions given to them. If the field functions were to be administered from the secretariat it would have created lot of centralization and delay in disposal of work.

2.1.4.2 FUNCTIONS

The secretariat, by and large, is a policy-making body that functions under the direction and control of the council of ministers. The secretariat works as a single unit and secretaries are secretaries to the Union government as a whole and not to any particular minister. A secretariat officer of and above the rank of an under-secretary signs on behalf of the President of India, that is the entire central government. Hence Lord Canning, after 1858, granted each secretary the right of direct access to the viceroy and the governor general started meeting each secretary once a week. Such meetings continued during British rule and today our prime minister is free to call any secretary for consultation. Therefore, the secretariat is called the government. In fact, the main function of the secretariat is to assist the minister in the discharge of his responsibilities under the Constitution. In brief, the secretariat performs the following functions:

- (1) It assists the minister in the process of policy making.
- (2) It assists in the framing of legislation, rules and regulations.
- (3) It assists in the formulation of sectoral planning and programmes.
- (4) It assists in budgeting and control of expenditure and in securing of administrative and financial approval to operational programmes and plans and their subsequent modifications.
- (5) It assists in the interpretation of policies, coordinating and assisting other branches of government and maintaining contact with state administrations.

- (6) It assists in initiating measures to develop better personnel and organizational competence both in the ministry/department and its executive agencies.
- (7) It helps the minister in the discharge of his parliamentary responsibilities.

From the practical or operational point of view, the functions of the secretariat can be divided into two categories mentioned as follows:

- It has to see that all papers quoted in the correspondence notes are forthcoming, properly arranged, paginated and have corrected marginal references.
- It has to verify the facts.
- It has to supply other relevant facts and figures available in the department
- It has to point out the law and rules.
- It has to put up precedence and papers containing previous decisions and policies and to point out the relevant portions of the papers thus put up.
- It has to draw attention to the statutory or customary procedure required for the disposal of the case.
- In routine case where there are established precedents it has to put up drafts for approval.
- It has to bring to notice at the proper time and when some matter requires action or order.

The second category of functions are (a) to examine the case and see that all matters requiring decisions are brought forward; (b) to tabulate and summarize the information if necessary; (c) to prepare drafts according to final decisions.

The first category of functions can be performed automatically on any case without any specific directions while the second category of functions is to be performed on the specific direction of the senior officers. The secretariat, therefore, consists of two distinct categories of personnel namely, the officers and staff. The main functions of the staff are to see that the connected papers with a case are

presented to the senior officers in time along with necessary rules and regulations, procedures, precedents etc. Afterwards, it becomes the responsibility of the officers to examine the pros and cons of the case and to present them before the minister for his policy decisions. All the cases need not to be placed before the minister. Officers at different levels have power to take decisions as per the scheme of delegation of powers approved by the minister of the cabinet.

In the words of Asok Chanda, ‘The Central Secretariat is ... the principal executive instrument of the Union government and is responsible for administering the central subjects, coordinating the activities of national importance and assisting in the formulation of foreign, economic and financial policies’.

The central secretariat occupies an apex position. The administrative reforms commission (ARC) observed that ‘the secretariat system of work has lent balance, consistency and continuity to the administration, and serves as a nucleus for the total machinery of a ministry. It has facilitated inter-ministry it is indispensable for the proper functioning of the government’. Therefore, it is not surprising that the prestige of the secretariat has gone up so high because the superior position of the secretariat is recognized by its personnel who are given higher grades than their counterparts working in the field agencies. They are also entitled to special pay on their joining the secretariat.

2.1.5 STRUCTURE OF THE SECRETARIAT

The central secretariat is a large and complex organisation of various ministries and departments. There is no uniform terminology for describing the various segments of the administrative structure of the Union government. It is a collection of a large number of ministries and departments. The term ‘ministry’ came into vogue only after Independence. The secretariat has two distinct components; i.e., the officers and office. A ministry may have more than one department. Many large ministries like home, agriculture, finance, education, defence and external affairs have more than one department in their charge. So far as the department is concerned, it may be defined as an organizational unit for performing specific functions under the administrative

control of a secretary to the government. In other words, a department is under the charge of a secretary whereas a ministry remains under the minister's charge, although this distinction is to always maintained. A ministry with more than one department may have more than one secretary. In such cases, one secretary who will represent the ministry is made superior to other secretaries. Such personnel are designated secretary-general or the principal secretary. Therefore, even if all the secretaries draw the same salary, they may not necessarily enjoy equal rank.

The pattern of a ministry's organizations shows that the minister is the political head, who may be assisted by a minister of state and a deputy minister. The secretary is the administrative head of the bureaucracy under the minister. A ministry's organization is divided into the following segments with an officer in charge of each of them to expedite matters:

Department	Secretary/Additional/Special secretary
Wing	Joint / Additional Secretary
Division	Director / Deputy secretary
Branch	Under-secretary
Section / Office	Section officer.

The lowest of such units is the section in-charge or a section officer helped by a number of assistants. Besides stenographers who provide secretarial assistance to the senior officers there are clerks, daftaries, typists and peons. It is also called the office. It deals with the work relating to the subject allotted to it. Two sections form the branch which is under the charge of an under-secretary also known as branch officer. Two branches constitute a division which is normally headed by a deputy secretary. With the increase in the volume of work of a ministry one or more 'wings' are established, with a joint secretary in-charge of each wing. At the apex of the hierarchy is the department, which is headed by the secretary himself or in some cases by an additional special secretary.

2.1.5.1 STAFFING OF OFFICERS

At the time of Independence in 1947, there was no central secretariat service to provide a permanent set of officers for the secretariat. The secretariat positions were manned by officers drawn from the provincial government and most of them returned back after serving in the secretariat for a fixed period of three to five years. This system is known as 'tenure system', as each officer so deputed has to serve the centre for a fixed number of years, i.e., three to five years. This system was created by Lord Curzon in 1905, who believed that, 'India may be governed from Simla or Calcutta, but is administered from the plains'. In his opinion, the district was the focal point of administration and all important work of administration was carried out at the district level. Therefore, he felt that the officers who had the experience of district work should be brought to the secretariat. He thought it was a good idea to keep the secretariat in touch with field situations. After serving for a fixed period in the secretariat the officers must go back to renew their field experience, which fades during the service period in the secretariat.

The staffing pattern of the secretariat by officers drawn from the states has been recommended by a number of committees and commissions. The Simon commission on decentralization in 1930 said, 'it is an accepted principle that efficient secretariat service, both in the provinces and at Delhi, depends upon a constant interchange of personnel between the district and the secretariat. Experience gained with the central government or at the provincial secretariat service, in the system of Indian administration, proves an asset to provinces of district... and intimate knowledge of the districts and provinces is invaluable in provincial and central secretariat. Circulation between them makes for vigour of the whole'.

The Wheeler committee of 1936 also supported the tenure system. According to the committee, 'The imposition of a limit to the occupancy of certain appointments has long been a feature of Indian administration and the posts governed by it range from that of the governor-general and members of the council to such junior ranks as those of under-secretaries. This system is inherent in the organization of all-India services which belong to both the central as well as the state government. The members of these services have to function in the districts, state secretariat and central secretariat. The tenure system was adopted to use their services so that the central and the state governments could take

advantage of the experience of these officers.

Recently, the administrative reforms commission study team on personnel administration in its report in 1967 gave its whole hearted support to the tenure system and suggested the demolition of all barriers hindering smooth flow of personnel between the secretariat and the field. It recommended that the tenure system be rigidly enforced and 'officers must go back to the parent departments or state governments as the case may be for a substantial length of time-not less than the period spent outside the department/state before being considered for another assignment.'

The arguments in favour of the tenure system advanced by various committees and commissions can be systematically summarized as follows: First, the rotation of civil servants between the centre and the state governments exercises a wholesome and steady influence on the working of federal system of governance. Such a role has become significant due to strains and stresses in centre-state relations, particularly when different political parties came in power at the centre and the states. Second, when the central secretariat posts are manned by persons having experience of district and state administration, then the national policies will be based on reality and such policies have less difficulty in the implementation in the field. Third, a long tenure at the secretariat results in loss of contact with field administration. In tenure system officers are sent back to the states, where they benefit the local administration by their central secretariat experience. Fourth, the tenure system benefits states. They get back officers possessing wide range of experience who have knowledge of the working of the central government as well as of national policies. Fifth, very long stay at the secretariat makes an officer stale but under the tenure system he gets an opportunity of working in a different atmosphere, which can bring freshness to this outlook. Sixth, a tenure system provides everyone an opportunity of working at different levels of administration. Seventh, the tenure system provided the necessary flexibility to the personnel management of the secretariat. Inefficient and incompetent persons can be removed without difficulty at the end of the tenure. Eighth, the system secures and consolidates administrative unity of the country and finally, it

strengthens the independence of the Civil Services.

2.1.5.2 ARGUMENTS AGAINST THE TENURE SYSTEM

The critics of this system have advanced several arguments against the tenure system. The important ones among them are : First, the work of the ministries has become specialized in nature but the tenure system does not ensure specialization. Second, district experience is not required in many areas of activities that are being performed by the central government at present. Third, the tenure system has strengthened the office at the cost of the officer. A new officer depends too much on his office. This gives rise to many evils of office administration.

2.1.5.3 OPERATION OF THE TENURE SYSTEM

This is to be noted that the tenure system did not apply to all the departments of the government of India. For example, foreign, political, Indian audit and accounts, posts and telegraphs, customs and income tax departments were known exceptions. There are many reasons which have worked against the operation of the tenure system.

- (i) The functions of the government have become complex and multi-faceted. Nowadays, a number of specialized functions are performed in the secretariat and their number is increasing every day. Due to this trend, the area of tenure system is decreasing day by day.
- (ii) The creation of central secretariat service was to man the junior positions up to the posts of under-secretaries and also several posts of deputy secretaries. Now they have even started occupying the posts of joint secretaries too. The personnel of this service are not transferable outside the secretariat. Thus, the creation of this service has further narrowed down the operation of tenure system.
- (iii) The tenure system has been further hedged and modified to a great extent due to the creation of the finance commerce pool in 1938, the central administrative pool in 1957, the central economic pool, the industrial management pool and later on, full-fledged services like the Indian economic service and the Indian statistical service. The finance commerce pool fulfilled the requirements of specialized needs of economic department and the central administrative pool, composed of officers

from the IAS, central services and state services, meant to overcome the uncertainty in the matter of supply and quality of officers inherent in the tenure system.

- (iv) Among the officers who come on deputation to the government of India, a large number do not want to go back and manage to stay there even after the completion of their tenure. Whenever the question of their reversion to their cadres arises, they put forward personal as well as administrative reasons for their stay. This practice has also limited the tenure systems.
- (v) The present political system has also diluted the tenure system. The federal system with autonomous states is not suited to tenure system. The amateur ministers at both the central and state levels need the services of permanent advisors in the secretariat. Therefore, they select some officers of their choice to be nominated on deputation from their own states and later manage to keep them there for a very long period.

To sum up, the tenure system has been in operation since long, but now other influences have started working in the administrative field. Senior positions like deputy secretary and above are filled on the basis of staffing scheme, notified by the secretariat on 17th October 1957. As per this scheme, these posts are manned by officers of several following categories:

- (I) Officers borrowed from state cadres of all-India services.
- (II) Officers borrowed on deputation from central services (Class I Officers)
- (III) Officers of the selection grade of the central secretariat service.
- (IV) Officers from the central administrative pool.
- (V) State civil services officers whose names are included in the selected list for appointment to the IAS
- (VI) Other state civil services officers, in consultation with the Union public service commission (UPSC).

In practice, a large number of posts are filled by the officers of the IAS, Class I central services and the selection grade of the central secretariat service. The officers of the state

civil services hardly get any chance to come to the central secretariat. Thus, the central government mostly depends on officers taken on deputation for fixed tenure to man the senior posts in the secretariat, except in the ministry of external affairs where all the posts are manned by officers of the Indian Foreign Service, and in the railway ministry where officers of railway serviceman all the posts. Likewise officers of central legal service man all posts in the ministry of law and justice.

The central secretariat service is a major source of recruitment to the central secretariat posts, thus it will be pertinent to discuss this service in detail here.

2.1.5.4 CENTRAL SECRETARIAT SERVICE (CSS)

Even before independence in 1947, the need for secretariat service was felt, and the posts of assistant and assistant secretary/undersecretary were filled by officers drawn from the Imperial secretariat service. After Independence, a scheme of such a service was approved by the central government in 1948 and was called the central secretariat re-organization and reinforcement scheme. It provided for a new service, called the central secretariat service (CSS) to replace the old Imperial Secretariat Service. The new service was originally organized in four grades. But in 1959 as a result of the Second Pay Commission recommendation grades II and III were merged into one continuous class II grade. A new selection grade above grade I was also created that consisted of the post of deputy secretary and above. The main features of the central secretariat services are :First, the service provides staff not only for the central secretariat but also for most of the attached and subordinate offices, and all posts from the level of assistant up to under-secretaries are included in this service. Second, the new service was made a common service for all the ministries. This improved the opportunities and prospects of promotion for all the employees of the service. However, it was decided to introduce some element of decentralization in the service. The assistants and section officers are now divided into ministry-wise cadres, implying that the control over these levels now rests in the hands of the administrative ministries concerned. But, for purpose of promotion to grade I the field of choice consists of all the officers in the section officers grade in all the cadres. The control over grade I and selection

posts now vests in the department of personnel. Third, the scheme visualized from the very beginning that a deputation reserve is needed in order to enable officers of the service to be appointed to the outside executive posts in attached and subordinate offices. This provision was made to widen the outlook and experience of the service and to strengthen the outside agencies. Finally, it was decided to establish a secretariat training school to provide systematic pre-entry training to new entrants in grades III and IV of this service. Such a school was established in May 1948 and has now been upgraded to the status of the Institute of Secretariat Training and Management (ISTM).

Posts in the selection grade are filled by promotion on the basis of merit from officers of grade I who have five years service in the grade. Recruitment to the vacancies in the grade of section officer is made in a number of ways. One-sixth of the posts are filled through UPSC on the results of IAS entrance examination. The remaining vacancies and also the temporary vacancies are filled by promotions of assistants to the extent of two-third of the vacancies and through a limited departmental examination conducted by the UPSC for the remaining one-third.

For the grade assistants, the original scheme envisaged a reservation of 75 percent of the permanent vacancies for being filled by direct recruitment on the basis of open competitive examination conducted by the UPSC. However, to take care of the promotion opportunities of the upper division clerks, the quota of direct recruitment has so far been kept at 50 percent instead of 75 percent. The qualification prescribed for direct recruitment is a university degree. The remaining 50 percent vacancies are filled by promotion of meritorious upper division clerks of the central secretariat clerical service.

Office Service

The office part of the secretariat is manned by persons drawn from the two services known as the central secretariat stenographers service and the central clerical service.

Central Secretariat Stenographers' Service

This service was reorganized on 1st August 1969. It consists of four grades, such as selection grade, grade I, grade II and grade III. The third and fourth pay

commissions in 1986 have improved their service conditions.

Central Secretariat Clerical Service (CSCS)

This service has only two grades, namely, upper division clerk (UDC) and lower division clerk (LDC). Recruitment to this service is at the level of LDC. Ninety percent of the posts are filled through an all India competitive examination and the remaining 10 percent vacancies are filled up by a limited departmental examination of Class IV personnel who are matriculates and have more than five years of service. The examination for direct recruitment was also conducted by UPSC. It is now conducted by the institute of Secretariat training and management under the department of personnel. The vacancies in the grade of UDC are filled by promotion from LDCs subject to the rejection of the unfit.

2.1.5.5 CRITICISM OF THE SECRETARIAT

The need of the secretariat has not been questioned by its critics; rather they favour the secretariat to provide the necessary assistance to the minister in policy making. Its working methods in actual practice have been criticized on many grounds. The points of criticism were: First, the secretariat is a policy-making body, but has started taking a number of field functions also. This is not good for administrative efficiency. In such a situation, either the secretariat does not get time to concentrate on policy making or the power and authority of the field agencies is weakened. Second, the secretariat tends to indulge in empire building. The various ministries and departments tend to undertake functions which are unrelated to their activity and this often leads to unnecessary expenditure. Third, the secretariat has become an overgrown institution and over-staffing is clearly visible. To justify over-staffing the secretariat tends to engage in unnecessary work. Fourth, the secretariat personnel consider themselves superior to field agency personnel. Even a junior secretariat officer's behaviour with a senior field officer has not been good. They try to boss over them although their job is to provide them the necessary support by getting the policy framed for the performance of their field duties. The tenure system was devised for exchange of personnel between the secretariat and field offices for policies based on field experiences but in practice this purpose is not being served because now officers continue in secretariat for too long. Fifth, the secretariat has rules and procedures to

be followed and the result is delay in decisions. The other reasons for delayed decisions are given as follows:

- (a) Lack of adequate delegation to the field units
- (b) Cumbersome procedures and unnecessary number of levels through which it has to pass before decision making.
- (c) Lack of feeling of responsibility and excessive dependence of higher officials on their subordinates
- (d) Over construction, unnecessary meetings, interference from the top rungs, frequent transfers, etc. also cause delay.

Sixth, the tendency to have best officers in the secretariat resulted in field agencies becoming starved for efficient officers. Finally, coordination has now become a real problem due to the proliferation of the departments in the secretariat. The process of consultation among different ministries /departments takes a lot of time. They act as separate empires and do not take an overall view of the problems involved.

The above points of criticism depict the realities of shortcomings in the secretariat. To overcome these weaknesses it would be desirable not to involve more than two levels below the authority involved in taking decisions. To avoid delay and cumbersome procedure sufficient powers should be delegated at the appropriate level. The ARC in its report on the machinery of the Government of India, has made some recommendation in this regard, which are given as follows:

- A. (i) Non-secretariat organizations engaged primarily in planning, implementation, coordination and review of single development programmes or several allied programmes, covering a substantial area of the activities of the ministry and having a direct bearing on policy making should be integrated with the secretariat of the concerned ministry. Such amalgamation is especially significant in the case of activities of scientific and technical character and activities which call for a high degree of functional specialization.

(ii) The heads of non-secretariat organizations which are integrated with the secretariat should function as the principal advisors to the government in their respective areas and should enjoy a status appropriate to the nature of their duties and responsibilities. They may retain their present designations. It is not necessary to confer on them a formal ex-officio status.

(iii) In all other cases, the present distinction between policy making and executive organisations may be continued. Such distinction is vital for protecting the operational autonomy of the regulatory executive agencies and such developmental executive organizations as are mostly engaged in promotional activities, provision of a service or production and supply of a commodity.

(iv) The executive functions at present performed by an administrative ministry or department which do not have a close bearing on policy making should be transferred to an appropriate, existing secretariat agency or to a new executive organization specially created for the purpose, provided that the volume of the work justifies its creation.

(v) Policy personnel in departments and ministries dealing with scientific with scientific and technical matters or with functions of a highly specialized character should include persons having relevant specialized experience or expertise.

B. (i) In non-staff ministries, other than those with the board type of top management, there should be set-up of three 'staff offices', namely; (a) an office of planning and policy; (b) a chief personnel office; and (c) a finance office. An administrative department with a heavy charge or with functions which have no close affinity with the work of other departments may have a separate planning and policy office.

(ii) The office of planning and policy should include the planning cell recommended in the ARC record of machinery for planning. This office should be continuously engaged in formulating long-term policies, carrying out policy

studies and evolving a series of well-articulated policy statements. It should also deal with the parliamentary work of the department/ministry.

(iii) The chief personnel office in a ministry should serve as a focal point for the formulation and coordination of overall personnel policies, initiating measures for promoting personnel development and service rules of cadres administered by the ministry. It may also look after office management, O & M (organization and management) and general administration.

(iv) Each of the 'staff offices' should be manned by personnel having specialized knowledge and experience. The head of each staff office should generally be of the rank of a joint secretary though in some cases he may even be a deputy secretary or an additional secretary, depending on the quantum of work.

(v) In addition to the three 'staff offices', each ministry should have a public relation office or unit.

(vi) The head of the 'substantive works' wing may deal directly with the chiefs of the three 'staff offices', as also with the secretary and minister on matter of technical or operational policy. Proposals having a bearing on long term policy should, however, be processed through the planning and policy office.

C. (i) Distribution of work between the wings of a ministry/administrative department and within the divisions of a secretariat wing should be based on considerations of rationality, manageability of charge and unity of command.

(ii) Each secretariat wing should have its separate identity and the budget should appear as a distinct unit in the budget of the ministry. Its head should enjoy adequate administrative and financial powers.

(iii) The head of the wing should have the primary responsibility for good administration within the wing, effective supervision and control of staff and maintenance of high standards of disciplined conduct.

(iv) The head of the wing should have considerable say in the formulation of the wing budget, creation of posts subject to budget provisions, spending of budget funds and appointments of personnel to the wing and their transfer. He should also have the necessary powers for effective day-to-day personnel management in the wing, e.g., powers to sponsor staff for training, grant honorarium, impose minor penalties and fill short-term leave vacancies.

- D. (i) (a) There should only be two levels of consideration below the minister, namely, under-secretary/deputy secretary and joint secretary/additional secretary/secretary work should be assigned to each of these two levels on the lines of the desk officer's system. Each level should be required and empowered to dispose of a substantial amount of work on its own and should be given the necessary staff assistance. (b) The staffing pattern within a wing may be flexible to facilitate the employment of officers of various grades. (c) The duties and requirements of various jobs in the secretariat at each of the two levels should be defined clearly in detail on the basis of scientific analysis of work content.

(ii) For smooth and effective working of the proposed 'desk officer' system, the following measures will be necessary:

- (a) Introduction of a functional system of the file index.
 - (b) Maintenance of guard files or card indices which will contain all important precedents,
 - (c) Adequate provision for leave reserve
 - (d) Adequate stenographic and clerical help
- (iii) (a) A policy advisory committee to consider all important issues of long term policy and to inject thinking inputs from different areas of specialization into problem solving should be set up in each ministry or major administrative department. The committee should be headed by the secretary of the ministry and should include the heads of the three staff offices (of planning and policy, finance and personnel) and heads of important substantive work wings (including those of the non-secretariat

organization integrated with the ministry/administrative department). As and when necessary, the head of governing bodies of important research and training institutions and boards and corporations outside the government may be co-opted as members of the policy advisory committee for such work as is of interest to them.

(b) Self-contained papers or memoranda, setting out problems, their various alternative solution, merits and demerits of each alternative, etc., should be prepared for consideration by the committee and the decision arrived at should be duly recorded in the ministry.

2.1.6 RECENT DEVELOPMENTS

A new innovation known as 'desk system' has been introduced to eliminate dilatoriness in the functioning of the secretariat and equip it to cope effectively with the increasing demands. This system was introduced in November 1972 on the recommendations of the Deshmukh study team of the ARC.

Under this system the work of ministry or department at the lowest level is organized into different functional desks, each manned by an officer of appropriate rank, that is the under secretary section officer or assistant, who handles the case with the adequate stenographic/clerical assistance. Two officers, constitute a desk in the manner of one under secretary and one section officer, or two section officers, or one section officer and one assistant. Each functionary is assisted by a stenographer and is known as desk officer as desk officer, if he belongs to the rank of section officer or its equivalent. Assistants and their equivalent are known as desk attaches. There is no change in the designation of the under secretary working on the desk. Functionally, the under-secretary will submit cases to the joint secretary, the desk officer to the deputy secretary/director and the desk attaché to the under-secretary if it is not a desk, otherwise to the deputy secretary/director. Thus, the system is meant for speed and quality as the initial examination of cases is done at responsible level.

2.1.7 LET US SUM UP

To summarize, in recent years the volume of secretariat work has increased manifold due to the planned economic development, the governments' accountability to the Parliament and intensive scrutiny exercised by its standing committees. The need has been felt to maintain full and proper records of cases involving financial and other sanctions. But with the adoption of new economic and its trend privatization, there has been a great change in this regard.

2.1.8 EXERCISE

1. Discuss the historical roots in the evolution of Central Secretariat.
2. Write an essay on various functions of Central Secretariat
3. What do you know about Tenure System? Comment on its working in Secretariat.
4. Identify the important criticisms on Secretariat.

2.2 CABINET SECRETARIAT: COMPOSITION AND WORKING

- Y. Pardhasaradhi

STRUCTURE

2.2.0 Objectives

2.2.1 Introduction

2.2.2 Evolution of Cabinet Secretariat

2.2.3 Organization of the Cabinet Secretariat

2.2.4 Functions of the Cabinet Secretariat

2.2.5 Role of the Cabinet Secretariat

2.2.6 The Cabinet Secretary

2.2.6.1 Role of the Cabinet Secretary

2.2.7 Administrative Reforms Commission and the Cabinet Secretariat

2.2.8 Let us Sum Up

2.2.9 Exercise

2.2.0 OBJECTIVES

After going through this lesson, you will be able to know:

- The evolution of the Cabinet Secretariat;
- The organization and role of the Cabinet Secretariat;
- The Office of the Cabinet Secretary and her/his role;
- Improvements suggested by the Administrative Reforms Commission and with regard to Cabinet Secretariat.

2.2.1 INTRODUCTION

A modern democratic welfare state depends on civil service for the execution of public policy and various laws of the state. In a parliamentary form of government political execution is responsible to the people through the parliament. The efficiency of the cabinet depends on specialized and experienced administrators. Therefore, the cabinet secretariat has been established on specialized and experienced administrators. Therefore, the cabinet secretariat has been established to provide the necessary secretarial assistance to the cabinet.

2.2.2 EVOLUTION OF THE CABINET SECRETARIAT

Before Independence, the executive council of the governor-general was responsible for all governmental functions. As the amount and complexity of business of the government increased, the work of the various departments was distributed amongst the members of the council only the more important cases being dealt with by the governor-general or the council collectively. This procedure was legalized by the Councils Act of 1861 during the time of Lord Canning, leading to the introduction of the portfolio system and the inception of the executive council of the governor-general.

The secretariat of the executive council was headed by the private secretary to the viceroy, but he did not attend the council meetings. Lord Willington first started the practice of having his private secretary by his side at these meetings. Later, this practice continued and in November, 1935, the viceroy's private secretary was given the additional designation of secretary to the executive council. The constitution of the interim government in September 1946 brought a change in the name, though little in function, of this office. The executive council's secretariat was then designated as the cabinet secretariat. It seems, however, at least in retrospect, that Independence brought a sort of change in the functions of the cabinet secretariat. It no longer remained concerned with only the passive work of circulating papers to ministers and ministries but developed into an organization for effecting coordination between the ministries.

An economic committee of the cabinet was set up in February 1949 with a view to speedily considering the proposals in the economic field. The Secretariat of this committee was located in the ministry of finance till June 1950, when it was made a part of the cabinet secretariat and was designated as the economic wing. Later, to ensure better coordination and to avoid unnecessary duplication in the secretariat functions, this wing was merged with the main secretariat in October 1955.

In 1954, the organization and methods division was established and placed under the cabinet secretariat. In May 1964, the organization and methods was transferred from the cabinet secretariat to the ministry of home affairs and is presently in the department of administrative reforms and public grievances of the ministry of personnel, public grievances and pension.

In 1957, a significant addition to the scope of the cabinet secretariat's functions took place with the constitution of a defence committee of the cabinet. A separate wing called the military wing was established in the cabinet secretariat for providing secretarial assistance to the committee. The officers for this wing are drawn from the defence services. The military wing has been transferred to the ministry of defence with effect from 1 July 1991.

In April, 1961, the department of statistics was created as a part of the cabinet secretariat and was transferred to the ministry of planning in February, 1973. The ministry of planning has been renamed as ministry of planning and programme implementation since July 1991.

In July 1965, the intelligence wing was set up as a part of the cabinet secretariat to provide secretarial assistance to the joint intelligence committee. The bureau of public enterprises was brought under the cabinet secretariat as a subject from the ministry of finance on 25 January 1966 and transferred to the then department of coordination under the ministry of finance on 2 June 1966. Later on the bureau of public enterprises was transferred to department of economic affairs under the ministry of finance on 13 June 1967. On 25 September 1935, the bureau of public

enterprises was transferred to the then newly created department of public enterprises under the ministry of industry.

On 26 June 1970, besides the Department of cabinet affairs and the department of statistics under the cabinet secretariat, three more departments were created under it, namely (i) department of electronics, (ii) department of scientific and industrial research and (iii) department of personnel.

On 29 July 1970, the director-general of revenue intelligence-cum-directorate of enforcement was set up in the department of cabinet affairs under secretariat and on 1 August 1970, shifted to department of personnel. The department of scientific and industrial research, which was created under the cabinet secretariat on 26 June 1970, became an independent department known as Vigyan Aur Pradyogiki Vibhag on 3 May 1971. The department of electronics which was created under the cabinet secretariat on 26 June 1970 also became an independent department on 17 June 1971. On 7 February 1973, the department of statistics, which was a part of cabinet secretariat since 9 April 1961, was transferred to the ministry of planning, and simultaneously the department of personnel was renamed as department of personnel and administrative reforms on 7 February 1973. On 7 April 1977, the department of personnel and administrative reforms was transferred to the ministry of home affairs from the cabinet secretariat. At present, the department of personnel and administrative reforms is a part of ministry of personnel, public grievances and pension with the bifurcation as the department of personnel and training and department of administrative reforms and public grievances.

On 24 July 1981, a new department named department of ocean development was created under cabinet secretariat which became an independent department on 12 February 1982. The directorate of public grievances was set up in the cabinet secretariat with effect from 25 March 1988 to entertain grievances from public after the complainants fail to get satisfactory redressal from the ministry /department concerned within a reasonable period of time. The directorate is authorized to take up grievances in respect of the ministry of railways, ministry of urban development,

ministry of surface transport, ministry of civil aviation, department of posts, department of telecommunication, the banking division and the small savings division of the department of economic affairs. The above description gives an account of frequent changes made from time to time in the administrative structure of the cabinet secretariat due to the reorganization of the executive functions of the Union government.

2.2.3 ORGANISATION OF THE CABINET SECRETARIAT

The cabinet secretariat is under the direct charge of the prime minister. The administrative head of the secretariat is the cabinet secretary, who is also the ex-officio chairman of the civil services board. At present the cabinet secretariat consists of three wings: (i) The cabinet secretariat wing (main), (ii) The intelligence wing, (iii) The security wing.

- (i) The cabinet secretariat wing (Main) including DPG, has one cabinet secretary, three secretaries, one additional secretary, three joint secretaries, eight directors/deputy secretaries, one joint director and six under secretaries or equivalent positions, thus totaling 23 officers.
- (ii) The intelligence wing deals with matters relating to the joint intelligence committee. The joint intelligence committee consists of one chairman, four joint secretaries or equivalent position, one director (services) brigadier and equivalent rank officers, three staff officers of lieutenant colonel or equivalent rank, one joint director and the under secretary, thus totaling 11 offices.
- (iii) The security wing consists of one secretary (security) who looks after the security of VVIPs and controls the special protection group (SPG) meant for protection of the prime minister and other VIPs.

The organization chart (figure 10.1) of the cabinet secretariat as on 19 September 1996 provides the details. The main wing of the cabinet secretariat provides secretariat assistance to:

- (i) The cabinet and its committees and the committee of the secretaries receive secretariat assistance from the civil wing of the cabinet secretariat. The secretarial assistance includes submission of cases to the cabinet and the committees, preparation and maintenance of records of the decision taken by the cabinet and its committees and initiation of follow-up action in the implementation of the decisions reached by the cabinet and its committees.
- (ii) It is also responsible for providing secretarial assistance to the committees of the secretaries, meeting under the chairmanship of the cabinet secretary for considering and advising on the problems which require inter-ministerial consultation and coordination.
- (iii) It is the responsibility of the main wing of the cabinet secretariat to lay down the rules of business and the allocation of the business of the government of India to the various ministries and the departments within the framework of the directives of the prime minister after these have been approved by the president.
- (iv) The periodical summaries and notes on the important developments of each ministry are obtained and circulated by the cabinet secretaries wing to the president, vice-president, council of ministers and other important functionaries of the government of India.
- (v) Finally, it is responsible for establishing coordination and securing timely and effective action by all ministries and the departments of policy decisions which the cabinet as a whole or the prime minister have directed.

2.2.3.1 THE INTELLIGENCE WING

There is a joint intelligence committee which functions under the chairmanship of an additional secretary to the cabinet. It is the responsibility of the joint intelligence committee to collect, evaluate and present such intelligence pertaining to external threats to the national security. It also takes account of the internal factors having a

bearing on national security. There is also a research and analysis wing (RAW) headed by a director. The RAW takes account of the work relating to foreign intelligence activities and of the counter intelligence abroad.

2.2.4 FUNCTIONS OF THE CABINET SECRETARIAT

The cabinet secretariat has a very important place in the central administration. It is such a source of authority, the assistance of which enables the central government to undertake any matter of serious responsibility. The cabinet secretariat now possessing the relevant specialized field is in a position to (executive) carry out its responsibilities with greater competence, initiative and efficiency. Some of the important functions of the cabinet secretariat are as follows:

1. To prepare the cabinet agenda and its minutes, to keep its record and to keep track of the progress made by administrative ministries and the department is executing the cabinet decisions.
2. To know the implementing position of the decisions of the cabinet, it (cabinet, secretariat) calls for information from the various ministries and the departments which is subsequently passed on to the cabinet wherever it (cabinet) holds its meeting.
3. To inform the president, vice-president and council of ministers about the major activities of the government conducted in several ministries
4. To circulate the monthly summaries and brief note on important matters for collecting the information relating to the major activities of the government conducted in the various ministries
5. To prepare minutes of the meeting of the cabinet and its committees
6. To render its services to the committee of secretaries meeting periodically under the chairmanship of the cabinet secretary. This committee of the secretaries meets to consider and advise on problems requiring inter-ministerial consultation and coordination.
7. To lay down the rules of business and re-allocating the business of the

government of India among the various ministries and the departments within the framework of directives of the prime minister, after these have been approved by the president.

8. To establish coordination between the various seminars organized by the different central ministries.
9. To work as the liaison agency between the state government and the central cabinet

2.2.5 ROLE OF THE CABINET SECRETARIAT

The nomenclature of the cabinet secretariat is self-explanatory of the character of the nature of its role; it is an institution that provides the secretariat assistance to the cabinet. The role of cabinet secretariat could be explained by indicating the jurisdictional components of the cabinets.

- (a) Cases pertaining to treaties, agreements and consultations with the foreign governments
- (b) Cases relating to the draft legislation including of ordinances.
- (c) Proposals relating to the summoning of each house of Parliament by the President.
- (d) Those matters which the president or the prime minister might like to place before the cabinet
- (e) Proposals relating to the withdrawal of court cases by the government
- (f) Proposals relating to changing or modifying the already reached decision of the cabinet

All the above-mentioned cases relate to the deliberative aspect of the cabinet and the cabinet secretariat is expected to provide necessary secretarial assistance to the cabinet in resolving these policy matters. The cabinet secretariat is basically the staff agency to the cabinet. In other words the cabinet secretariat is the clearing house prior to the cabinet decisions.

The cabinet secretariat earlier oversaw only administrative matters. But of late, there have been deviations from this as the RAW, the SPG and Secretary (security), have become part of the cabinet secretariat. A strong section is of the opinion that the cabinet secretariat should shield these additional responsibilities and be directly responsible for executive functions. Second, the creation of a separate department of personnel has resulted in an inherent conflict between the cabinet secretariat and the personnel department.

2.2.6 THE CABINET SECRETARY

He is the successor to the secretary of the viceroy's executive council in our cabinet system. Being the senior most civil servant of the land he is the pivot of the cabinet system. During the meeting of the cabinet, he sits by the side of the prime minister to brief him on various points on the agenda. The cabinet secretary chairs the meeting of the committee of the secretaries and also presides when called on conferences of the chief secretaries. The position of cabinet secretary could be explained in between the lines of the report on reorganization of the machinery of government (1949) by N.Gopalaswami Ayyangar; 'There is a need to understand the status and functions of the cabinet secretary. The selection of this administrative officer should be on the basis of his special qualities of tact, initiative, efficiency and energy. Moreover, he should be entrusted as the heads of the cabinet secretariat for securing coordination in all matters in which the cabinet as a whole or the prime minister might like to direct. He should be the administrative leader to command the respect and confidence of all ranks of civil service. So that the civil servants come to him for advice and guidance whenever there are interdepartmental difficulties. He is a sort of advisor and the conscience keeper to all the ranks of civil service in the central government administrative system.

The cabinet secretary's office was created in India in 1950 after Independence and N.R. Pillai was the first cabinet secretary. Generally, he is the senior-most civil servant of the country, therefore, seniority should be given weight age along with merit in the selection of a cabinet secretary. Seniority alone is not an overriding

factor. There have been innumerable instances in the past when the senior-most officer had been superseded while selections were carried for this post. P.K. Kaul, B.G. Deshmukh, V.C. Pande, Naresh Chandra and Zafar Saifullah were not senior-most from their respective batches. The empirical evidence thus tends to show that in India the principle established in the matter of appointment of the cabinet secretary appears to be his acceptability to the government of the day. The relevant point is that the practice of changing the cabinet secretary with change in government is wrong and harmful. It is against the sound principles of administration and should, therefore, be ended.

The administrative reforms commission had recommended that a cabinet secretary should be given a three year tenure. Such tenure is necessary to enable him to take decisions in the right perspective and to initiate steps and measures and ensure he is there to implement them. It also enables him to withstand undue political and other pressures and take right decisions in public interest. It will also preserve and maintain the high service morale. A full tenure of three years provides stability and helps in evolving a warm working relationship between the prime ministers' office and the cabinet secretary, and it also helps in the enormous amount of work that the two dozen secretaries to the various governments get done. The committee of secretaries has lost the gloss and sheen associated with it in the 1980s. Virtually a major portion of the country's administrative decisions that were thrashed out in this meeting also helped tie up loose ends and iron out the glitches among various ministries, now it is not one-fourth as effective as it was then. The reason was simple; you had a cabinet secretary who had the authority and the tenure to push his team to achieve results. The no fixed tenure posts results in a flabby and unsure bureaucracy that is now led by a captain who is changed every year. There have been 22 cabinet secretaries (up to August 1994) and the average tenure is about a year and eleven months. The last two cabinet secretaries were, therefore, only for a year each.

The no fixed tenure rule generated the phenomenon of extension. Giving extension to the cabinet secretary is undesirable as it only makes his position untenable

and open to all sorts of rumours and allegations. The cabinet secretary should be appointed for a fixed tenure and if this needs giving him an extension then it should be done at the time of his appointment. The prime minister should not only play favourites while appointing a new cabinet secretary. Favouritism makes the position of the cabinet secretary vulnerable and he has, of course, to pay back the favour to the prime minister and in the process he loses his moral authority over the civil service.

2.2.6.1 ROLE OF THE CABINET SECRETARY

The cabinet secretary is the head of civil service and chief advisor to the council of ministers and the prime minister, the cabinet and its committees. He coordinates the activities of various ministries and departments. He is the link between the prime minister's office and various administrative departments. He is the link between the political part of the government, i.e. the cabinet and the political governmental machinery i.e the bureaucracy. Our first Prime Minister, Pandit Jawaharlal Nehru, decided to have a cabinet secretary, who would not be a part of the prime minister's office, deviating from British practice. In Britain there is no secretary to the prime minister, and many a time the cabinet secretary is involved in the functioning of prime minister's office. Lord Mountbatten gave the sound advice to Panditji to have secretary to the prime minister different from the cabinet secretary so that the latter's position would not be politicized.

The main functions of the cabinet secretary, according to formulate rules of business, are to provide secretariat assistance to cabinet and cabinet committees, and to formulate rules of business of the government. Its main tasks are, namely, to prepare proposals for the cabinet after consultation with concerned ministries and departments to constantly monitor and coordinate implementation of decisions taken by the cabinet and prepare papers connected with the appointments that the prime minister has to make. Some general issues taken up in the committee of secretaries and others like internal security are carefully analysed in the core group comprising the cabinet secretary, the principal secretary to the prime minister, home secretary, defence secretary, secretary RAW, director of the intelligence bureau (DIB) and

chairman of the joint intelligence committee (JIC) and, on rare occasions, the secretary concerned may also be invited to the core group meetings.

The most important function of the cabinet secretary of late pertains to internal security and sifting through intelligence. It is his duty to make a coordinate assessment of a given situation or problem by absorbing the source report. If the issue is resolved in the core group, the matter is not referred to the prime minister or the cabinet.

It is for the cabinet secretary to ensure fair administration of the services. The cabinet secretary has the unenviable task of seeing that certain unhealthy linkages do not develop. He should be answerable for any decision taken, and also impart an all-India look and character to the administrative departments of various ministries. However, despite his multi-faced role, the cabinet secretary has no say in judicial appointments.

The prime minister also gives him specific tasks from time to time, like B.G. Deshmukh a former cabinet secretary asked to set up a committee to monitor Sri Lanka situation or to take urgent action tackle the Maldives crises. He can also on his own initiative take certain matters he thinks necessary and urgent, like supervising steps to be taken to increase exports. Further, while taking initiative in any particular matter, he has to ensure that the concerned minister or secretary to the ministry or department does not feel that his turf is encroached upon. In very rare cases, he has to involve the prime minister's name or authority of course after getting the latter's informal clearance.

He is very close to the prime minister but he has to ensure that his politically neutral image is in no way compromised. His proximity to the prime minister also generates resentment and jealousies amongst ministers and even influential politicians. Therefore, he has to be very careful not to get involved in any controversies. As the head of the civil service has to be impartial, not play favourites and observe the highest tradition of the civil service. He is not seen to be indifferent to the interest of non-IAS civil servants. He has to be like a father figure to the civil service and enjoy its trust fully. He is not only the principal advisor to the prime

minister and the cabinet but also monitors and coordinates activities of various ministers and departments and frames new policy initiatives. The cabinet secretariat also serves as an umbrella organization for various new agencies, which for any reason cannot be located in any particular ministry or department. Even though as per tradition the cabinet secretary belongs to the ICS or IAS cadres, once he takes up the post of cabinet secretary, he does not belong to any of these services and ensures that all get due recognition and proper share of senior posts. He is the first among equals vis-à-vis his senior colleagues, but he has to justify this role by his own conduct and behaviour. He has to not only act but also has to be seen to act with fairness and impartiality.

He is the link between the political system and the civil service, mentions B.C. Deshmukh, a former cabinet secretary. This political interface is a very thin line and he has literally to walk the tightrope ... the orders of the political leadership have to be obeyed but then a mature and competent cabinet secretary has always managed to ensure that this does not damage the structure of the civil service and affect its morale. While the political system has accepted his advice. In most cases, it is unfair to expect this to happen in every case. He is expected to be not only the record-keeper but often even the conscience-keeper of the cabinet. He has to be more knowledgeable than the rest in the corridors of power, in a way to be the 'king' of all trades. Mr Mirnal Mukherji, the cabinet secretary from 1977 to 1980, who had worked with three prime ministers, says, 'with Mr Morarji Desai my equation was more or less equal. With Charan Singhji I was the guide: And, well with Indiraji, I was given the cold shoulder treatment. Recalling his experience, Mr.V.C. Pandey says that somehow most of the unpleasant tasks end up with the cabinet secretaries. He recalls an incident when he was asked by the then foreign minister, Mr. I. K. Gujral, to inform the Indian ambassador in the UK, MR M.K. Rasgotra, to resign from his post. 'Though not very keen on the task, I had to do the dirty job.'

The role of the cabinet secretary has been lucidly discussed by Khera: 'The cabinet secretary provided the eyes and ears for the prime minister to keep in touch with the process of official business in the central government. But he is in no sense

the watch-dog or invigilator on behalf of the prime minister. The worst thing that could happen would be for any member of the council of ministers to feel that the cabinet secretary or for that matter any other official, is not spying on him or that the official may have the ear of the prime minister to carry tales. His business is to help, not to oversee. There are two other rather out of the ordinary functions performed by the cabinet secretary. The first is when the cabinet secretary has to act on his own authority and responsibility without the benefit of resort to the prime minister. Second, the cabinet secretary may also be called to serve on occasions as a sort of general official factotum, whom the prime minister deems thus to be necessary.

In brief, the cabinet secretary is usually the senior-most civil servant of the country and the official warrant of precedence gives him the first place among the civil servants. Ever since the appointment of the first incumbent to this post in 1950 the cabinet secretary invariably belonged to the cadre of the ICS till the retirement of N.K. Mukherji, the last of the cadre. After him there have been top IAS cadre officers to occupy this position. The present incumbent is K.M Chandrasekhar. The cabinet secretary works under the direct control of the Prime minister.

The institution of cabinet secretary had suffered quite a few heavy blows even before the present sordid scramble for the post could begin. Generally, three factors have been responsible for this, the first was the phenomenal rise in the power of the prime minister's principal secretary or secretary, making him, rather than the cabinet secretary, the dominant civil service figure. From the time of P.N. Haksar to the time of A.N.Verma and the present incumbent, this trend has continued. The principal secretary of the prime minister is not the chief secretary of the government of India. His office seems to have emerged as an alternative power centre. It can lead to a number of embarrassing situations, remarked one former cabinet secretary. Second, the short tenures of cabinet secretaries during the past one decade have inevitably eroded the prestige of the post. The third and the most damaging assault on the office of cabinet secretary has been the objectionable practice under which the cabinet secretary changes every time the government changes. While in Britain a cabinet secretary serves for more than 10 years.

2.2.7 ADMINISTRATIVE REFORMS COMMISSION AND THE CABINET SECRETARIAT

The administrative reforms commission was appointed by the government to study the machinery of the government of India and its procedure of work. The commission submitted its report in 1968. Some of its important recommendations relating to cabinet secretariat are as follows:

- (a) Every sub-committee of the cabinet should be supported by a committee of secretaries in the cabinet secretariat to consider in advance all matters to be taken up in the cabinet sub-committee.
- (b) About the role of the cabinet secretary the commission expressed its views that his role should not be limited to that of a coordinator. The cabinet secretary should also act as the principal staff advisor to the prime minister, the cabinet and the cabinet committee on important policy matters. The term of office of the cabinet secretary should be three to four years in the cabinet secretariat.
- (c) The commission recommended that development of personnel should be headed by a secretary who should work under the general guidance of the cabinet secretary.

2.2.8 LET US SUM UP

During British colonial rule in India, the agency that carried out governmental business was called the Governor-General-in Council. In 1946, the Council was renamed the Cabinet Secretariat. After Independence in 1947, the functions of the Secretariat underwent major changes. A series of committees on economic, defence and intelligence matters were constituted under the Cabinet Secretariat. Most of the departments created after Independence functioned under the Cabinet Secretariat, and were later on shifted to the respective ministries. The position holder is accountable for ensuring that the civil service is equipped with the skills and capability to meet the everyday challenges it faces and that civil servants work in a fair and decent environment. Inter-ministerial coordination, monitoring and promoting new

policy initiatives are some other major functions of the Cabinet Secretariat of India. The Cabinet Secretariat makes it sure that the President, Vice-President and Ministers are aware of the chief actions of all Ministries or Departments through Monthly synopsis of their activities. The Cabinet Secretariat also has the function of managing different crisis situations in the country.

2.2.9 EXERCISE

1. Discuss the powers and functions of Cabinet Secretariat.
2. Explain the role of Cabinet Secretary in coordination the activities of Government of India.

2.3 MINISTRIES AND DEPARTMENTS (HOME AFFAIRS, FINANCE, DEFENCE AND EXTERNAL AFFAIRS): COMPOSITION AND ROLE

- Y. Pardhasaradhi

STRUCTURE

2.3.0 Objectives

2.3.1 Introduction

2.3.2 The Allocation of Business

2.3.2.1 Bases of Work Distribution

2.3.3 Working of the Ministries/Departments

2.3.3.1 The Political Head

2.3.3.2 The Secretariat

2.3.3.3 Attached Offices

2.3.4 Ministries / Department of Government

2.3.5 Ministry of Home Affairs

2.3.6 Ministry of Finance

2.3.7 Ministry of Defence

2.3.8 Ministry of External Affairs

2.3.9 Let us Sum Up

2.3.10 Exercise

2.3.0 OBJECTIVES

After going through this lesson, you will be able to understand:

- How the ministries and departments functions in the Indian government and administration;
- The relationship between political head, i.e. Minister and bureaucracy, i.e. the secretariat;
- The composition and role of four ministries, viz. Ministry of Home Affairs, Ministry of Finance, Ministry of Defence and Ministry of External Affairs;

2.3.1 INTRODUCTION

The executive authority of the government is vested in the president. Article 53 says that ‘the executive power of the union shall be vested in the president and shall be exercised by him either directly or through officers subordinate to him in accordance with the Constitution. Thus, all the executive functions vested in the president are carried on in two ways: (1) either directly by him or (2) through subordinate officers. But Article 53 (3) authorizes Parliament to confer ‘by law functions on authorities other than the president’. Every law made by Parliament needs the assent of the president before it could become operative law. But the constitution has created a council of ministers to ‘aid and advice’ the president in exercise of his executive powers. Therefore, he has to act as per the advice of the council of ministers.

During the British rule the governor-general-in-council was taking executive decisions but when the work of the government increased, portfolio system was introduced in which each member of the council was assigned a particular portfolio. All matters concerning a particular portfolio were referred to the concerned member. The matters of general policy only were referred to the council. This practice continued after Independence, the council became council of ministers/cabinet. The council of ministers, although collectively responsible to the Parliament, had individual ministers allotted to different departments for which they were individually responsible to the council of ministers as well as to the legislature. In this chapter

we will discuss the allocation of work among different ministers and the manner in which the individual ministries function.

2.3.2 THE ALLOCATION OF BUSINESS

The Constitution empowered the president to make rules for the convenient transaction of the business of the government and for its allocation among ministers. The president, on the advice of the prime minister, allots ministries/departments to the ministers from time to time. The allocation of work is based on the Government of India (Allocation of Business) Rules, 1961, as amended from time to time. These rules prescribe the ministries/departments, secretariat/office in which the work of the government is carried out.

The government of India Manual says, ‘The business allotted to a ministry is normally disposed of by the minister in-charge or by an appropriate officer of the ministry under the direction of the minister. The exercise of the responsibilities by individual ministries is, however, subject to certain conditions, such as those requiring inter-departmental consultation in matter affecting the business allotted to another minister or those requiring the submission of certain types of cases for the orders of the prime minister or the cabinet, or a committee of the cabinet. Certain classes or cases are also required to be submitted to the president before issue of orders.’

Thus, for proper working, a particular ministry is entrusted to a particular minister subject to the overall control of the prime minister and the cabinet. In the year 1947, the number of ministries was few and general ministries comprised one department with one secretary. The work of government increased due to planned economy and social welfare activities, hence, the number of departments have also increased. But to contain the size of the ministry small, it has become necessary to group a number of departments into a single ministry. As a result, many ministries have now more than one department with a secretary as the head of each department. Therefore, a minister now has more than one secretary to supervise.

2.3.2.1 BASES OF WORK DISTRIBUTION

The distribution of work among different departments is generally made on the

following basis: (a) Functional basis, i.e. functions to be performed; (b) processes involved; (c) people or clientele to be served; (d) area of operation.

The actual allocation of work, however, is not based on any single criterion. All the four bases mentioned above are used to make proper division of work among different government departments. In 1997, the executive work of the Government of India was divided into 38 ministries and 70 departments besides the cabinet secretariat, president's secretariat, prime minister's office and planning commission. The bases on which the division of work is made are given as follows:

<i>Bases</i>	<i>Ministries / Departments</i>
Function	Defence, education, health and family welfare
Process	Law, steel and mines
Clientele	Ministry of welfare and ministry of labour

Detailed allocation of work is given in the end of the chapter. The allocation of work between different ministries keeps on changing from time to time. Sometimes the allocation for division of work is not based on any principle or bases but only on political or personal consideration. Independent ministries or departments are carried out for some political leaders to be accommodated as was done in the case of ministry of fertilizers and chemicals in 1993. Sometimes division of work is influenced by the considerations of weakening of some ministers. For example, when Y.B. Chawan was home minister, the CBI and IB, and department of personnel and administrative reforms were taken away from the ministry of home affairs to weaken him. Likewise, ministry of agriculture has been cut to size by taking away department of rural development, fertilizers and chemicals, etc. Thus, the division of work is not always based on rational considerations.

2.3.3 WORKING OF THE MINISTRIES / DEPARTMENTS

A Ministry may consist of one or more departments, each under the charge of a secretary. Generally a cabinet minister is in-charge of a ministry assisted by a number of ministers of state and /or deputy ministers. Sometimes the minister of state may

hold independent charge of a ministry. There are three levels seen clearly in the functioning of a ministry. These are (i) political level, (ii) secretariat level, and (iii) executive level.

2.3.3.1 THE POLITICAL HEAD

The minister, the state minister and the deputy minister are the political persons who are in charge of a ministry. Sometimes there may be parliamentary secretary at the bottom of political hierarchy. They occupy the position due to their political strength in the party. They are not experts or having any technical qualifications. The ministers broadly perform three types of functions. First, he initiates the broad policies which the department has to follow. He decides all the important policy questions which may come up in the functioning of the department. Second, he exercises general supervision over the implementation of the policy by the department. Third, he takes the responsibility of administration and policies of his department in the Parliament. He answers parliamentary questions relating to his department. He pilots the legislation and represents his department in the parliament as well as before the people. Fourth, he represents his ministry in the cabinet. He has to share the collective responsibility of the cabinet to the Parliament. He has to ensure coordination of his policies with those of other ministries.

The minister of state, the deputy ministers and the parliamentary secretaries share such of the duties of the cabinet minister as assigned to them by him. Generally, they provide assistance to the cabinet minister.

2.3.3.2 THE SECRETARIAT

The political head is supported by the secretariat of the department. The function of the secretariat is to provide mature and expert advice for the formulation of policies. The secretariat is the central point of administration. The department is further subdivided, for smooth functioning into various units as shown below:

Department	Secretary
Wing	Additional secretary / Joint secretary
Division	Deputy secretary / Director

Branch	Under-secretary
Section	Section officer

The scheme shows that the department is sub-divided into a number of wings, each headed by additional or joint secretary. Each wing is sub-divided into divisions. The division is headed by a deputy secretary. A division is sub-divided into branches each headed by an under-secretary and a branch into sections, headed by a section officer. The functions and role of these functionaries will be discussed briefly.

Secretary: The secretary is the administrative head of the ministry or the department. He is the principal advisor to the minister on all matters of policy and administration of his ministry/department. He is fully responsible for the efficient administration of his ministry/department. He represents his ministry/department before the parliamentary committees, on public accounts, estimates committee and committee on public undertakings, etc. He keeps himself informed of the working of his department by receiving weekly summaries giving the nature of cases that have been disposed of by his subordinate officers. He can issue instructions that certain cases may be submitted directly to him. Gopalaswami Ayyangar suggested, ‘A secretary should not be immersed in files and burdened with routine. It is essential that he should have time to grasp the overall picture, size up the problems facing government in the field allotted to his charge, and think and plan ahead. All these are his proper functions and must be efficiently performed. Failure to make adequate provision in this respect cannot be compensated by mere increase in the establishment under his control. The administrative reforms commission has also visualized the role of the secretary, primarily as one of ‘coordinator, policy guide, reviewer and evaluation’. Thus, the secretary is at the top of departmental authority and draws the higher salary available to a number of IAS.

Special Secretary: After Independence, the original hierarchy has been disturbed by creating more than one level of authority. This undermines the solidarity, efficiency and effectiveness of hierarchical organization. The post of special secretary is a good example of such disturbance of hierarchy. Asok Chand had pointed out, ‘in

1951, a special secretary enjoying the pay, status and authority of a secretary, was appointed, for a time, to the ministry of agriculture. This was a unique post and neither the principle on which such a post was created nor its relations with the permanent secretary were defined or appreciated. More recently, such a post has been revived in the ministry of external affairs to take charge of the administration of foreign service with the pay, rank and status of a secretary. The department of heavy industries in the ministry of commerce and industry in the ministry of commerce and industry has also been placed in the charge of a special secretary, but of one with the pay of a joint secretary and with an undefined status. Thus, there is no well-settled principle or rule for the appointment, rank and pay of special secretary.

Additional Secretary: Originally, the office next to the secretary was the deputy secretary but in course of time new levels of special/additional/or joint secretaries were formed. In 1937 the organisation and procedure committee referred to these new levels. Various committees asked to report on improvement in administration had adversely commented on the interposition of these levels, between the secretary and the deputy secretary. There is no specific unit of administration of which an additional secretary is to be in-charge. Sometimes he is given charge of a department and does the work of secretary; at other times he heads the wing and performs the work of a joint secretary. Sometimes he helps the secretary in a specified field of activity. Richard Tothenham correctly narrated the nature and role of these posts. He says, 'In my opinion there is, or should be no distinction of function, but only of pay between a joint and an additional secretary. In both cases their correct function is to relieve the secretary of a block of work and to deal directly with the member so far as that work is concerned. They should only be required in those departments... additional and joint secretaries should not be either cheap secretaries or expensive deputy secretaries'.

The study team of the administrative reforms commission on personnel administration and the ARC itself suggested for the creation of a definite level of additional secretary. It also envisaged cases in which a wing of the ministry may be headed by an additional secretary himself instead of a joint secretary. In the larger

ministries, the level of additional secretary provides considerable relief to the secretary. In practice, however, the secretary sees in him a rival to his authority and joint secretary finds in him an unnecessary interposition between themselves and the secretary.

Joint Secretary: The joint secretary is generally in charge of a wing and he is vested with the maximum independence for functioning and responsibility of all business under his wing, subject to the general responsibility of the secretary for the administration of the ministry as a whole. According to A.D. Gorwala, the joint secretaries ought to in reality be what the name implies, namely, secretaries for the subject entrusted to them and joined to a more senior secretary for the convenience of administrative work. This post was created in early 1920s for three reasons. First, the increase in the functions of some department made it difficult for one secretary to cope up with the increased work; second, it was found difficult to combine separate items of business under one secretary to cope up with the increased work; second, it was found difficult to combine spate items of business under one secretary; and third, the emergence of two house of legislature at the centre in 1920, which necessitated the presence of senior officers in both the house to assist the members in legislative work. The emergence of the posts of joint secretaries between the secretary and his deputy secretaries has been criticized by almost all the committees appointed by the government to suggest improvements in the administrative machinery. The Gopalaswami Ayyangar committee had called it an unsatisfactory arrangement, which caused delay and inefficiency. However, in practice the joint secretaries are performing more or less the functions which the deputy secretaries used to perform earlier. Though they are in charge of the separate wing of the ministry but they function as deputies to the secretaries. They neither take any independent decisions nor do they submit files directly to the minister on the specific areas of work allotted to them.

Deputy Secretary: The deputy secretary is an officer who acts on behalf of the secretary. He holds charge of a secretariat division and is responsible for the disposal of government work under his charge. He should ordinarily be able to

dispose of the majority of cases coming to him on his own responsibility. Originally this officer occupied an important position but after Independence the post has been devalued and their hardly any decision which a deputy secretary is taking on his own. He submits most of the cases to joint secretary.

Under-Secretary: An under-secretary is in charge of a branch in a ministry and exercise control both in regard to the discharging of business and maintenance of discipline. The role of this officer has been detailed in the Maxwell Committee Report, 'The grade of the under secretary should ordinarily initiate action on all inward communications, immediately to the notice of the deputy secretary for any instructions which the latter might wish to give. The under secretary should dispose off minor cases on his own volition. More important files he should submit to the deputy secretary in such a form that in ordinary course the deputy secretary should be enabled to deal with the case quite briefly. Under secretaries should also attempt to reduce as far as possible the number of files to be formally submitted to the deputy secretary by taking the latter's verbal orders in appropriate case. We consider that one of the great losses in recent years in the working of secretariat departments is the practical disappearance, due to various causes, of the summary and draft of the efficient under secretary.

Office: The secretariat consists of two types of officers; one consisting of officers who take part in the decision-making process, and the other consisting of the office which maintains and present papers.

The functions of the office have been described in Chapter 9 on the Secretariat. The office consists of the following grades of functionaries (i) section Officer (ii) assistant, (iii) upper division clerk (UDC), (iv) lower division clerk (typist), etc.

Section Officer: The superintendents who are in charge of sections are called sections officer. A section officer has to supervise the work of his staff in his section. He is responsible for handling important cases himself. He distributes the work amongst the staff, trains and advises them in the discharge of their duties. He coordinates the work of different functionaries in his section and ensures prompt disposal of work.

He has to adopt proper methods of processing of cases, timely submission of statements and other periodical reports. Proper maintenance of section diary, file registers, assistant's diaries and other necessary papers and registers. He ensure compliance of instructions for secret papers.

Assistants/Upper Division Clerks: An assistant works under the orders of the section officer and is responsible for the work assigned to him. His main functions are : First, to examine and put up suitable notes and drafts on cases quickly and submits them to the section officer after proper paging. Second, he has to maintain the assistant's diary, secure files and other registers and documents properly. Third, he has to keep papers and files in good condition.

Some selected assistants may be authorized to submit cases directly to the branch officer. UDC generally performs similar functions to those of assistants except that they are not required to deal with important cases.

Lower Division Clerks: These functionaries are ordinarily given work of a routine nature such as registration of papers, maintenance of circulars and other registers, indexing, recording, preparation of arrear statements, typing, comparing and dispatch, etc.

2.3.3.3 ATTACHED OFFICES

Besides the main secretariat, there are a number of attached offices at the headquarters of the Government of India. Such examples are the offices of the controller of printing, chief controller of imports and exports, agricultural marketing advisor to government of India, directorate of inspection (income tax), chief labour commissioner, etc. These will be discussed in the chapter on field agencies.

Executive Organization of the Department

The secretariat is responsible for policy-making functions of the government. Below the secretariat, there is the executive organization with a head of its own known as the head of the department. The head of the secretariat organization, i.e. secretary is not technically speaking the head of the department. He is the chief advisor to the

government for the formulation of policies. Basically his duties are of a staff nature rather than line work. The executive organization is the line machinery of the department/ministry and is also termed as a department with its own head who is officially called the head of the department. Such executive heads are designated differently in different departments. Generally he is called director or director-general, but there are also designations such as inspector-general, adviser, commissioner, etc.,

2.3.4 MINISTRIES / DEPARTMENT OF THE GOVERNMENT

The government consists of a number of ministries/departments, number and character varying from time to time on factors such as volume of work importance attached to certain items, changes of orientation, political expediency, etc. On 15 August 1947, the number of ministries at the centre was 18.

2.3.5 MINISTRY OF HOME AFFAIRS

The Ministry of Home Affairs is one of the four oldest departments set up along with the military, finance and foreign affairs by a resolution of governor-general-in-council on 29 April 1843. The home department was placed under charge of a secretary. The department was entrusted with the functions of a heterogeneous nature such as internal law and order, political matters, civil services, police, jails, explosives factories, education, public works, public health, hospitals and municipalities, etc. With the passage of time new departments emerged and many subjects were subsequently transferred to separate departments. In the recent years functions related to personnel and administrative reforms were taken away from this ministry and were given to the department of personnel. It is considered the most important ministry in the Government of India even now.

2.3.5.1 ORGANISATION

The ministry is headed by a home minister who usually is a senior leader, and is assisted by two ministers of state. The home secretary who is a senior member of the IAS is the administrative head of the ministry. He heads many important committees and many home secretaries became cabinet secretaries and some of them have become governors of state after retirement. For example S.L. Khurana,

who was the home secretary, became the governor of Tamil Nadu after his retirement, M.L. Wali became the lieutenant governor of Delhi, L.P. Singh, a former home secretary, became governor.

The secretary is assisted by additional secretaries, joint secretaries, directors, deputy directors, special assistants, under-secretaries, section officers and other staff. Presently the ministry has four departments, namely, internal security, state, homes and official language. It also controls the allied organizations such as the intelligence bureau, the bureau of police research and development, the institute of criminology and forensic science, the national crime records bureau, the directorate of coordination (police wireless) and the Sardar Vallabhbhai Patel national police academy.

2.3.5.2 FUNCTIONS

(a) Law and order - Although law and order is a state subject in our Constitution, yet the ministry of home affairs monitors trends and developments having a bearing on law and order including communal harmony. It also renders necessary guidance and assistance to the states and Union territories whenever required. When violent incidents cause disruption of normal life central security forces may be deployed to keep the law and order under control. To control the extremist activities of the ULFA in Assam, anti-national elements in Jammu and Kashmir and the terrorist activities in Punjab, security forces were made available to the state government. The ministry extended assistance at the time of protests against the implementation of Mandal commission's report and violent incidents due to Ram Janambhoomi-Babro Masjid issue on 6 December 1992.

(b) It administers the Indian Police Service and controls the IPS cadre. Therefore, it deals with service matters like appointments to IPS, deputation of police officers from states to the centre, their training, such as Indo-Tibetan Border Police (ITBP), the Boarder Security Force (BSF), the Central Industrial Security Force (CISF), CRPF, rapid action force, anti-riot force established on 7 October 1992 to control communal flare up, National Security Guards (NSG) and the Assam Rifles, etc.

- (c) It conducts census after every 10 years and is responsible for conducting peaceful elections of the Parliament and the state legislatures.
- (d) It deals with the matters relating to the foreigners and citizenship
- (e) It controls the attached and allied organizations like intelligence bureau, the national police academy, the bureau of police research and development and the institute of criminology and forensic science, etc.
- (f) It deals with the matters related to the jail/prison administration and reforms.
- (g) The ministry works for the proper maintenance of centre-state relations and responsible for imposition of president's rule in the states.
- (h) The ministry formulates programme and schemes for relief and rehabilitation of displaced persons.
- (i) The ministry has a Hindi *Salahkar Samiti*, which reviews the progress of use of Hindi as an official language in the government offices and its attached and subordinate offices.
- (j) The ministry is also responsible for the administration and development of Union territories.
- (k) The ministry is concerned with appointments to most of the high positions like governors, lieutenant-governors, chief commissioners, member of the inter-state commission, etc. It issues notification of appointments and resignations of the president, vice-president, prime minister and other ministers. It is the home secretary who reads out the notifications of the appointment of the president at the oath-taking ceremony of the new president.
- (l) The ministry also deals with subjects like the Padma Shree awards and Jeevan Raksha award medals, sanction of pension to the freedom fighters, grant of Indian Citizenship, preparation of warrant of precedence and list of national holidays, publication of the *Gazette of India*, etc., setting up enquiry commissions, national flag, the national anthem, the national emblem, cases of nomination of members to

the council of states, matters relating to grant of pardons, reprieves, suspension or commutation of a sentence of death by the president, emergency relief, creation of new state and matters connected with code of conduct of the ministers.

2.3.5.3 ROLE OF THE MINISTRY OF HOME AFFAIRS

The Ministry commands respect for its uniqueness and senior politicians have been appointed at home ministers. Although its functions have been reduced after the creation of ministry of personnel, public grievances and pension and ministry of welfare in 1985, but its pivotal stature in the Union cabinet still continues. Let us examine its role.

Although the ministers are allotted portfolios on the recommendation of the prime minister by the president but senior politician next to the prime minister were given the ministry of home affairs. The experience shows that the minister was a divided one from the very beginning because the prime minister considered strong home minister as his/her rival. Home ministers had been rendered ineffective and put on a shelf leaving the junior minister free to run the ministry as he thought best. During the Emergency, Brahmananda Reddy as home minister remained so only in name; all powers were being exercised by the minister of state. Om Mehta (nicknamed 'Home' Mehta). During S.B. Chavan's period as home minister (when Rajiv Gandhi was the prime minister) his two deputies, particularly Arun Nehru, effectively ran all the affairs of the ministry. Later, when V.P. Singh was the prime minister, Mufti Mohammad Sayeed was home minister but his junior minister of state SubodhKanth Sahay handled Ayodhya matters and also charge of Punjab. Jharkhand and North-east and Kashmir was given to George Fernandes, minister of railway, at that time. Therefore, it was commented that at least on one count, the National Front government is no different from the previous two regimes and that is the manner in which the home ministry is run. More specifically, it is the question of who runs the ministry.

Again when Rao was the prime minister and S.B. Chavan as home minister was sidelined by his junior minister of state, Rajesh Pilot and the prime minister did not intervene in their battle. Not only this, Rajesh pilot was being asked to attend

the cabinet meetings, even when the home minister was present. This encouraged Rajesh Pilot to oppose proposals of the ministry duly approved by the cabinet minister for submission to the cabinet. The home minister keeping in view the fragile communal situation after the Ayodhya incident, had proposed to ban the 25 February 1993, mass rally of the BJP in the capital. Keeping in view the experience of Ayodhya, the BJP leadership could not be trusted to keep the rally peaceful. But in three out of four cabinet meetings in which the issue of banning the BJP rally was discussed, Rajesh Pilot opposed the proposal of the ministry. This clearly shows that prime ministers do not like home minister to be strong. In spite of all such politics the home ministry stills enjoys status next to the prime minister in our country.

2.3.6 MINISTRY OF FINANCE

In a parliamentary democracy an effective administrative control over the receipts and expenditure of the government is very important. In India ministry of finance is made responsible for the administration of finance of the Union government. It prepares budget proposals for submissions to the cabinet and for final approval by the Parliament. Thus, it regulated the expenditure of the Union government as well as the transfer of resources to the states.

2.3.6.1 HISTORY

The time of origin of this ministry may be traced from 1810 when the Government of India created a spate department of finance. The department was not having its full time secretary till 1843. The finance secretary was responsible for conducting the entire financial operations of India. After Independence in 1947, the finance department was designated as the ministry of finance. It was having three major Wings-expenditure, economic affairs and revenue. In 1949, the ministry of finance was reorganized into two departments-department of revenue and expenditure and department of economic affairs. It was further reorganized in 1958, 1964, 1966, 1969, 1970 and 1985. In 1996-1997 the ministry comprised three departments. These are the department of economic affairs, department of expenditure and department of revenue.

2.3.6.2 ORGANIZATION

At Present the ministry has a cabinet minister in charge who is assisted by a minister of state. The final decision regarding the number of junior ministers rest with the prime minister. The secretary is the administrative head of the ministry. Each department of the finance ministry has a secretary as its head and he is assisted by additional secretary, joint secretary, deputy secretary, director, under-secretary and other secretarial staff under him. The senior positions in the ministry are manned by the IAS but the service base of the officers in the ministry of finance is broader. In addition to the IAS, the ministry has officers from Indian audit and accounts service, etc. A large number of positions at the middle level are occupied by central secretariat service personnel. The ministry at present has three departments, namely economic affairs, expenditure and revenue.

2.3.6.3 DEPARTMENT OF ECONOMIC AFFAIRS

The department of economic affairs is responsible for monitoring current economic trends and advising the government on all matters relating to internal and external economic management, including the working of commercial banks, term lending institutions, investment regulations, external assistance, production of currency/bank notes and coins of various denominations, postal stationery, postal stamps, etc. It is also responsible for the president's rule. This department has finance, currency and coinage and administration. Each division performs functions as per their nomenclatures. The department has under it two attached offices, three subordinate offices, three public undertakings, and three bodies like LIC.

2.3.6.4 DEPARTMENT OF EXPENDITURE

The department consists of six divisions. These are as follows: plan, finance, establishment, cost accounts, organization of the controller-general of accounts, staff inspection unit and finance commission division. There is the defence accounts department under its administrative control. It has no attached or subordinate office under it.

2.3.6.5 DEPARTMENT OF REVENUE

The department of revenue under the charge of secretary (revenue) exercises

administrative control in respect of matters relating to all the direct and indirect Union taxes through two statutory boards under it, viz., the central board of direct taxes and the central board of excise and customs. Each board has a chairman and six members who are ex-officio additional secretaries to Government of India. The central board of direct taxes, which controls the income-tax department, is responsible for formulation of tax administration policies. It also performs various statutory functions under the Income Tax Act 1961, the Wealth Tax Act 1957, the Gift Tax Act, 1958 and the Expenditure Tax Act, 1987. This board functions through several attached and subordinate offices.

The central board of excise and customs formulates policy for the levy and collection of customs and control of excise duties, prevention of smuggling and administration of customs, central excise narcotics and gold control of excise duties, prevention of smuggling and administration of customs, central excise narcotics and gold control departments. The board is assisted by nine attached and subordinate offices. Organizations such as custom houses, central and excise collectorates, opium and subordinate offices. Organizations such as custom houses, central and excise collectorates, opium and alcohol factories and the central bureau of narcotics function under the administrative authority of the board. The other organizations under the department are as follows: the settlement commission (IT and WT); the appellate tribunal for forfeited property; the regional office of the gold control administrator, Bombay; the customs, excise and gold (control) appellate tribunal. There is also the economic intelligence bureau headed by a director general. It collects revenue intelligence and investigates economic offence and economic law enforcement. In brief, the ministry of finance performs the main functions of policy formulation, administration of finance; raising necessary revenue, control entire government expenditure, etc.

2.3.7 MINISTRY OF DEFENCE

The Government of India is responsible for ensuring the defence of India and every part thereof. The Supreme Command of the Armed Forces vests in the President. The responsibility for national defence rests with the Cabinet. This is discharged

through the Ministry of Defence, which provides the policy framework and wherewithal to the Armed Forces to discharge their responsibilities in the context of the defence of the country. The Raksha Mantri (Defence Minister) is the head of the Ministry of Defence. The principal task of the Defence Ministry is to obtain policy directions of the Government on all defence and security related matters and communicate them for implementation to the Services Headquarters, Inter-Services Organisations, Production Establishments and Research and Development Organisations. It is also required to ensure effective implementation of the Government's policy directions and the execution of approved programmes within the allocated resources. Ministry of Defence comprises of four Departments viz. Department of Defence (DOD), Department of Defence Production (DDP), Department of Defence Research & Development (DDR&D) and Department of Ex-Servicemen Welfare and also Finance Division.

2.3.7.1 MINISTERS

Ministry of Defence is headed by the Union Cabinet Minister for Defence, who is supported by one Minister of State. In comparison, in the UK, for a far smaller defence force, there are four ministers, including a minister exclusively for Defence Personnel, Welfare and Veterans. In India, as a result, there is far lesser political interface between the Armed Forces and elected official, in comparison with other major democracies. A fall out of limited interface between the political leadership and the armed Forces officers is that bureaucrats in MOD have, especially in the last decade, come to exercise far greater power over the armed forces headquarters than in other democracies, like the UK or the US. For instance the political oversight for veteran and welfare in India is entirely left to a civil service bureaucrat, unlike in the UK, and US, where this function is discharged by an elected official usually with military background, and in the case of the US by a cabinet level official.

2.3.7.2 DEPARTMENT OF DEFENCE

The Department of Defence deals with the three Services and with Inter-Services

Organisations. It is also responsible for the Defence Budget, establishment matters, defence policy, matters relating to Parliament, Defence cooperation, and coordination of the activities. It is headed by Defence Secretary who is assisted by Director General (Acquisition), Additional Secretaries and Joint Secretaries. The Department of Defence deals with the Integrated Defence Staff (IDS), the three Services and various Inter-Service Organisations. It is also responsible for the Defence Budget, establishment matters, defence policy, matters relating to the Parliament, defence co-operation with foreign countries and co-ordination of all activities.

2.3.7.3 DEPARTMENT OF DEFENCE PRODUCTION (DDP)

The Department of Defence Production, set up in November 1962 with the objective of developing a comprehensive production infrastructure for the defence of the nation, has, over the years, established wide ranging production facilities with the help of Defence Public Sector undertakings and Ordnance Factories. The department deals with the indigenization, development and production of Arms, Ammunitions and Defence equipment - both in the public and private sectors to achieve self-reliance for the Armed Forces of India. The products include arms and ammunitions, armoured vehicles, fighter aircraft and helicopters, warships, submarines, missiles, electronic equipment, earth moving equipment, special alloys and special purpose steels.

2.3.8 MINISTRY OF EXTERNAL AFFAIRS

In a parliamentary democracy, foreign policy, like domestic policy, is the prerogative of the political executive. The Foreign Office, like the other departments of government, is primarily responsible for carrying out the directives of the former. But on account of the far-flung and highly complex nature of foreign policy in the modern world, the Foreign Office has to perform a much greater informative and advisory role vis-a-vis the political executive than any other departments. While the Foreign Minister, and ultimately the Prime Minister and the Cabinet, are responsible for actual decision making with regard to the fundamentals of foreign policy, the Foreign Office is responsible for feeding them with detailed and adequate information, analyzing and evaluating the available data, and recommending concrete measures

in each case. The Foreign Office, therefore, plays a vital and indispensable role in the making of foreign policy, without being ultimately responsible for it.

2.3.8.1 STRUCTURE AND ORGANIZATION

The Ministry of External Affairs is headed by one of the key members of the Cabinet as Foreign Minister, who is generally assisted by a Minister of State and/or a Deputy Minister. It has also been customary to allot some territorial and administrative work to these State and Deputy Ministers.

Next in the hierarchy of the Ministry of External Affairs is Foreign Secretary, who for a long time, during the entire tenure of Nehru, called as Secretary-General. Since Nehru was both Prime Minister and Foreign Minister from the beginning, it was considered necessary to have a senior officer as the administrative head of the Foreign Office to supervise and coordinate the activities of the Ministry and to advise the Prime Minister on policy details. He was officially described as “the principal official adviser to the Minister on matters relating to foreign policy” and was said to be “responsible for the supervision and coordination of the work of the Ministry as a whole”.

At the head of the Ministry of External Affairs is the political executive, consisting of the Minister for External Affairs and the Minister of State for External Affairs. Below the level of the political executive is the bureaucratic structure of the Foreign Office headed by the Foreign Secretary. Presently, there are five Secretaries in the Ministry of External Affairs including Foreign Secretary, Secretary (East), Secretary (West), Secretary (Multilateral & Economic Relations – M&ER), Secretary (Americas & CPV). CPV refers to Consular, Passport & Visa. Below these five secretaries, two additional secretaries are placed to assist the Foreign Secretary. Below the level of Secretaries and Additional Secretaries are a large number of Joint Secretaries, Directors, Deputy Secretaries, Under Secretaries, and Attaches, in a descending order of status. Divisions are two categories: a) Specialised Divisions such as administration, security, economic, publicity, finance, policy planning etc.; and b) Territorial divisions looking after each region of the world, like Africa, Central Asia, East Asia, Europe, Gulf, etc.

The main source of information regarding happenings in foreign states and other international developments at the disposal of the Ministry of External Affairs is the large network of Missions and Posts maintained by it abroad. These Missions and Posts are also ultimately responsible for the effective implementation of foreign policy. The Foreign Office at the Delhi which controls the administration and supervises the work of the Missions and Posts represents a two-way transmission belt between the latter and the Foreign Minister and the Cabinet.

The MEA and its Missions and Posts abroad conducts various activities that include political diplomacy, economic diplomacy, cultural diplomacy, propaganda or external publicity, policy planning and personal planning.

2.3.8.2 THE MEA: CRITICAL APPRAISAL

The MEA being a professional organisation that is responsible for coordinating India's foreign policy is staffed with personnel that were trained to carry out responsibilities. Their functions are more diverse than the functions carried by other ministries in the Government of India. As the world is getting complex day by day, so are the functions and activities of the bureaucracy in the MEA. The increased multilateralism, sophisticated publicity and propaganda due to cutting edge technology and social networking, dealing with newer global crimes such as terrorism, piracy, cyber crimes, etc. are making the task of the MEA tougher. The MEA is trying its best to cope up with all these challenges.

However, the MEA is not adequately placed to carry this growing complexity of international relations. There are many structural weaknesses to handle the gamut of foreign policy. First and foremost structural problem is related to less manpower: about 800 diplomats carry the responsibilities of the MEA, whereas China has 4000 diplomats and the USA has nearly 20000. As the responsibilities are increasing with the growing stature of India in international politics, there is urgent need to enhance the staff to handle multitude of activities. There is a mismatch between the demands of present foreign policy making requirements and supply of the staff.

Many scholars are also pointed out that India's foreign policy decisions are often highly individualistic – the province of senior officials responsible for particular policy areas, not strategic planners at the top. As a result, India rarely engages in long-term thinking about its foreign policy goals, which prevents it from spelling out the role it aims to play in global affairs. The other concern is that Indian foreign-policy makers are insulated from outside influences, such as think tanks, which in other countries reinforce a government's sense of its place in the world.

Countries that aspire to great-power status usually look beyond tactical challenges, imagine a world that best suits their interests, and work to make that vision a reality. The problem for India is that its foreign policy apparatus is not yet designed to do that. India's inability to develop top-down, long-term strategies means that it cannot systematically consider the implications of its growing power. So long as this remains the case, the country will not play the role in global affairs that many expect.

2.3.9 LET US SUM UP

The work of government increased due to planned economy and social welfare activities, hence, the number of departments have also increased. But to contain the size of the ministry small, it has become necessary to group a number of departments into a single ministry. As a result, many ministries have now more than one department with a secretary as the head of each department. Therefore, a minister now has more than one secretary to supervise. The functions of the Government have become increasingly complex and multifarious. Therefore, in addition to the traditional departmental organizations a number of other forms like company, corporations, etc., have come up to perform the governmental functions. The expansion of the business activities of the government has given birth to two new forms of organizations; government companies and statutory corporations.

2.3.10 EXERCISE

1. Elucidate the working of ministries and departments in Indian government.
2. Write about the structure and functioning of the Secretariat in the ministry.

2.4 WORKING OF BOARDS, COMMISSIONS AND FIELD ORGANIZATIONS

- Y. Pardhasaradhi

STRUCTURE

2.4.0 Objectives

2.4.1 Introduction

2.4.2 Single Chief Executive System

2.4.3 Plural Chief Executive System

2.4.4 Classification of Boards and Commissions

2.4.4.1 Classification on the Basis of Nature of Authority

2.4.4.2 Classification on the Basis of Legal Status

2.4.4.3 Constitutional Boards / Commissions

2.4.4.4 Statutory Boards / Commissions

2.4.4.5 Boards / Commissions Set Up by Resolutions

2.4.4.6 Classification on the Basis of Location of Board

2.4.4.7 Boards as Head of the Department

2.4.4.8 Boards in Subordinate Position

2.4.4.9 Classification on the Basis of Functions

2.4.5 Field Organisations

2.4.6 Exercise

2.4.0 OBJECTIVES

After going through this lesson, you will be able to understand:

- The importance of Boards, Commissions and Field Organizations;
- Single Chief Executive Boards and Plural Chief Executive Boards;
- Basis for classification of Boards and Commissions, viz. Nature of authority, legal status, Constitutional and statutory boards, Location based boards, functional basis boards, etc.;
- The importance of Field Organizations in the administration.

2.4.1 INTRODUCTION

Governmental functions are operationalized by the departments manning it. However, along with departments/ministries, certain other types of organizations also exist, namely, boards and commissions. Organizations with a plural chief executive have been preferred for several kinds of governmental activities. In our country, ever since 1983, executive authority was vested in the executive council of the viceroy, which after independence in 1947 has taken a form of cabinet. Even today a board or commission plural executive has become an integral part of administrative institutions.

The question may arise as to why boards and commissions are set up over and above the departments. There has been lot of discussion about the merits of single executives or the board and commission type of plural or collegiate executive. In this lesson we will discuss first the advantages of the single chief executive system, which is the extensively used form in government organization, and then we shall pass on to the advantages of plural executive system.

2.4.2 SINGLE CHIEF EXECUTIVE SYSTEM

The advantages of vesting administrative authority in an individual are many. First, in this system authority vest in a single person who can be held responsible for the results. It is he who plans the programme, executes it and applies the necessary corrections. He would be, therefore, accountable for the actions he has taken while

the responsibility in a board or commission is shared between a number of individuals. In such a diffusion of authority nobody can be held responsible for the results of collective decision. Second, it is less expensive, while in the commission system, the meetings will be attended by a number of officials of higher level and they have to be paid their TA and DA. This causes lot of financial burden. On the other hand, in a single executive system all these expenses are not needed because such meetings are not required and files can move within the department for decisions without any expenditure. Third, in the single executive system decisions can be quickly taken. The decisions in the board or the commission take time. Sometimes the meeting is not due in near the future and sometimes differences of opinion lead to the postponement of decision. Fourth, in an individual chief executive system, he has authority to take decisions therefore, he feels a greater sense of involvement and applies more energy and takes keen interest in its working. In a commission or board system an individual feels that he needs not apply any more effort than others, because the credit of such efforts will go to the board and not to him individually. Fifth, the line of authority is not very clear in a board or commission type of organization. This may confuse the line functionaries as to whose orders they should obey in case there is disagreement among the members. This type of problem is unknown in a single chief executive system where the line of authority is very clear.

2.4.3 PLURAL CHIEF EXECUTIVE SYSTEM

The board or commission system has several advantages. First, in a government department decision making is a time –consuming process. It has to pass through many levels and stages for consultation. This results in delay in decision making. In case of the plural executive the consultation process can take place across the table in a board meeting. Thus, decisions in this system take lesser time than in case of a single chief executive system. Second, an individual is more likely to succumb to pressures than a plural body like a commission or a board. Therefore, the plural system is more conducive to administrative integrity. Third, the commission and boards are neither wholly expert committees nor purely representative bodies. A properly constituted body is a combination of both these elements to provide a balance between the specialized requirements of modern public administration and the representative's character of a democratic government.

Fourth, these bodies sometimes perform quasi-legislative and quasi-judicial functions in addition to their administrative functions. Such functions are better performed by a plural body than a single individual. The collective wisdom of members reduces the possibility of collusion with the clients or of individual's personal bias in judgment. Finally, the board of commission type of organization can help to relieve the central/state governments of the responsibility of control over day to day functioning of a service organization of the management of a business enterprise. It provides on the one hand, the necessary autonomy to the agency and on the other opportunity to the government to devise certain control mechanism to monitor the progress of the organization without undermining its autonomy.

The above discussion does not favour the establishment either of the two types of organizations. The most usual and logical form of organization appears to be the single chief system. But there are many situations in which the plural chief executive system may be found suitable. L.D. White observes that in general the burden of proof is on the advocates of boards/commissions in preference to a single executive. Even when a board or commission type of organization is preferred, the work of running the day to day administration of the organization is left to a single chief executive working under the overall supervision and control of the board/commission. This type of organization is very much prevalent in the private companies where the board of directors gives the necessary policy decisions, while the actual business is run by a managing director assisted by a team of executives. The board does not interfere in the day to day functioning of the managing director but retains control by calling for strategic information as well as by reserving some strategic decisions for itself.

According to Willoughby, the board/commission type of organization is more suitable for the following types of service, First, those services which are quasi-legislative or quasi-judicial in character such as public utility boards. They perform quasi-legislative functions inasmuch as they formulate the rules and regulations for determining the rates and conditions of providing these service. They perform quasi judicial functions as they adjudicate upon issues that affect public and private rights as provided for in the rules. Improvement trusts and development authorities come under this category. Second, those services whose functions need the exercise

of wide discretionary powers or are of a general control character as in the case of public service commissions. Third, those services where a number of varied interests are affected as in the case of arbitration or conciliation boards. Fourth, those cases which are subject to a lot of political pressures and group rivalries. In such cases various interest groups tend to sway the decisions of the government authorities in their favour through various means. In such situations the board/commission is in a better position to balance the various pulls and pressures. The tariff commission in India is an example.

To conclude, the single head is the best where the major policies and objectives of the department are well defined, where the activities are of a routine nature and where executive promptness and vigour are required to protect the vital interest of the society such as public security and law and order. The board/commission is more suitable in planning new undertakings where the questions are not well settled and constant consultations are required for deciding policies for every changing situation.

2.4.4 CLASSIFICATION OF BOARDS AND COMMISSIONS

In India there has been proliferation of new agencies after Independence to perform the new and complex functions undertaken by the government. Many boards, commissions, and corporations have been established by the Union and state governments for performing functions like examinations, providing public utility service and rendering financial assistance. These bodies can be classified on different basis. Some of the important ones are as follows:

2.4.4.1 CLASSIFICATION ON THE BASIS OF NATURE OF AUTHORITY

On the basis of nature of authority the boards/commissions can be classified into the following three categories:

- (a) Advisory boards/commission like the small-scale industries boards.
- (b) Boards/commissions performing policy-making functions such as the planning commission.
- (c) Boards /commissions performing policy-making and executive functions, such as railway board and the atomic energy commission.

Advisory boards / commissions do not form part of the hierarchical structure of the government organization. They are usually associated with the head of the organization for the purpose of advice only. They neither share departmental responsibilities nor its policy. They only tender advice which may or may not be accepted by the head of the department. The board/commission which performs policy making functions are high powered and mainly perform policy making functions. An example is the planning commission. Some boards/commissions perform both policy making as well as its execution. The railway board is such an agency which is responsible for policy making in regard to all matters concerning Indian Railways. At the same time it is also responsible for all operational matters connected with the running of railways. Other similar boards are posts and telegraphs board, atomic energy commissions.etc.

2.4.4.2 CLASSIFICATION ON THE BASIS OF LEGAL STATUS

On the basis of legal status, the boards/commissions can be classified into the following three categories :

- (i) Boards / commissions established by the Constitution
- (ii) Boards / commissions established by some special statutes
- (iii) Boards / commissions established by the resolutions of the government.

2.4.4.3 CONSTITUTIONAL BOARDS / COMMISSIONS

The Constitution provides for the establishment for the establishment of several commissions such as:

- (a) The finance commission, (b) The Union public service commission (UPSC), (c) The election commission, (d) backward class commission, (e) official languages commission.

These commissions are appointed by the president and do not come under the administrative control of any particular ministry in their day-to-day working. The members of these commissions are appointed by the president and they enjoy a security of tenure and cannot be removed from their office without following a special provision as laid down in the Constitution. Their reports are placed on the table of each house of the

Parliament.

2.4.4.4 STATUTORY BOARDS/COMMISSIONS

Several boards and commissions are set up by special statutes of Parliament such as:

- (i) University grants commission, (ii) railway board, (iii) central board of direct taxes, (iv) central board of excise and customs, (v) oil and natural gas commission, (vi) flood control board, (vii) atomic energy commissions, etc.

These statutory boards / commissions are working under the administrative control of the ministry concerned; while some of them are ministries, namely railway board and atomic energy commission, others are also free to a large extent from regular departmental procedures. They enjoy a great deal of autonomy in their day to day working; but their members do not enjoy the same degree of security, independence and prestige in comparison to constitutional ones.

2.4.4.5 BOARDS / COMMISSIONS SET UP BY RESOLUTIONS

Several boards / commissions are set up by the executive resolutions of the government, such as:

- Planning commission
- Central social welfare board
- The handicraft board
- The handloom boards
- The central ground water commission, etc.

These boards / commissions are created for a specific time, although the same board is attached to the concerned ministry, and are called as attached boards. Mostly, they are advisory in nature. Their members do not have any definite tenure and autonomy is limited. However, some of them are very important and high powered like the planning commission.

2.4.4.6 CLASSIFICATION ON THE BASIS OF LOCATION OF BOARD / COMMISSION

According to the location, they may be classified into three categories as (i) boards/ commissions performing the functions of the ministry and located in the ministry, (ii) boards/ commissions which work as heads of the departments but outside the ministry, (iii) boards

/ commissions in subordinate positions.

Boards / commissions as Ministries

These boards perform all the functions of a ministry and some of them perform executive functions also. Such boards/commissions are: (a) railway board, (b) posts and telegraph board, (c) atomic energy commission.

Such boards /commissions are constituted for organizations which deal with commercial or operating functions.

2.4.4.7 BOARDS AS HEADS OF THE DEPARTMENT

These boards function as important heads of departments under the ministries. The examples are: (a) central board of direct taxes, and (b) central board of excise and customs. These boards give directions to the field offices under them and are also responsible for their general performance. They deal with important subjects and are found very useful.

2.4.4.8 BOARDS IN SUBORDINATE POSITIONS

These types of boards are a sort of departmental board. The examples are boards of education. They are concerned with laying down syllabi and courses and conduct of examinations.

2.4.4.9 CLASSIFICATION ON THE BASIS OF FUNCTIONS

The boards/commissions can also be classified on the basis of functions they perform, these are as follows:

Developmental Boards

These boards engage in developmental activities and are categorized as development boards. These are the following:

- a) Industrial promotion board
- b) All India handloom board
- c) All India handicraft board
- d) The export promotion council, etc

All these bodies attempt to promote the development of some industries, agriculture and other economic activities.

Regulatory Boards

These boards generally regulate some of the activities of the people. Examples are agricultural marketing boards, which regulate the marketing activities of the agricultural production.

Mixed Boards

These boards perform both developmental as well as regulatory functions. For example, the tobacco board takes up many schemes for improving tobacco cultivation and also regulation of marketing activity of tobacco

The boards / commissions are important forms of organizations to improve their efficiency. They can prove useful in certain situations where rules, regulations and procedures are yet to be established.

Legally, commissions / boards are of three types. We are discussing here commissions / boards of each category. Under the first category, commissions / boards established by the constitution, we have chosen the finance commission and the Union Public Service Commission (UPSC); under the second category, those who have been established by the special statutes, we have chosen railway board and under the third category established by government resolutions we have selected the planning commission for detailed analysis.

2.4.5 FIELD ORGANIZATIONS

So far we have discussed the organization of the Government of India at the Central Secretariat level. The Secretariat formulates policies and operative directions to ensure the implementation of policies while implementation of policies takes place at the field level, hence, the organization of the field office is of great importance. Generally, the field office is organized on a geographical basis in India and each ministry of the Government of India has its field offices covering a local area within a state. India is a very vast country therefore, for each department of Government of India is not possible to

deal directly with all field offices. Hence, most of the departments have state level or regional level (including more than one State) offices in an area.

The functions of the Government have become increasingly complex and multifarious. Therefore, in addition to the traditional departmental organizations a number of other forms like company, corporations, etc., have come up to perform the governmental functions. The expansion of the business activities of the government has given birth to two new forms of organizations; government companies and statutory corporations. Likewise, many registered societies have been established to handle research and training activities.

The number of executive agencies or field agencies of the government may be classified into the following categories.

- (i) An attached office, for example, central public works department, directorate of plant protection quarantine and storage, etc.
- (ii) A subordinate office, e.g. Sardar Patel National Police Academy, Hyderabad, inspector of explosives, Nagapur, etc.,
- (iii) Departmental undertakings, e.g., ordinance factories.
- (iv) A company registered under the Companies Act, e.g., Hindustan Steels Ltd.
- (v) A corporation or board set up under the Special Statute, e.g. Damodar Valley Corporation, tea board, coffee board, tobacco board, etc.
- (vi) A society registered under the Societies Registration Act, e.g. Indian Institute of Foreign Trade.

2.4.6 EXERCISE

1. Discuss the advantages of Single Chief Executive and Plural Chief Executive systems.
2. Explain the differences between Constitutional Boards and Statutory Boards.
3. Write about Filed organizations and their role.

3.1 ROLE OF GOVERNOR, CHIEF MINISTER AND COUNCIL OF MINISTERS IN STATE ADMINISTRATION AND GOVERNANCE

- Y. Pardhasaradhi

STRUCTURE

- 3.1.0 Objectives**
- 3.1.1 Introduction**
- 3.1.2 State List**
- 3.1.3 Concurrent List**
- 3.1.4 Distribution of Executive Powers**
- 3.1.5 Importance of Governor**
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- 3.1.7 Constitutional Position of Governor**
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- 3.1.11 Position of the Chief Minister**
- 3.1.12 The State Council of Ministers**
- 3.1.13 Let us Sum Up**
- 3.1.14 Exercise**

3.1.0 OBJECTIVES

After going through this lesson, you will be able to understand:

- How the Indian constitution distributed powers between Union and the States;
- The importance of Governor's position in the Indian politics and government, powers, functions and constitutional position of the Governor;
- The criticism on Governor's role and Sirkaria Commissions recommendations to address some of the concerns regarding Governor's position in Indian executive;
- The importance of Chief Minister's in India's executive, powers, functions and position of the Chief Minister; and
- The structure, composition, powers and functions of the State Council of Ministers.

3.1.1 INTRODUCTION

The very first Article of our Constitution says, "India, that is 'Bharat', shall be a Union of states". The word 'Union' has been used to mean 'Federation' in the US Constitution. In our Constitution, however, the Union is not a Federation of the type set up by the US Constitution. The Indian Constitution has several features of a Federation like the dual government; distribution of powers between federal and state governments, supremacy of the Constitution and final authority of courts to interpret the Constitution. On the other hand, there are several unitary features like a unified judicial system; integrated machinery for election, accounts and audit; power of superintendence of union government over state government in emergencies and to some extent even in normal times, single citizenship, etc. Due to these features, our Constitution lays down a quasi-federal polity.

Austin has on the other hand called our Federation a 'Cooperative Federalism' due to the need for close cooperation between the Union government, and the state governments. The purpose here is not to discuss in detail the nature of Indian Federation, but to put the study of state administration in proper context. It is, therefore, enough for us

to know that our Constitution envisages a two-tier structure of governance - one at the Union or Central level and the other at the state level. The powers and functions of the Central or Union government and the state governments are specified in the Constitution. The Union and the state governments function independently in their own spheres. Of course, there is an area of overlapping responsibility and there are certain powers of superintendence

3.1.2 STATE LIST

The State List comprises 61 items over which states have exclusive jurisdiction. Some of the important ones are - Public Order and Police, Agriculture, Forests, Fisheries, Public Health, Local Government, etc. These are subjects of maximum concern to the people which can be better dealt with at the state level. These subjects are generally under the exclusive jurisdiction of the states, but under the following circumstances, the Parliament can legislate on these matters.

- i) In national interest, Council of States by a resolution of 2/3rd of its members present and voting may authorize the Parliament to legislate on a state subject. Such authorisation may be for one year at a time, but can be renewed by a fresh resolution;
- ii) Under a proclamation of emergency, the Parliament may legislate on a state subject;
- iii) With the consent of two or, more states, the Parliament may legislate on a state subject with respect to the consenting states;
- iv) Parliament has powers to legislate with reference to any subject (including a state subject) for the purpose of implementing treaties or international agreements and conventions; and
- v) When a proclamation is issued by the President on the failure of Constitutional machinery in any state, he may declare that the powers of the state legislature shall be exercised by or under the authority of Parliament.

3.1.3 CONCURRENT LIST

The Concurrent List comprises 47 items over which the Union and state legislatures have concurrent jurisdiction. The important ones are: Criminal Law and Procedure, Marriage, Trusts, Civil Procedure, Insurance, Social and Economic Planning, etc.

While the Union and states can legislate on any of the subjects in the Concurrent List, predominance is given to the Union Legislature. It means that in case of repugnancy between the Union and a state law relating to the same subject, the former prevails. If, however, the state law was reserved for the assent of the President and has received such assent, the state law may prevail notwithstanding such repugnancy, but it would still be competent for the Parliament to override such state law by subsequent legislation. Any dispute about the interpretation of the entries in the three lists is to be decided by the Courts. Following principles have been followed in such interpretation:

- i) In case of overlapping of a subject between the three lists, predominance is to be given to the Union Legislature; .
- ii) Each entry is given the widest importance that its words are capable of
- iii) In order to determine whether a particular enactment falls under one entry or Constitutional Profile of State Administration another, its ‘pith and substance’ is considered.

3.1.4 DISTRIBUTION OF EXECUTIVE POWERS

In general, the distribution of executive powers follows the distribution of the legislative powers. It means that the state government has executive powers in respect of subjects in the State List. However, the executive power in respect of subjects in the Concurrent List ordinarily remains with the state governments except in the following cases:

- i) Where a law of Parliament relating to such subjects vests some executive functions in the Union, e.g., in Industrial Disputes Act, 1947.
- ii) Where provisions of Constitution itself vest some executive functions upon the Union, e.g., implementation of an international treaty or obligation. Moreover, the Union has the power to give directions to the state governments in the exercise of their executive powers in the following cases:

In Normal Times, the State Governments have to ensure: Compliance with Union laws Exercise of executive power of the state does not interfere with the exercise of the executive power of the Union Construction and maintenance of the means of communication of national or military importance by the state Protection of railways in the state Implementation of schemes for the welfare of Scheduled Castes and Scheduled Tribes. The administration of a state is carried on in accordance with the provisions of the Constitution.

In Emergencies, the state government functions under the complete control of the Union Government. The President may assume to himself all or any executive powers of the state on proclamation of failure of Constitutional machinery in a state.

iii) During a Financial Emergency

The President can give directions to the state government to observe canons of financial propriety The President may reduce salaries and allowances of employees Money bills and other financial bills could to be reserved for consideration of the President.

The Constitution of India says that India is a “Union of States”. Moreover, the Constitution provides for the Union at the Centre and the State governments at the periphery. Since India adopted the parliamentary form of government, the organizational structure and the administrative systems both at the Centre and the States are modelled on the same pattern.

Articles 152 to 237 in part VI of Indian Constitution deals with the provisions relating to the composition, organization, powers and functions of the State Government. At present there are 28 States in India. All these States are administered by the respective State Council of Ministers headed by the Chief Ministers in the name of the Governors. There are three organs in every State Government, namely 1) State Legislature 2) State Executive and 3) State Judiciary. The Governor, the Chief Minister, some ministers and a large number of personnel form part of the State Executive.

The State Legislature comprises one or two House(s) and the presiding officers. The State judiciary consists of a Chief Justice and other judges along with the ministerial staff in the High Court.

Articles 153 to 167 deal with matters relating to the State Executive, i.e. the Governor, the Chief Minister and members of the State Council of Ministers. Besides, there are some administrative personnel who assist the ministers in the functioning of State Government. While the Governor is the constitutional and nominal executive head of the State Government, the Chief Minister acts as its real executive head. The ministers are appointed by the Governor on the advice of the Chief Minister. They play a decisive role in the formulation and implementation of the policies of the State Government. The State Secretariat is the pivot of state administrative machinery. The Constitution of India provides for an office of the Governor in the States. Usually, there is a Governor for each state, but the Constitution (Seventh Amendment) Act of 1956 facilitated the appointment of the same person as a Governor for two or more states.

A Governor is the chief executive head of a state. But like the President of India, he is a nominal executive head (or titular or constitutional head). The Governor also acts as an agent of the Central Government and therefore, the office of the Governor has a dual role.

3.1.5 IMPORTANCE OF GOVERNOR

The Governor is the constitutional executive head of the State Government. All the affairs of the State Government are carried out in his name. The Governor plays a significant role as (i) the well - wisher of the people, (ii) the appointing authority, (iii) an agent of the President of India or the Union government in the state, (iv) the promoter of harmonious relations between the Union and the States and (v) the protector of the interests of the All India Service personnel working in the State. At the time of political crisis, the Governor plays a unique role in diffusing it. The Governor plays a significant role in determining the future of state council of ministers and Legislative Assembly during political crisis. He also plays a special role in sending confidential reports to the president on the functioning of the state government. Recently, we have witnessed the active role played by the Karnataka Governor H.R. Bhavadwaj during the constitutional crisis in that State. If the Chief Minister

of a state loses majority on the floor of the State Assembly, the Governor is forced to play a key role in restoring political normalcy in the State.

3.1.5.1 APPOINTMENT

The makers of our Constitution adopted Canadian model in the appointment of the Governor. The Governor is appointed by the President of India. The President, while appointing the Governor, observes two conventions, namely- (i) consulting the Chief Minister of the concerned state and (ii) choosing an eminent person belonging to other states. The Sarkaria Commission has suggested some specific norms to be observed in the appointment of the Governor. It has emphasized the need for appointing non-controversial and eminent persons belonging to the minority sections as Governors. In the present day circumstances retired senior bureaucrats, ex-military heads and some leaders backed by politicians are being appointed as the Governors. It has become, almost, a practice that persons belonging to the ruling party in the Union government are appointed as Governors. It may be remembered that though the President appoints the Governors as per the Constitution, they are in practice appointed only on the advice and will of the Prime Minister. The President cannot appoint anybody as he pleases.

3.1.5.2 TENURE

The tenure of the Governor is five years. He assumes the office by swearing in the presence of the Chief Justice of the concerned High Court. He may submit his resignation to the President of India if he desires so before the expiry of the tenure. It may be noted that the Governor continues in office during the pleasure of the President of India. Here the pleasure of the President depends upon the decision of the Union Council of Ministers. The President can remove the Governor without any notice and without showing any cause. The President can also transfer the Governor to other states or appoint him as in-charge of the neighbouring States.

3.1.5.3 QUALIFICATIONS

A person to be appointed as the Governor shall possess the following qualifications:

1. He shall be a citizen of India, and
2. He shall have completed the age of thirty five years.

Besides, he shall fulfil the following conditions:

1. He shall not be a member of either House of the Parliament or of the State legislature.
2. He shall not hold any office of profit.

3.1.5.4 SALARY AND ALLOWANCES

The Governor receives his salary and allowances as determined by an Act of Parliament. At present he is paid a monthly salary of Rs.1,10,000. He resides in the official building 'Rajbhavan'. Besides, he is entitled to many other allowances and privileges. His salary and allowances shall not be reduced during his tenure. His salary and allowances are charged on the Consolidated Fund of the State.

3.1.6 GOVERNOR: POWERS AND FUNCTIONS

A Governor possesses executive, legislative, financial and judicial powers analogous to the President of India. However, he has no diplomatic, military or emergency powers like the President.

The powers and functions of the Governor can be studied under the following heads.

- (a) Executive Powers;
- (b) Legislative Powers;
- (c) Financial Powers;
- (d) Judicial Powers.

3.1.6.1 EXECUTIVE POWERS

The executive powers and functions of the Governor are:

- (i) All executive actions of the government of a state are formally taken in his name,
- (ii) He can make rules specifying the manner in which the orders and other

instruments made and executed in his name shall be authenticated.

- (iii) He can make rules for more convenient transaction of the business of a state government and for the allocation among the ministers of the said business.
- (iv) He appoints the Chief Minister and other ministers. They also hold office during his pleasure. There should be a tribal Welfare Minister in the states of Bihar, Madhya Pradesh and Orissa appointed by him.
- (v) He appoints the Advocate-General of a state and determines his remuneration. The Advocate-General holds office during the pleasure of the Governor.
- (vi) He appoints the State Election Commissioner and determines his conditions of service and tenure of office. However, the state election commissioner can be removed only by the President (on the recommendation of the Parliament) and not by the Governor.
- (vii) He appoints the chairman and members of the State Public Service Commission. However, they can be removed only by the President of India and not by a Governor.
- (viii) He can seek any information relating to the administration of the affairs of the state and proposals for legislation from the chief minister,
- (ix) He can require the chief minister to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.
- (x) He can recommend for the imposition of constitutional emergency in a state to the President. During the period of President's rule in a state, the governor enjoys extensive executive powers as an agent of the President.
- (xi) He acts as the Chancellor of universities in the state. He also appoints the Vice-Chancellors of universities in the state.

3.1.6.2 LEGISLATIVE POWERS

A Governor is an integral part of the state legislature. In this capacity, he enjoys the following

legislative powers.

- (i) He has the right of summoning or proroguing the state legislature and dissolving the State Legislative Assembly.
- (ii) He can address the state legislature at the commencement of the first session after each general election and the first session of each year.
- (iii) He can send messages to the House or Houses of the state legislature with respect to a bill pending in the legislature or otherwise.
- (iv) He can appoint any member of the States Legislative Assembly to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant.
- (v) He nominates one-sixth of the members of the state Legislative Council from amongst the persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.
- (vi) He can nominate one member to the state Legislative Assembly from the Anglo-Indian Community.
- (vii) He decides on the question of disqualification of members of the state legislature in consultation with the Election Commission.
- (viii) When a Bill is sent to the Governor after it is passed by state legislature, he has the following options.
 - (i) Give his assent to the Bill, or
 - (ii) Withhold his assent to the bill, or
 - (iii) Return the bill (if it is not a money bill) for reconsideration of the state legislature. However, if the bill is passed again by the state legislature with or without amendments, a Governor has to give his assent to the bill, or
 - (iv) Reserve the bill for the consideration of the President.

- (ix) He must reserve for the consideration of President, any bill passed by the state legislature which endangers the position of the State High Court. In addition, as observed by Soli Sorabji, the Governor can also reserve the Bill if it is of the following nature.
 - (i) *Ultra-vires*, that is, against the provisions of the constitution
 - (ii) Opposed to the Directive Principles of State Policy
 - (iii) Against the larger interest of the country
 - (iv) Of grave national importance
 - (v) Dealing with compulsory acquisition of property under Article 31A of the Constitution,
- (x) He can promulgate ordinances when the state legislature is not in session. These ordinances must be approved by the state legislature within six weeks from its reassembly. He can also withdraw an ordinance anytime,
- (xi) He lays the reports of the State Finance Commission, the State Public Service Commission and the Comptroller and Auditor-General relating to the accounts of the state, before the state legislature.

3.1.6.3 FINANCIAL POWERS

The financial powers and functions of the Governor are:

- (i) He sees that the Annual Financial Statement (State budget) is laid before the State Legislature.
- (ii) Money Bills can be introduced in the state legislature only with his prior recommendation.
- (iii) No demand for a grant can be made except on his recommendation.
- (iv) He can make advances out of the Contingency Fund of the state to meet any unforeseen expenditure.
- (v) He constitutes a Finance Commission after every five years to review the financial position of the panchayats and the municipalities.

3.1.6.4 JUDICIAL POWERS

The judicial powers and functions of the Governor are:

- (i) He can grant pardons, retrieves, respites and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends. The pardoning power of the Governor differs from that of the President in following respects.
 - (a) The President can pardon death sentence while the Governor cannot.
 - (b) The President can pardon sentences inflicted by court martial while the Governor cannot.
- (ii) He is consulted by the President while appointing the judges of the concerned state High Court.
- (iii) He makes appointments, postings and promotions of the district judges in consultation with the state High Court.
- (iv) He also appoints persons to the judicial service of the state (other than district judges) in consultation with the state High Court and the State Public Service Commission.

3.1.7 CONSTITUTIONAL POSITION OF GOVERNOR

The Constitution of India provides for a parliamentary form of government in the states as is in the Centre. Consequently, the Governor has been made only a nominal executive, the real executive constitutes the council of ministers headed by the Chief Minister. In other words, the Governor has to exercise his powers and functions with the aid and advice of the council of ministers headed by the Chief Minister. However the Governor can act in his discretion in the following cases.

- (i) Recommendation for the imposition of the President's rule in the state.
- (ii) While exercising his functions as the administrator of any state or union

territory, Reservation of a bill for the consideration of the President.

- (iii) adjoining union territory (in case of additional charge).
- (iv) Determining the amount payable by the government of Assam, Meghalaya, Tripura and Mizoram to autonomous Tribal District Council as royalty accruing from licenses for mineral exploration (Sixth Schedule).
- (v) Seeking information from the Chief Minister with regard to the administrative and legislative matters of the state.
- (vi) Appointing of Chief Minister when no party has a clear cut majority in the state legislature.
- (vii) Dismissal of the Council of ministers when it cannot prove the confidence of the state Legislative Assembly.
- (viii) Dissolution of the state Legislative Assembly if the council of ministers has lost its majority.

Thus, the Constitution has assigned a dual role to the office of a Governor in the Indian federal system. He is the constitutional head of the state as well as the representative of the Centre (i.e., President).

3.1.7.1 POSITION OF THE GOVERNOR IN STATE GOVERNMENT

The Governor's position in the affairs of state government is very vital. He exercises his powers by owing responsibility to the President and by obliging the suggestions of the State Council of Ministers headed by the Chief Minister. He maintains close and harmonious relations with the real executive heads of union and state governments. He also sees that the political and administrative heads of the state government strive for promotion of the interests of the people. He has the responsibility to observe that the affairs of the state government are carried on in accordance with the constitution. By not yielding to political and administrative compulsions, he has to ensure that the ministers and bureaucrats observe the constitutional and democratic norms. He positively contributes to the progress and development of the state without showing interest in active politics. Hence a person appointed as Governor must possess certain qualities like sharp mind, secular outlook, humanitarian approach, national integrity etc. He must be impartial towards the

party in power as well as the opposition. He must win the appreciation of the people by recognizing his limitations and honouring the constitutional conventions.

3.1.8 CRITICAL ANALYSIS

Like the president of India, the Governor is only a national and constitutional head of the state. All the powers vested in him by the Constitution are exercised on the advice the Council of Ministers except some discretionary powers. But there are certain areas where the position of the Governor became controversial in recent times. These are

- 1) the appointment of the Chief Minister;
- 2) the dissolution of the Legislature;
- 3) Imposition of President Rule in the State under Article 356.

The role of the Governor in these areas was not uniform but was also criticized as “favourable to the party at the centre” and “Agent to the Centre”. The dismissal of Andhra Pradesh and Jammu and Kashmir governments in 1984 was an instance. The discussion on the controversial role of the governments started much earlier i.e., in 1967 itself after the 4th general elections where large number of Non-Congress governments came into power in the states in north India and also in Tamil Nadu. The controversial role of the governors was continued when Janata government came into power. The Janata government dismissed Non-Janata governments in 1978. And the same trend was adopted by Congress-1 after 1980 when it dismissed Non-Congress governments.

Even the ruling party at the Centre on a number of occasions removed Governors arbitrarily without assigning any reason. In 1990, when the National Front government was formed in December 1989 with V.P. Singh as Prime Minister, it decided to ask all the Governors appointed by the previous Congress government to submit their resignations. The new Government wanted its men to be Governors. On another occasion in October 1980, the then Governor of Tamil Nadu Prabhudas Patwari was dismissed by the then President N. Sanjiva Reddy in an arbitrary manner without assigning any reason. Although Patwari was a true Gandhian and were no corruption charges against the governor not did he do anything unconstitutional, he could not get along with the Congress government

headed by Indira Gandhi at the Centre. Although not much happened in this direction in recent time, there is a demand from the states as Non Congress-I Governments for a thorough change in the role of the Governor. Some states even demanded the abolition of the post of the Governor. The Administrative Reforms Commission (1968), the Rajamannar Commission (1971), The Governors committee 1970 and the Sarkaria Commission (1983), made certain specific recommendations in this regard, but the Central Government did not so far take any action to bring about change in the role of the Governor. The position of the Governor is extremely delicate as he should satisfy both Center and State Governments. As India is union of states the post of Governor is essential to keep good relation between the union and the state governments. So the union and state governments both must take responsibility in keeping the post of the Governor non-political and Pro-constitutional role in sending confidential reports to the President on the functioning of the state government.

3.1.9 RECOMMENDATIONS OF SARKARIA COMMISSIONS

The Union Government has setup a high level commission headed by Ranjit Singh Sarkaria on June 9, 1983. The commission was asked to reconsider the Union-State relations and to make suitable suggestions. The commission has submitted a 500 page final report to the Union Government on October 27, 1987. The following are the major recommendations regarding the Governors appointment and about his functions.

- (i) Constitution should formally stipulate that the Centre must consult the Chief Minister. of a State before appointing a Governor.
- (ii) A politician from the ruling party at the Centre should not be appointed as the Governor of the state where the government is run by some other party or combination of other parties.
- (iii) Governor must be from outside the State and should not be too intimately connected with the local parties of the State.
- (iv) A Governor should be a person who has not been taking active part in

politics generally, particularly in the recent past.

- (v) Too frequent invocation of Article 356 should be avoided. These recommendations still remain unfulfilled.

3.1.10 INTRODUCTION TO THE CHIEF MINISTER

In India, the Chief Minister is the real executive of a state. At the state level, he may be considered the counter part of the Prime Minister. Though the head of the state is the Governor, the real executive of the state government is the Chief Minister. The Chief Minister as the head of the State Council of Ministers, party in power, and as the leader of the assembly and the people, at large, will have a decisive influence on political arena of the state. He influences the public opinion in the state. Articles 163 and 164 of our Indian constitution deal with the office of the Chief Minister. Article 163 states that the Chief Minister, along with other Ministers, renders advice to the Governor in the exercise of the functions.

3.1.10.1 APPOINTMENT

Article 164 (i) of the Constitution states that the Governor appoints the Chief Minister. Normally, the Governor appoints the majority party leader in the Legislative Assembly as the Chief Minister after every general election. When no single party is able to secure majority in the Legislative Assembly, the Governor explores all possibilities of installing a stable government. He invites such a leader, who is capable of earning the confidence and support of majority legislators of other parties in forming the government. While appointing such a leader as the Chief Minister, the Governor asks him to prove the majority on the floor of the Legislative Assembly within a stipulated period. The procedure adopted by the Governor in appointing the Chief Minister shall not be questioned in any court of law.

3.1.10.2 TERM OF OFFICE

There is no fixed term of office for the Chief Minister. An article 164 (i) maintains that the Chief Minister and other Ministers shall hold office and exercise powers during the pleasure of the Governor. The Chief Minister and the Ministers are collectively responsible to the State legislative assembly. It implies that the Chief Minister holds his office during the (i)

Pleasure of the Governor and (ii) Confidence of the majority members in the state Legislative assembly. So the chief Minister takes all measures to gain the pleasure of the Governor and the majority of the members of the members of the Legislative Assembly of the state.

3.1.10.3 QUALIFICATIONS

Usually, the qualifications prescribed for the members of the State Legislative Assembly are applicable to the Chief Minister. The only difference is that a person who is not a member of the State Legislative Assembly may also become the Chief Minister. In such a case, he should get elected to that Legislative Assembly within a period of six months from the date of assuming the office.

3.1.10.4 POWERS AND FUNCTIONS

The Chief Minister exercises vast powers and carries out varied functions. They are as follows:

Formation of Ministry:

Formation of the Ministry is the choice and responsibility of the Chief Minister. He chooses members of his party or constituent parties in the case of a coalition and recommends their names to the Governor to be appointed as ministers. He renders advice to the Governor in the matters of allocation of portfolios to the ministers. He also renders advice to the Governor in dropping a minister from the ministry.

Presides over the cabinet Meetings:

The Chief Minister is the chairman of the State Cabinet. He presides over its meetings. He decides the agenda. Initiates discussions and influences the policies of the Cabinet.

Link between the governor and Cabinet:

The Chief Minister is the link between the Governor and the Cabinet. He communicates the decisions of the state cabinet to the Governor. He conveys the suggestions made by the Governor to the Cabinet Ministers.

Leader of the Assembly:

The Chief Minister is the leader of the majority party in the State Legislative Assembly. He guides his party legislatures on various discussions in the House. He extends cooperation

to the presiding officers for the smooth conduct of the business off the House. Whenever there is a pandemonium in the House due to the displeasure over the replies of ministers, he intervenes in the discussions and gives proper explanation on the point of debate and ensures normalcy in the house.

Chief spokesman:

The Chief Minister is the chief spokesman of the State Government. He announces the major policies and programmes of the state government. His statements in and outside the Legislative Assembly carry much legitimacy and influence in the state.

Chief Advisor to the Governor:

The chief Minister serves as the chief adviser to the Governor on all matters of the state government. These matters relate to the:

- (i) Formation of ministry
- (ii) Allocation of portfolios among the ministers.
- (iii). Reshuffling of the ministry,
- (iv). Dissolution of the Legislative Assembly,
- (v) Appointment of various heads of commissions, undertakings of state government.
- (vi). Issuing ordinances etc.

Leader of the party in power:

The Chief Minister acts as the leader of the party in power. He participates in the party meetings. He informs the party members about the programmes implemented by the state government. He seeks the co-operation and support of the party members for the successful and effective implementation of the government policies. He brings co-ordination between the party and the government. Sometimes he, by acting as the President/ General Secretary of the Party, tries to gain grip over the affairs of party. He utilizes the services of eminent and efficient party leaders for organizing the programmes of the state government.

Leader of the People:

The Chief Minister acts as prominent leader of the people in the state. He maintains rapport with the people by making frequent visits to the different places in the state. He consoles the people affected by the natural calamities. He draws the attention of the people towards the developmental programmes taken up by the state government by making them involved in such activities.

3.1.11 POSITION OF THE CHIEF MINISTER

The Chief Minister is a prominent leader at the state level. He occupies a key position among the state council of ministers, affairs of the state government, party in power, State legislature and ultimately among the people. His position in the state government is similar to that of the Prime Minister in the union government. He leaves an indelible impression on every field of public affairs, on every section, on every bureaucrat, and on every legislator in the state. His job gets easier when he maintains harmonious relations with:

- (a) Prime Minister and the top leaders in union government.
- (b) The Governor in the state.
- (c). High command of the All India Party.
- (d) Apex bodies of the regional parties.
- (e) National and regional press and
- (f) The commonest of the commoner in the state.

3.1.12 THE STATE COUNCIL OF MINISTERS

Article 163 of Indian Constitution provides for the provision for the State Council of Ministers with the Chief Minister as its head, to aid and advise the Governor in the exercise of his functions. The State Council of Ministers is an important constituent of the State Executive. It consists of members belonging to one or more parties. It works as a team under the leadership of the Chief Minister. It acts as the chief policy making body at the state level. It exercises administrative control over the personnel of the state government.

3.1.12.1 COMPOSITION

The state Council of Ministers includes (i) the Chief Minister, (ii) Ministers of cabinet rank, (iii) Ministers of state rank (and sometimes deputy Ministers). All the ministers including the Chief Minister are appointed by the Governor. The Chief Minister enjoys the privilege to select a few legislators of his party and recommend their names to the governor for appointment as ministers. The governor allocates portfolios and assigns various powers and functions to the ministers exclusively on the advice of the Chief Minister. The ministers own their position constitutionally to the nominal executive head i.e. Governor and in reality to their leader, i.e. the Chief Minister. Regarding the size of the ministry, recently a parliamentary committee headed by Pranab Kumar Mukherjee recommended for ten percent ceiling on the total membership of the House for appointment of the ministers. But the union government has decided to enhance the percentage to fifteen.

3.1.12.2 QUALIFICATIONS

Our Constitution did not specify the qualifications for the ministers. However, all the ministers, including the Chief Minister, should possess those qualifications that are applicable to the members of the State legislature. If the ministers are not members of the State Legislature, they should get elected to the State Legislature with a period of six months from the date of assumption of office. Otherwise they cease to hold their office.

3.1.12.3 Tenure

There is no specific tenure mentioned for the ministers. They hold their office during the pleasure of the Governor (Article 164). On the other hand, they continue in their office till they retain the confidence of the majority in the State Legislative assembly.

3.1.12.4 SALARY AND ALLOWANCES

The ministers draw such salaries and allowances as determined by an Act of the State Legislature from time to time. Their salaries and allowances are charged on the Consolidated Fund of the State. They are approved without any vote in the State Legislature.

3.1.12.4 Removal

The ministers are removed by the Governor on the advice of the Chief Minister. The Governor need not assign any reason for the removal of the ministers. Normally the

ministers continue in office under the leadership of the Chief Minister. They follow the footsteps of the Chief Minister on all matters of the State government. They have to invariably support and defend the decisions of the state cabinet. They have to work as a team. If any minister differs from the collective decision of the State Cabinet, he has to quit his office. Otherwise, he will be removed by the Governor on the advice of the Chief Minister. If he is adamant and resists obliging the directive of the Chief Minister, the Chief Minister may demand his resignation. During political crises the Chief Minister may tender his resignation. This implies the resignation of the entire ministry. Later the Chief Minister may form the new ministry excepting that defiant minister. Normally such a situation does not arise.

3.1.12.5 POWERS AND FUNCTIONS

The State Council of Ministers has the following powers and functions:

1. It formulates public bills and pilots them in the State Legislative Assembly at different stages.
2. It takes decision on the formation and implementation of various developmental and welfare schemes.
3. It finalizes proper strategy for overall development of the state in the spheres of agriculture, irrigation, industry, transport, education, planning, information technology etc.
4. It prepares the annual financial statement (budget) of the State Government and places it before the State Legislature for its consideration and approval.
5. It finishes such information as required by the legislators on the floor of the House.
6. It renders advice to the Governor on the affairs of the state government.
7. It takes necessary steps to maintain law and order in the state.
8. It makes all appointment in the name of the Governor to the various offices in the state government.
9. It proclaims ordinances in the name of the Governor during the recess of the

Legislature Assembly.

3.1.13 LET US SUM UP

In the present era of coalition politics, the role of the Governors became complex. In this context former President Abdul Kalam emphasized that the Governors must possess the qualities like honest behaviour, impartiality, commitment for constitutional principles and transparency. He affirmed that the Governors must strive for safeguarding the interests of common man particularly the weaker sections belonging to the scheduled castes and minorities.

The Chief Minister of an Indian state, as the foregoing analysis reveals, is the real head of the state's politico-administrative system. He is the chief policy maker, principal planner, head of the council of ministers, political head of key departments, coordinator of state administration, catalyst to administrative reforms, guardian of the civil service, leader of his political party and voice of the people. His role set is vast and varied and, to deal with its various segments, he has to use political astuteness and administrative acumen with sagacity. With the visible tendency of centralization of power in the seats of governance, the position of the Chief Minister has gained substantially greater strength than before. He is no more *primus inter pares* (First among equals) merely. He is much taller than his colleagues in the cabinet. In this situation, the personality of the Chief Minister – his ability, behaviour and character – become of paramount significance. The effectiveness of the state administration depends on the vision and competence of the Chief Minister. Unless he/she has support among the people, party cadre and majority of the legislators, he/she cannot provide an effective and efficient administration at the state level. There will be political and administrative anarchy, if the chief minister is weak. Thus, the State Council of Ministers is the main source of all activities in the state government. It is the supreme policy making and execution body in the state government. It functions on the principle of collective responsibility. Though the policy-making and policy-evaluation systems in the state governments are democratic in nature, it has been increasingly realized that the overall influence of the Chief Minister in guiding the deliberations of the cabinet has grown substantially. This trend is in tune with the growing centralization of executive witnessed

throughout the world.

3.1.14 EXERCISE

- 1) Discuss the powers and functions of the state Governor.
- 2) The Governor of the state is a constitutional head of the state and the same time an agent of the centre. Discuss.
- 3) Write an essay on the powers and functions of the Chief Minister.
- 4) Examine the role played by the Council of Ministers in state administration.

Organizational capacity has been identified as one of the missing links in India's development. In the context of governance, capacity entails the ability of an institution of governance—the legislature, executive, judiciary, civil society or the private sector—to perform its constitutionally or politically mandated functions or roles efficiently and effectively. Capacity in our context is about capacity for development: capacity to promote democratic governance, to improve the structures and institutions of economic policymaking, to invigorate the strength of civil society to contribute to national development and to create an environment of social empowerment for the people where they can meaningfully contribute to decisions that affect their lives. This entails the availability of the human, material and financial resources essential for efficiently managing the institution and the identification and recruitment of personnel with the required knowledge, expertise, experience, competence and leadership to manage the institution.

3.2 ADMINISTRATIVE STRUCTURE: ROLE AND RESPONSIBILITIES - CHIEF SECRETARY, SECRETARIES AND DIRECTORATES

- Y. Pardhasaradhi

STRUCTURE

3.2.0 Objectives

3.2.1 Introduction

3.2.2 Origins of the Office of the Chief Secretariat

3.2.3 Appointment and Tenure

3.2.4 Powers and Functions

3.2.5 General Administration Department

3.2.6 Introduction to the Secretariat

3.2.7 The Directorates

3.2.8 State-Level Committees

3.2.9 Let us Sum Up

3.2.10 Exercise

3.2.0 OBJECTIVES

After going through this lesson, you will be able to know:

- Historical origin of the office of the Chief Secretary;
- Appointment, tenure, powers and functions of the Chief Secretary;
- Organization, functions of the General Administration Department;
- Functions of the Secretariat at State level; and

- Functions of the Directorates and their relationship to Secretariat, Confrontation between Secretariat and Directorates, etc.

3.2.1 INTRODUCTION

The Chief Secretary is the executive head of the State Secretariat. He is administrative head of the state administration and stands at the apex of the state administrative hierarchy. His position vis-à-vis other secretaries are more than *primus inters pares* (first among equals). He is in fact, chief of the secretaries and his control extends to all the secretariat departments. He guides and controls the entire state administration. He holds a pivotal, pre-eminent and coveted position and assumes different roles in the administrative system of the state. As observed by Mangat Rai, “The Chief Secretary’s job is not technician’s or not even a professional’s, he is neither a knowledgeable engineer, nor even a first class magistrate, he is part of the process of government and in a democratic republic, part of the human process.”

Since 1973, a Chief Secretary is the senior-most civil servant in all the states. Before that, for instance, he was considered junior to the Financial Commissioner in Punjab and member of the Board of Revenue in UP. In Tamil Nadu, on the other hand, he was the senior-most civil servant. However, this office was standardized in 1973 on the recommendation of the Administrative Reforms Commission of India, and this post was equated with that of the Secretary to the Government of India, both in status and emoluments.

3.2.2 ORIGIN OF THE OFFICE OF CHIEF SECRETARY

The office of a Chief Secretary had its origin in the Central Government during the British rule. It was created in 1799 by Lord Wellesley, the then Governor-General of India. G.H. Barlow was the first occupant of his office. However, in course of time, this office disappeared from the Central Government and was adopted by state government much before the attainment of Independence.

3.2.3 APPOINTMENT AND TENURE

The Chief Secretary is chosen by the chief minister from the senior IAS officers of the state cadre. Generally, the chief minister takes into account three factors in this

regard: seniority of the officer; service record, performance and merit of the officer; and his trust and confidence in the officer.

Further, the office of Chief Secretary has been excluded from the operation of the tenure system. In other words, there is no fixed tenure for this post. The Administrative Reforms Commission of India recommended that the tenure of Chief Secretary should be three to four years. However, the old system still continues as the recommendation was not accepted.

3.2.4 POWERS AND FUNCTIONS

The powers and functions of the Chief Secretary are mentioned in the 'Rules of Business' framed by a state government. He also derives some of his powers and functions from conventions. These are explained below:

As an Advisor to the Chief Minister:

The Chief Secretary acts as the principal advisor to the Chief Minister on all matters of state administration. The Chief Minister consults the Chief Secretary on all policy issues related to the governance of state. He explains to the Chief Minister about the administrative implications of the proposals forwarded by the state ministers. He also acts as a link between the Chief Minister and other secretaries of the state government.

As Secretary to the Cabinet:

The Chief Secretary acts as a Secretary to the state Cabinet. He is the administrative head of the Cabinet Secretariat and attends the meeting of the Cabinet and its sub-committee, if necessary. He prepares the agenda for Cabinet meetings and keeps records of its proceeding. He takes steps for the implementation of the decisions taken in such meetings.

As the Head of Civil Service:

The Chief Secretary acts as the head of the state civil service. He deals with all cases related to appointment, transfers and promotion of senior state civil servants. He plays an important role in maintaining the morale of the state civil service. He is the conscience-keeper to all state civil servants.

As Chief Coordinator:

The Chief Secretary is the chief coordinator of state administration. At the secretarial level, he works towards ensuring inter-departmental coordination. He advises the secretaries on inter-department difficulties. He is the Chairman of coordination committees set up for resolving inter departmental disputes. He presides over the meetings of the department's secretaries. Below the Secretariat level, he presides over the conferences attended by Divisional Commissioners, District Collectors and the Heads of Departments of district administration for effective coordination.

As the Head of Certain Departments:

The Chief Secretary also acts as the administrative head of some Secretariat departments. However, there is no uniformity throughout the country in this regard and his position varies from state to state. In most cases the General Administration Department, Personal Department, Planning Department and Administrative Reforms Department are directly under the charge of the Chief Secretary. The General Administration Department is the most important department in the state Secretariat and its political head is the Chief Minister himself. It is concerned with various matters affecting the entire business of the state government. The Administrative Reforms Commission of India recommended that the Personnel Department in all the states should be directly headed by the Chief Secretary.

As Crisis Administrator:

In times of crisis like flood, drought, communal disturbances, and other the Chief Secretary plays a very significant role. He provides guidance and leads the officers and agencies engaged in relief operations. He is generally a chairman or an important member of committees set up to take high level policy decisions during a crisis situation. In fact, he acts as the crisis administrator-in-chief and virtually represents the state government for all the officers concerned with relief operations.

Other Functions and Roles:

The Chief Secretary also performs the following functions and roles:

- a) He acts as the residual legatee, that is, he looks after all those matters which do not fall within the purview of other secretaries.
- b) He acts as the secretary, by rotation, of the Zonal Council of which the state concerned is a member.
- c) He exercises general supervision and control over the entire State Secretariat.
- d) He has administrative control over the Secretariat building, the staff attached to the ministers, the central record branch, the Secretariat library, the conservancy and watch and ward staff of the Secretariat departments.
- e) He is the principal channel of communication between his government and the Central Government and other state governments.
- f) He plays a significant role in the administration of law and order and planning.
- g) He attends the annually held chief secretaries conference presided over by the secretary of the Union Government.
- h) He acts as a spokesman of the state government.
- i) He acts as the chief advisor to the Governor when President's rule is imposed in the state, and if the Central advisors are not appointed.
- j) He attends the meetings of the National Development Council.
- k) He acts as the Chief Public Relations Officer of the state government.

3.2.5 GENERAL ADMINISTRATION DEPARTMENT

Every state has a Secretariat of its own. It is the nerve centre of state administration. It consists of several departments of state government. The departments are headed politically by the ministers and administratively by the secretaries. The number of secretariat departments varies from the state to state. The General Administration Department is one of the secretariat departments. The General Administration Department is the most important departments in the State secretariat and its political head is the Chief Minister himself. In

most of the states in India, the Chief Secretary will be the secretary of the General Administration Department.

3.2.5.1 ORGANIZATION

The General Administration Department consists of officers who are appointed for a fixed tenure. The hierarchy of the General Administration Department officers is:

Chief Secretary / Secretary
Special Secretary / Additional secretary
Joint Secretary
Deputy Secretary
Under Secretary
Asst. Secretary

The office component at the secretariat department in general and General Administration Department in particular consists following personnel.

3.2.5.1 FUNCTIONS:

The General Administration Department deals with all activities associated with the administration of the State. In most of the states in India, the Chief Secretary functions as the secretary of the General Administration Department and deals the following duties:

- i. Deal with grievances of the State Government Employees coming under the purview of the Administrative Tribunals Act, whenever their fundamental rights under the Constitution of India concerning their service conditions are affected.
- ii. Deal with disputes regarding recruitment and matters concerning recruitment to any Civil Service of the State or to any civil post under the State, Local Authority or Corporation.
- iii. Create development awareness and communication among all sections of the people, particularly the weaker sections and women by operating

the departments tools of Mass Media Communication combined with intensive publicity and public relations.

- iv. Promote honest and transparent conduct on part of Government and Public Servants through effective enforcements of Anti-Corruption Laws in order to make legitimate services available to the citizen.
- v. Provide reception and hospitality to State Guests in a cost effective manner, in such a way that it enhances the reputation and image of the State.
- vi. Responsible for taking care of general administrative matters of different State government departments and provides miscellaneous to the departments and officers.
- vii. Look after the necessary arrangements of the visiting of the dignitaries.
- viii. Decide matters of awarding honours and distinctions.
- ix. Deal with all matters relating to the property of and compensation to ex-rulers and freedom fighters.
- x. Deal with the matters relating to interstate disputes.
- xi. All matters of housing, accommodation and government buildings and circuit house.
- xii. Co-ordinates the activities of the entire state government machinery.

3.2.6 INTRODUCTION TO THE SECRETARIAT

The Minister, The Secretary and The Executive Head are the three important components of government at the state level. The Secretariat and the Directorates are the two eyes of the Political Executive. The Secretariat plays an important role in policy framing where as the Directorate plays crucial role in its implementation. Let us know the relation between the Secretariat and the Directors.

3.2.6.1 THE SECRETARIAT

At the state level, just like in the Union government, there is a Secretariat to carry on the

work of the Minister. It is under the administrative control of the Chief Secretary to the State Government. It consists of several departments of state government. The departments are headed politically by the Minister and administratively by the Secretaries. The Chief Secretary is the head of entire state secretariat. A secretary may be the in charge for one or two departments. The Secretary is usually a senior IAS officer. In the organization hierarchy of the Secretariat, each secretary is assisted by an Additional Secretary, Deputy Secretary, Assistant Secretaries under Secretaries and Section Officers. All these officials of the Secretariat are called Generalists.

3.2.6.2 FUNCTIONS OF THE SECRETARIAT

The secretariat's basic function is to assist the minister in the fulfilment of his role. The Secretariat performs the following functions:

1. To formulate the policies and programmes of the state government.
2. To coordinate the state government policies and programmes.
3. To prepare the state budget and impose control on public expenditure.
4. To frame legislation, rules and regulations.
5. To supervise the implementation of policies and programmes by filed agencies.
6. To review the results of the execution of policy.
7. To maintain contacts with Central and other state governments.
8. To initiate measures to develop greater organization competence, O and M work.
9. To assist ministers in discharging their responsibilities to the state legislature, like answering questions.
10. To appoint head of department and to look into the consequent establishment work like salary administration.
11. To service as a think- tank of the state government.
12. To explore the possibilities of improving the financial position of the state.
13. To receive the complaints, representations and appeals from the people and solve

them.

14. To approve service rules and their amendments.

3.2.7 THE DIRECTORATES

The office of the executive head is termed as the Directorate. The directorates function under the State secretariat. Directorate is a line agency and it is concerned with policy execution. They work at the field level and the officials working in these departments are specialists. Their duty is to translate into action the policies which are framed by a Secretariat. They are also known as executive departments as distinct from the secretariat departments. Excepting for a few cases, each Secretariat department has a corresponding executive department. The directorates are as a rule located outside the secretariat. They constitute distinct organizational entities headed by Director who is assisted by Additional Directors, Joint Directors, Deputy Directors and assistant Directors. However, the head of a Directorate (i.e., executive department or executive agency) may also be known by various names viz. Commissioner, Director –General, Inspector – General, Registrar, Controller Chief Engineer, Chief Conservator, and so on.

3.2.7.1 FUNCTIONS OF THE DIRECTORATES

The functions of the Head of the Directorates are:

- (i) To provide technical advice to the ministers.
- (ii) To prepare the budget of the department.
- (iii) To exercise disciplinary powers over the subordinate officers as per rules.
- (iv) To render advise to the state Public Service Commission regarding promotions and disciplinary actions
- (v) To inspect implementation of work by the departmental district staff.
- (vi) To allocate grants and make budget reappropriations.
- (vii) To make all appointments, confirmations, postings, transfers and promotions of all subordinate officers within the prescribed limits and

approved rules.

- (viii) To organize in-service training programmes for departmental officers.
- (ix) To carry out departmental research and experiment programme to improve the efficiency of the department.
- (x) To accord sanction to the officers for the attendance of conferences (other than inter-state or Central Government conferences).

3.2.7.2 RELATIONSHIP BETWEEN THE SECRETARIAT AND DIRECTORATE

The relationship between the Secretariat and Directorate is that of a leader and a follower. The Secretariat takes every care that the order issued by the Ministry is strictly followed and implemented by the Directorates to achieve the desired goals. The Secretariat supervises the performance of the Directorates in the implementation of the orders issued by the Government from time to time. The Directorate, while addressing to the instructions and guidelines issued by the Secretariat on the process of implementation in such a way that it achieves the desired results. The success of functions of Secretariat depends on the successful functioning of the directorates. The Directorates will have their programmers for implementation as given by the Ministers through the Secretariat.

3.2.7.3 CONFRONTATION BETWEEN THE SECRETARIAT AND DIRECTORATES

In the State administration, one of the vexing problems is that the relationship that has never been cordial between these two. On the other hand, there exists an atmosphere of mutual suspicion based on egotism. The Secretariat is under the control of I.A.S. Officers who are generalists while specialists are the Head of the Directorates. In public administration, the confrontation between the Secretariat and the Directorates can be termed as one between the generalist administrator and specialist administrator. We can also term it as the confrontation between the line and staff.

3.2.7.4 CRITICISM OF DIRECTORATES AGAINST THE SECRETARIAT

We shall now proceed to examine the points of criticism advanced by the Directorates

against the Secretariats:

1. The Secretariat is only a delaying chamber in the process of approval of their proposals.
2. The generalist administrators in the secretariat are not competent to scrutinize the technical proposals submitted by them. Such scrutiny is also unscientific.
3. The Secretariat, which has no knowledge of the field conditions, cannot scrutinize their proposals.
4. The order of the Secretariat to strictly comply with rules and regulations is a burden on the execution of programs.
5. The control exercised by the Secretariat over the Directorates is undesirable and unbearable.
6. The initiative and drive of the Directorates are curbed by the Secretariat by arrogating powers to itself, which ought to have been delegated by them.

3.2.7.5 CRITICISM OF SECRETARIAT AGAINST THE DIRECTORATES

The Secretariat also has its own points of criticism against directorates.

1. The Heads of Departments are specialists and therefore lack a comprehensive view of administration. Their outlook is narrowly confined to their specialist's knowledge.
2. The Directorates exhibit contempt towards rules and regulations so essential for administration.
3. They exhibit a lack of competence in administrative procedures and processes.
4. They are also not competent to issue orders or instructions to implement programs.

From the above discussion, it will be seen that the gulf between the Secretariat and Directorates in their approach towards administration is difficult if not possible

to bridge. This problem was studied by various committees and commissions appointed by the State Government and also the Central Administrative Reforms. In Andhra Pradesh a reference can be made to Unnithan Committee (1960) and Ramachandra Reddy Committee (1964). Unnithan committee recommended merger of Directorates in the Secretariat in phases while Ramachandra Reddy Committee recommended ex-officio Secretariat status to the Head of Department.

3.2.7.6 ARC RECOMMENDATIONS TO IMPROVE THE RELATIONS:

The Administrative Reforms Commission (ARC) of India made the following recommendations to improve the relations between the secretariat and the directorates in the state administration as well as to improve the efficiency of directorates:

1. The present distinction between policy-making and executive organizations should be continued. In other words, the directorates should be retained as entities separate and distinct from the secretariat.
2. Only those directorates, which are concerned with development programmes, should be integrated with the secretariat.
3. There should be uniformity in the powers delegated to all the directorates.
4. An effort should be made by the secretariat to see that such delegation is effective at all levels and that delegated powers are fully exercised.
5. The directorates should be reorganized to remove needless multiplicity and avoid diffusion of functions and responsibility among them.
6. Every major directorate should have a manual of procedures and instructions.
7. Every major directorate engages in developmental activities should have a special cell on programme, planning and review.
8. A new directorate should not be created without a detailed study of the capability of the existing directorates to handle the new tasks.

3.2.8 STATE-LEVEL COMMITTEES

The Administrative Reforms Committees appointed by certain state governments have

made the following recommendations on the relationship between the secretariat and the directorates:

1. The Rajasthan Administrative Reforms Committee (1962-63), the Andhra Pradesh Administrative Reforms Committee (1964-65), the Punjab Administrative Reforms Commission (1964-66) and the Kerala Administrative Reorganization and Economy Committee (1965-67) have recommended the conferment of ex-officio secretariat status on the heads of executive departments to bridge the gulf between the secretariat and non-secretariat organizations.
2. Andhra Pradesh Administrative Reforms Committee (1960) and the Madhya Pradesh Administrative Reforms Commission (1970-72) have recommended the amalgamation of directorates with the secretariat. In other words, the distinction between the secretariat as a policy-making body and the directorate as a policy-implementing body should be abolished.

3.2.9 LET US SUM UP

The above given description of the functions and responsibilities of the Chief Secretary gives an account of the crucial role he plays in the State Administration. He has enormous formal As ahead of the General Administration Department, the Chief Secretary not only discharges the regular functions of general Administration Department but also Co-ordinates the activities of various directorates and institutions of General Administration Department. Finally, it can be said that the Successful functioning of the General Administration Department depends upon the efficiency and dynamisms of the Chief Secretary. Every state has a secretariat of its own. It is the nerve centre of State administration. It consists of several departments of state government. The departments are headed politically by the ministers and administratively by the secretaries. The secretariat consists of generalists and it is a policy framing body. It is also called as staff agency. The office of the executive head is called as directorate which looks after the implementation of policy at the

field level. The personnel working in directorate are generalists and it is a line agency. The quality of political leadership as well as the administrative efficiency depends upon the cordial relations between these two organizations delegations more powers to make the executive heads feeling of the participation in administration may solve the contradictions and confrontations between Secretariat and Directorate.

3.2.10 EXERCISE

- 1) Write an essay on the powers and functions of the Chief Secretary
- 2) Examine the role of General Administration Department in State administration.
- 3) Critically examine the relationship between the Secretariat and the Directorates.
- 4) Give the suggestions to improve the relations between the Secretariat and Directorates.

3.3 DISTRICT ADMINISTRATION: HIERARCHY, IMPORTANCE AND CHANGING ROLE OF DISTRICT COLLECTOR

- Y. Pardhasaradhi

STRUCTURE

3.3.0 Objectives

3.3.1 Introduction

3.3.2 District Collector: Evolution of the Office

3.3.3 Functions of the Collector

3.3.3.1 As a District Collector

3.3.3.2 As a Head of Revenue

3.3.3.3 As a District Magistrate

3.3.3.4 Other Functions

3.3.4 Changing Role of the District Collector

3.3.5 Recommendations of the ARC

3.3.6 Other Officers at the District Level

3.3.7 Let us Sum Up

3.3.8 Exercise

3.3.0 OBJECTIVES

After going through this lesson, you will be able to know:

- Historical evolution of the office of the District Collector;
- Administrative, revenue and judiciary functions of the District Collector;
- Changing role of the District Collector and recommendations of the Administration Reforms Commission to improve the functioning of the office of the District Collector;
- Functions of the other officers at the district level.

3.3.1 INTRODUCTION

The institution of Collector, created more than 200 years ago, is one of the most significant institutions transmitted by the colonial rulers to independent India's Public Administration system. The District Collector is the highest functionary of the district administration in the country. Several epithets are used to describe this institution. "Annadata", Captain of the team, "eyes and ears of government" are some of the common descriptions. She/he is also described as "the kingpin of administration", "the key-stone of the arch of district administration", "the area specialist", and more recently in more benevolent terms as "friend, philosopher and guide" "adviser, educator and helper", "the main-spring of development" and so on. Even after independence she/he continues to occupy a pre eminent position at the district level and is the key functionary of the State Government. Lord Wavell once stated that the English would be remembered not by this institution or that, but by the ideals left behind in the form of the office of the district officer. A number of reforms and reorganizations that were effected in India's public administrative system both before and after independence did not affect the institution of collector. For example the setting up of Panchayati Raj wherein democratic institutions were established at the district level and below also did not reduce the importance or significance of this office. On the other hand it added to the powers, role, as well as the prestige of this institution.

3.3.2 DISTRICT COLLECTOR: EVOLUTION OF THE OFFICE

The office of the district collector in India has a long history. Its origin is related to the concept of a territorial unit of administration. During the Mauryan period the kingdom was divided into convenient territorial units and each unit was placed under an official known as 'Rajuka'. Though they were essentially revenue officers, they exercised judicial functions also. Rajukas collected land revenue, maintained roads, promoted trade and industry and carried out public works like irrigation. During the Gupta period, they were called 'visayapathis', who were heads of 'visayas' which were equivalent to the modern districts. The visayapathi was responsible for the general administration including collection of taxes and other revenues. They also commanded military force to maintain law and order in the visaya. The Mogul rulers followed the system of administration of Hindu kings. Under the Moghul system, the 'circular' which is comparable to modern district had three officers. viz., Amalguzar, Amir Zuazi and Faujdar. The Amalguzar was a principal revenue functionary of the circular and exercised certain administrative functions like punishing the robbers and some quasi judicial functions like settlement of disputed claims of land. However, it was during Moghul period Faujdar enjoyed a dominant position in the district administration. Thus we find before the advent of the British, there were always some territorial divisions and officers of the divisions were responsible for realization of land revenue. These revenue officials were generally invested with several powers and functions. The territorial gradation of administrative areas more or less remained the same notwithstanding the changes that were brought about in the system by British.

The British build on the oriental system and established the present system of field administration. The creation of a district as unit of administration and the appointment of the district collector as head of district administration laid the foundations for stable administration in India. Granting of 'diwani'(civil administration) in Bengal, Bihar and Orissa to the East India Company in 1765 marks the beginning of British revenue administration in India. In 1769, the company launched a scheme of English supervision over the local revenue collecting

institutions. East India Company appointed covenanted servants as supervisors during 1769-70 in the districts of the diwani provinces. The supervisors were expected to report on the produce and capacity of the lands, the amount of revenues and other taxes levied, manner of collection etc. They were expected not only to be concerned with revenue collection but also to have an overall knowledge of all the factors that affected the district. But the system failed, and the Company decided in 1772 to take over the entire executive management of public revenues. Accordingly Warren Hastings issued a proclamation on May 11, 1772 and the supervisors were appointed as COLLECTORS. Thus the institution of collector was created for the first time in 1772 during the period of Warren Hastings. From then onwards, collection of revenue became the most important duty of Company's civil servants. The office of District Collector thus became an important institution of the British local administration in the country. They were entrusted with the executive investigation. From then onwards the collector's role has gone through several changes, periods of strength, neglect, etc. By the time, India gained independence the district collector had become an important functionary heading the District administration.

3.3.3 FUNCTIONS OF THE COLLECTOR

The office of the collector is an important institution transmitted by the British rulers to the Indian administrative system. He performs traditional revenue functions as well as development functions. Throughout the country the power and functions of the collector more or less remain the same. Though there are variations in matters of detailed, broadly the collector performs the following traditional functions.

3.3.3.1 AS A DISTRICT COLLECTOR

1. Postings, transfers and leave of the gazetted officers within the district.
2. Postings, transfers and leave of the naib tahsildars and tahsildars.
3. Appointing the punishing authority in respect of ministerial and inferior servants of collectorate and tahsil staff and other allied offices.
4. Dealing with pension cases of district staff.

5. Acting as the controlling, drawing and disbursing officer of the district staff.
6. Submitting annual budget estimates.
7. Preparing estimates of works in respect of revenue buildings and responsibility for maintenance of all Government buildings under the charge of the Revenue Department.
8. In-Charge of the Treasury, District Stamp Officer and responsible for verification of the security of Government treasurer.
9. Chairman / President of various local institutions. Some are members of Regional Transport Authority, Road ways Advisory Committees, etc.
10. Issuing tentative tour programmes of Ministers and VIPs.
11. Acting as the protocol officer in the district.
12. Arranging for the stay of VIPs at circuit houses or other inspection houses.
13. Compiling and submitting annual administration report of the district.
14. Attending to the work of enquiries relating to character verifications.
15. Supervising the proper conduct of civil suits in which the state is a party.
16. Appointing of Government counsels and panels of lawyers in district.
17. Countersigning fee bills of district Government counsels.
18. Making enquires relating to the issue of certificates to homeopaths, and correspondence regarding registration and enrolment.
19. Countersigning the grants – in – aid bills for various educational institutions.
20. Sale of excise shops.
21. Recovery of pauper suit dues and deficit court fees under the Stamp Act.
22. Interviewing members of the public and officials.
23. Making enquiries regarding grant of financial aid to the cadets as well as to the scholars applying for scholarship / technical education loans, etc.

24. Acting as the principal agency of Government in matters of general administration in the district, looking after the interests of the Government in the district, looking after the interests of the Government in general.
25. Responsible for proper implementation of Government orders.
26. Training junior officers procedures and administrative works, as well as in personal conduct and behaviour.
27. Ensuring that public grievances against the administration in the district are properly and effectively dealt with.
28. Effecting coordination in the work of all the district level officers and presiding over the District Plan implementation Committee.

3.3.3.2 AS A HEAD OF REVENUE

1. Collector of land revenue
2. Collection of canal dues
3. Collection of other Government dues
4. Distribution of taquavi loans
5. Recovery of taquavi dues
6. National calamities – assessment of losses to crop and recommendations of relief.
7. Distribution of distress taquavi
8. Relief of fire sufferers.
9. All matters relating to land records.
10. Control over land records establishment.
11. Collecting and furnishing multifarious agrarian statistics regarding rainfall, crops, etc.
12. Land acquisition work.
13. Supervision of treasury and sub-treasuries.
14. Sanctioning land revenue assignment.
15. Payment of Zamindari Abolition Compensation and Rehabilitation Grant.

16. Assessment and realization of agricultural income-tax
17. As ex-officio Deputy Director of Consolidation of Holdings, hearing appeal against the orders of the lower authorities.
18. Taking relief measures in case of scarcity conditions caused by natural calamities like fire, drought, flood, waterlogging, excessive rains, etc.
19. Enforcement of the Stamp Act.
20. Management of Government estates.

3.3.3.3 AS DISTRICT MAGISTRATE

1. Control and supervision of the subordinate magistracy, to order magisterial postings during festivals
2. Promulgation of orders whenever there is any danger of breach of public peace and tranquillity.
3. Disposal of all the petitions and miscellaneous general complaints received from Government and others.
4. Making jail inspections and expeditious disposal of cases of under-trial prisoners.
5. Grant of superior classes to prisoners.
6. Premature release of prisoners.
7. Release of prisoners on parole.
8. Dealing with mercy petitions from prisoners.
9. As the head of criminal administration of the district controlling and directing the action of the police.
10. Submitting an annual criminal report to the Government.
11. Appointment and punishment of village chowkidars.
12. Inspections of police stations once a year.
13. Sanctioning expunction of a crime from the Crime Register.

14. Recovery of repatriation charges.
15. Accidents.
16. Payments under the Workmen's Compensation Act.
17. Labour problems strikes, etc.
18. Recovery of cane cess.
19. Prosecution under Sugar Factories Control Act.
20. Infringements of the Trade Mark Act.
21. Sanction of temporary electric connections including enquires regarding breaches.
22. Grant and cancellation of many kinds of licences.
23. Supervision over supply office and rent control and eviction officer under Rent Control Act and in supply matters.
24. Supervision and control over local bodies, municipal boards, notified areas and town areas, and channel for correspondence.
25. Enforcement of the Cinema, Entertainment and Betting Tax Act.
26. Recommendations for the issue of passports and visas.
27. Supervision of the work of probation officers.
28. Making of reception orders for lunatics.
29. Enforcement of the Press Act and disposal of declaration in respect of the press and newspapers.
30. Administration of nazul lands.
31. Recommendations of schemes for the development of forests.
32. Issue of permits for the cutting of trees.
33. Control and supervision of election work in the district.
34. Issue of certificates for domicile, scheduled and backward classes, guardianship of political sufferers, etc.

35. Providing for affixation of poles etc., on private lands or building for conveyance of electronic current.

3.3.3.4 OTHER FUNCTIONS

As the Returning Officer

The Collector is the Returning Officer for elections to the Parliamentary and Vidhan Sabha Constituencies, and has the responsibility of coordination of election work at the district level.

As the District census officer

As the District Census Officer, the Collector is responsible for conduct of census operations once in ten years. This work entails more elaborate arrangements than elections. He appoints enumerator, provides for their training and arranges timely supply of forms etc.

As the Coordinator of Development Functions

Since independence the nature and scope of governmental functions have increased. The government is striving to achieve socio-economic justice. The realization of these two-fold objectives has led the government to perform developmental functions. With the increasing activities undertaken by the Government, this function of the collector has been gaining more and more importance. The prevailing practice in many states at present is to make the district collector the coordinator of developmental functions. The Collector being the final authority in the district is in a better position to get the cooperation of all district functionaries, therefore, he is in a better position to look after the developmental functions in the district. In agriculture development programmes a large number of agencies were required to supply inputs wisely. Therefore, coordination is required to make sure that the necessary inputs are available to the farmers at proper time. Moreover, there are number of special programmes like integrated Rural Development Programme (IRDP), Drought Prone Areas Programme (DPAP), Desert Development Programme (DDP), Rural Landless Employment Guarantee Programme, National Rural Employment Programme.

Training and Visit System, JRY, Prime Minister's Employment Programme etc. There is hardly any programme which does not involve the land acquisition, land management, regularization of sale and purchase of land, etc. A number of coordination committees are functioning for implementation of various programmes under the district collector to ensure successful implementation of different development programmes.

Even the above list formidable as it looks, leaves many things unsaid. In fact, functions not specifically allotted to any officer by any department but which nonetheless are required to be performed at the district level, devolve naturally on the Collector. All this obviously entails an enormous amount of work for the District Collector.

3.3.4 CHANGING ROLE OF THE DISTRICT COLLECTOR

The role of the Collector is changing at a fast pace due to the various welfare schemes. Today, his judicial role is no longer considered important (in fact it has been reduced to a minimum) and the developmental role has been given the paramount importance. The Collector as the head of the district administration is closely connected with the development programmes and has acquired a key position working as a guide and philosopher. Management of the Public Distribution System is considered to be the one of the most important roles of a collector today.

3.3.5 RECOMMENDATIONS OF THE ADMINISTRATIVE REFORMS COMMISSION

The Administrative Reforms Commission also made some recommendations on district administration. The main recommendations are:

- a) In the states where the judicial work of the Collector has not yet been transferred to the judiciary, steps may be taken to have it so transferred. In those States in which only a partial transfer of judicial work has taken place, steps may be taken to make the transfer complete.
- b) The district administration should be divided into two sectors-one concerned

with “regulatory” functions and the other with development functions. The District Collector should be the head of the former and the Panchayati Raj administration should have the responsibility for the latter. The District Collector and President of the Zilla Parishad should meet at periodic intervals to resolve matters calling for coordination between the regulatory and developmental administration. This procedure should be given official recognition in the legislation dealing with the Panchayati Raj.

- c) The Collector and District magistrate as the head of the regulatory administration in the district should exercise general supervisory control over the police organizations in the district. Except in an emergency, he should not interfere with the internal working of the police administration. In the day to day work of the police organization and with regard to routine matters like postings and transfers, the District Superintendent of Police should have full control. The Collector should annually record his views on the performance of the District Superintendent of Police.
- d) It should not normally be necessary for the Collector or any other District Officer to wait upon a visiting dignitary.
- e) The Collector should spend a prescribed minimum number of days on tour with night halts in the camp. The tour should be utilized, among other things, for the redress of public grievances on the spot wherever possible.
- f) There should be only two administrative units, whose heads are invested with powers of decision-making in the district administration – one in the Tehsil, and the other at the headquarters of the district.

3.3.6 OTHER OFFICERS AT DISTRICT LEVEL

The other district level officers are the District and Sessions Judge, Civil Surgeon or Chief Medical Officer, Superintendent of Police, Executive Engineer PWD, District Education Officer, District Food and Supply Officer, District Social Welfare Officers and District Development Officer etc. They are important officers of their concerned departments.

All these officers have technical control and supervision over their own departments. The District Collector supervises and coordinates their work. These officers are obliged to inform the collector about their activities and report to him immediately on any serious incident which is likely to disturb law and order.

3.3.7 LET US SUM UP

The office of the collector is an important institution transmitted by the British rulers to the Indian administrative system. He performs traditional revenue functions as well as development functions. Throughout the country the power and functions of the collector more or less remain the same. The Collector being the final authority in the district is in a better position to get the cooperation of all district functionaries, therefore, he is in a better position to look after the developmental functions in the district. In agriculture development programmes a large number of agencies were required to supply inputs wisely. Therefore, coordination is required to make sure that the necessary inputs are available to the farmers at proper time.

3.3.8 EXERCISE

1. Write an essay on the evolution of District Administration in India.
2. Comment on the powers and functions of District Collector.
3. Briefly state the recommendations of the Administrative Reforms Commission (ARC) with regard to the office of the District Collector.

3.4 LOCAL ADMINISTRATION: FEATURES, FORMS, PROBLEMS AND CHANGING ROLE OF PRI'S AND URBAN LOCAL BODIES UNDER 73RD AND 74TH AMENDMENTS

- Y. Pardhasaradhi

STRUCTURE

3.4.0 Objectives

3.4.1 Introduction

3.4.2 Democratic Decentralisation: Evolution of Panchayat Raj System

3.4.3 The 73rd Amendment Act

3.4.3.1 Main Provisions of the Act

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3.4.4 Introduction to the Urban Local Bodies

3.4.4.1 What is an Urban Area?

3.4.4.2 The 74th Amendment Act

3.4.4.3 Provisions of the 74th Amendment Act

3.4.5 Structure and Functions of Municipal Bodies

3.4.6 Problem Areas in Municipal Administration

3.4.7 Let us Sum Up

3.4.8 Exercise

3.4.0 OBJECTIVES

After going through this lesson, you will be able to know:

- The importance of democratic centralization for the effective governance;
- The evolution of Panchayat Raj System, importance of 73rd Constitutional Amendment Act, main provisions of the Act, powers conferred to the PRIs through the Act, major lacunae in the Act;
- The role of urban and municipal bodies in urban areas, the 74th Constitutional Amendment Act, conferring more powers to urban bodies, structure and functions of municipal bodies, problems in municipal administration.

3.4.1 INTRODUCTION

Local government is an integral part of the three-tier system of government in our country – the other two tiers being the Union (Central) government and the state governments. Local government is at the bottom of a pyramid of governmental institutions with the national government at the top and the intermediate government i.e., the state government occupying the middle range. Local government operates both in urban and rural areas and is therefore designated as Urban Local Government and Rural Local Government, respectively the former manifests itself in urban local government institutions such as Municipal Corporations, Municipal Committees, Town Area and Notified Area Committees, and the latter in rural local institutions comprising Zilla Parishads, Panchayat Samithies and Gram Panchayats.

3.4.2 DEMOCRATIC DECENTRALIZATION: EVOLUTION OF PANCHAYATI RAJ SYSTEM

To achieve the goal of participatory democracy, the Government of India embarked upon a series of experiments with community involvement and participation at the grassroots. The first experiment in the 1950s was the Community Development Programme in which each district was divided into blocks and panchayats of villages. Both the Block Development and Panchayati Raj system received a big boost in 1993 when the 73rd Constitutional Amendment revolutionized and transformed the

representatives of democratic institutions in India. Until 1993, the Panchayati Raj system did not have a constitutional sanction; its elections were subject to the whims of state governments, and its authority was very limited. The 1993 amendment brought the Panchayats under the jurisdiction of the “Justifiable part of the Constitution”. now, its elections are mandatory at a regular interval, and state legislatures have been directed to endow sufficient power and authority necessary for its functioning. Further, Panchayati Raj Institutions (PRIs) are to be involved in preparing and implementation of plans for the economic development and social justice in their areas; and on some subject matters under Schedule XI of the Amendment. These subject matters are: agriculture, land improvement, soil conservation, fisheries, Khadi, Village and cottage industries, poverty alleviation programmes, education, health and sanitation, family welfare, woman and child development, social welfare, welfare of the weaker sections (in particular Scheduled Castes and Scheduled Tribes SC/ST) groups, etc. The amendment also made provision for reserving seats in Panchayats for woman and SC/ST candidates. Finally, state legislatures have been empowered to authorize state governments to make grants – in – aid to Panchayats from the Consolidated Fund of the State.

The Constitutional Amendment has been implemented in nearly all states, as legislative formalities have been completed including constituting electoral procedures, but elections are yet to be completed in several states, hence, it is too early to assess the effectiveness of this innovation in participatory democracy. However, it is likely that in future, PRIs would have to play an important role in accelerating socio-economic development in the rural areas.

3.4.3 THE 73RD AMENDMENT ACT

In June 1990, under the chairmanship of Prime Minister V.P. Singh, a conference of the State Chief Ministers was organized to discuss reforms in the Panchayati raj structure. On the basis of the suggestions received, the cabinet formulated the 74th Constitution Amendment Bill, which was introduced in the Lok Sabha in September 1990. However, due to the Political upheaval that followed, the amendment could

not get through. The Congress Government, under the leadership of P.V. Narasimha Rao which took charge in June 1991 modified the amendment drastically and reintroduced it in the Parliament in the shape of the 73rd Amendment. It was passed by the Lok Sabha on 6th December 1992 and by the Rajya Sabha on 23 December 1992. The amendment came into force on 24th April 1993, on which date, all provisions in various state acts that were repugnant to the provisions of the constitutional amendment ceased to remain in force. Many states had, by then, amended their own acts.

3.4.3.1 MAIN PROVISIONS OF 73RD CAA

The main provisions of the 73rd Constitutional Amendment can be grouped under two categories: Compulsory and Voluntary.

Compulsory Provisions

These are specifically provided for through the Constitution. They are: (a) organization of Gram Sabhas, (b) creation of three-tier panchayat raj structure at the Zilla, block and village levels, (c) all posts at all levels (with two exceptions) to be filled by direct elections, (d) the minimum age for contesting elections of PRIs to be 21 years, (e) indirect elections to the post of chairman at the intermediate and apex tiers, (f) reservation of seats for SC/ST, in panchayats (chairman and members), in proportion to their population, (g) reservation for women, in panchayats (chairman and members) up to 1/3rd seats, (h) creation of a State Election Commission to conduct elections to PRIs (i) tenure of PRIs fixed at five years and if dissolved earlier, fresh elections to be held within six months, and (j) in order to review the financial position of the PRIs, each state to set up a State Finance Commission every five years.

Voluntary Provisions

The implementation of voluntary provisions has been left to the will of the state. They are: (a) giving voting rights to members of the Union and state legislatures in these bodies (b) providing reservation for backward classes, (c) giving the PRI's financial powers in relation to taxes, levy, fees etc., (d) making the panchayats autonomous bodies, and (e) devolution of powers to the panchayat bodies to perform

some or all of the functions suggested in the Eleventh Schedule added to the Constitution through the 73rd Amendment and / or to prepare plans for economic development.

Powers through Eleventh Schedule

1. Agriculture, including agricultural extension
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development
4. Animal husbandry, dairying and poultry
5. Fisheries
6. Social forestry and farm forestry
7. Minor forest produce
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water
12. Fuel and fodder
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources
16. Poverty alleviation programme
17. Education, including primary and secondary schools
18. Technical training and vocational education
19. Adult and non-formal education

20. Libraries.
21. Cultural activities
22. Markets and fairs
- 23 Health and sanitation, including hospitals primary health centres and dispensaries.
24. Family welfare
25. Women and child development
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and the particular of the Scheduled Castes and Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community asset.

3.4.3.2 EVALUATION OF THE 73RD AMENDMENT

The 73rd Constitutional Amendment has been heralded as a new era for the Panchayat raj. The following are the praise worthy features of the 73rd Amendment:

1. Confers Status and Dignity on the Panchayati Raj Bodies:

The Constitutional base for Panchayat Raj was required because state governments were not enthusiastic about the creation of Panchayat Raj bodies and to share power with them in their states. In fact, there are instances where some states have taken back powers from the Panchayat Raj bodies. Status and dignity to Panchayat Raj bodies to make the viable and responsive institutions is essential. This requires constitutional support. In our Constitution, Local Self-government and Panchayati Raj is a State subject and the Central Government cannot pass any legislation unless the Constitution is amended. Hence, the 73rd constitutional Amendment Act, 1993 was passed thereby conferring the much needed status and dignity to Panchayat Raj bodies.

2. Ensures Continuity:

Prior to the 73rd Amendment Act, the State Government had the discretion to supersede panchayat raj bodies and conduct elections at their will. There have been innumerable cases where the Panchayat Raj bodies have been superseded on partisan grounds, and elections have not been held for many years. The 73rd Amendment lays down that the elections to the Panchayat Raj bodies would be held mandatorily every five year. This is a praise – worthy step. Moreover the amendment provides for an Election Commission for each state for the conduct of the elections to the Panchayat Raj bodies. This ensures impartial and fair elections.

3. Ensures Participation of Weaker Sections and the Down Trodden:

The Act provides for mandatory reservation of scale for the Scheduled Castes, Schedule Tribes and Woman. This is indeed commendable as it ensures the participation of the weaker sections.

4. Ensures Adequate Sources of Finance:

Financial paucity has been one of the main causes of the failure of the Panchayat Raj bodies in the past. To remove this hurdle, the 73rd amendment empowers the panchayats to levy and collect appropriate taxes, duties, toils and fees. Also according to the act, they would be entitled to grants-in-aid from the Consolidated Fund to the State. To ensure adequate finances the act also provides that the State Governor has to appoint a Finance Commission to review and advice the State Government on the principles governing distribution of funds the panchayats. The state governments also would devolve power to the panchayats to prepare plans for economic development and social justice. Significantly, a whole new schedule called the Eleventh Schedule has drawn up to ensure a better utilization of Central and State Funds. The schedule contains, entire agriculture and allied activities, minor irrigation schemes, land reforms and improvement, small industries including food processing, cottage industries, rural housing drinking water, rural electrification, non-conventional energy programmes, poverty alleviation programmes, primary and secondary education, vocational education, health and

family welfare schemes public distribution system, welfare schemes for weaker and handicapped sections, etc.

5. Protects the autonomy of the states while ensuring uniformity:

Panchayat Raj is a state subject, and a legislation by the centre in this area amounts to transgression on the autonomy of the states. However the 73rd Amendment Act has incorporated adequate provisions to protect the autonomy of the States, for example, supervision and control of Panchayat Raj elections has been given to the State Election Commission, framing of laws relating to audit and accounts has been left in the hands of State legislatures and power of appointment of Finance Commission to review the financial position of panchayats and recommend principles government distribution of taxes and grants-in-aid between states and PR bodies has been given to the states. Even composition of these panchayats has been left to the State. Thus, states have not been undermined by this Amendment. These are all salutary provisions.

3.4.3.3 LACUNAE IN THE 73RD AMENDMENT ACT

The 73rd Amendment suffers from certain lacunae. Some of them are:

- 1. The Functions, powers and resources of the Panchayats are not Enumerated clearly:** A Major lacuna in the Act has been that it has little to offer to the panchayats by way of functions, powers and resources to shape them as units, of self-government. This task has been left to each state legislature to determine and past experience has shown that the states are always reluctant to part with their powers. Thus the discretionary provisions by their very nature may defeat the much avowed purpose of the act i.e., creating genuine units of local self government.
- 2. Leaves a scope for misuse of the rotation system of reservation:** The reservation scheme for the office of Chairpersons of Panchayats in rotation may be misused by the party in power at the state levels to weaken the stronghold of other opposition parties in regions and panchayats of the State. By invoking the rotational provisions whenever and wherever their position

is weak, the ruling party may gain an upper hand over the opposition parties. This may create unwarranted tensions.

3. **Voting Rights to Ex-officio members defeat the purpose of the Decentralization:** The Act has given voting rights to the ex-officio members, i.e., MPs and MLAs in the Panchayat Raj bodies. This could lead to the overriding domination of these institutions by the legislators thereby going against the intent of decentralization.
4. **Fosters Rigidity in Functioning of Panchayat Raj:** The 73rd Amendment Act dispenses with the flexibility of structure of Panchayat Raj. The question such as three-tier or two-tier system, the extent of mode of reservations etc are decided in a uniform pattern for the entire country. This inflexibility may cause great harm. Some states like Kerala, West Bengal, Karnataka and Andhra Pradesh have adopted the two tier system after prolonged discussions and experimentation, as it suited them better than the three-tier system. But the 73rd constitutional Amendment Act makes it obligatory for every state whose population is above 20 lakhs to have a three-tier system. This rigidity may hamper the effectiveness of the Panchayat Raj bodies.
5. **Discretionary Nature of Functions to be devolved on the Panchayat Raj bodies by the States may defeat the purpose of the Act:** Although eleventh schedule of the constitution contains 29 items which can be handed over the village panchayats, it has been left to the discretion of the state to devolve any or all the functions. Previous experience indicates that the states are always reluctant to part with their functions. The 73rd amendment act has not offered a remedy to this situation as it has also left it to the discretion of the states. Serious doubts are being expressed whether the functions will be devolved at all in practice.
6. **Fails to mention the role of political parties:** Further, the Act has failed to mention about the role of political parties. Neither the Act specified their role non-mentioned about the working of political parties. Likewise it is

completely silent about the relationship between panchayati raj bodies and local bureaucracy. Previously, the local level bureaucracy was instrumental in creating and spreading the anti-panchayati raj climate which led to their failure. If the control of bureaucracy in panchayati raj institutions is not given to the local leaders and kept in the hands of state governments then panchayat raj is bound to fail. The act is also silent about the exclusive jurisdiction of panchayats. While the states, in the constitution have areas of exclusive jurisdiction, with legislative, executive and judicial authority. The Eleventh schedule mentioned in the 73rd Amendment is not mandatory but only advisory in nature. It does not specify the division of spheres, only gives the number of development activities considered suitable for panchayats.

3.4.4 INTRODUCTION TO URBAN LOCAL BODIES

Every developing society embarks on a process of economic change. During this process some areas develop at a faster pace than the others. Rapid industrialization, commercialization, increase in productivity, employment generation etc which are the indices of economic development get focused in some areas. Due to the economic development the population of the area increases tremendously and so do the infrastructural facilities. Such areas are termed as Urban areas.

3.4.4.1 WHAT IS AN URBAN AREA?

In the context of India, the census reports of 1961 to date have defined those places as urban areas which have a local authority like municipality, cantonment board, notified area committees (ii) all other places which satisfy the requirements of a minimum population of 5000, at least 75 per cent of the male working population engaged in non-agricultural pursuits and a density of population of at least 400 persons per square km. Apart from above criterion, the state government can declare a place as an urban area if it has a pronounced urban characteristic and amenities as the newly founded industrial areas, large housing settlements or places of tourist importance usually have. India as many other developing countries, is undergoing a major transformation from an essentially rural into an urban dominated society. As

per the 1991 census, 26 per cent of India's population was classified as urban. In terms of absolute numbers, India's actual urban population of 21.71 crore is massive as evident from the fact that it nearly equals the total urban population of the USA. Urbanization is an incessant trend and its pace is accelerating.

Urbanization unleashes a wide range of complex forces and problems which require efficient institutions for administration. Such institutions are known by the generic term municipalities.

3.4.4.2 THE CONSTITUTION 74TH AMENDMENT ACT:

With the assumption of power by the National Front Government in December 1989, the provisions of the Constitution 65th Amendment Bill 1989, were reviewed. A revised Amendment Bill, incorporating the provisions relating to Panchayats as well as municipalities, was introduced in the Lok Sabha in September, 1990. This bill also lapsed on account of dissolution of the then Lok Sabha. When the Narasimha Rao government took charge in 1991, it introduced a Constitution Amendment Bill pertaining to municipalities in the Lok Sabha on 16th September 1991. With a few modifications, it was essentially based on the 65th Amendment Bill. It was passed by both the Houses in December 1992. The bill has since been ratified by a resolution of at least half the number of state legislatures. It received the assent of the President on 20th April 1993 and was published in the gazette on the same day as the constitution 74th Amendment Act, 1992.

The Act Introduces a new part, namely part IX A, in the Constitution. This part deals with issues relating to municipalities such as their structure and composition, reservation of seats, elections, power and functions, finances, and some miscellaneous provisions. The 74th Amendment Act thus gives a constitutional status to the municipalities.

3.4.4.3 PROVISIONS OF THE 74TH AMENDMENT ACT

1. There shall be three types of institutions of self-government namely Nagar Panchayats, Municipal Councils and Municipal Corporations.

2. Municipal Corporations shall be setup for large Urban areas, Municipal Councils for smaller urban areas and Nagar Panchayat's for transitional areas can area which is been transformed from a rural area to an urban area.
3. Every state shall constitute such units.
4. The members would generally be elected by direct elections.
5. The legislature of state may by law provide for representation in a municipality of (i) persons having special knowledge or experience in municipal administration (ii) members of Lok Sabha, State Assembly, Rajya Sabha and Legislative Councils (iii) The chairpersons of committees.
6. The chairperson shall be elected in the manner provided by the legislature.
7. Reservations of seats in favour of the Scheduled castes and Scheduled tribes in every municipality.
8. Out of the total number of seats to be filled by direct elections at least 1/3rd would be reserved for women. This includes the quota for women belonging into Scheduled Castes and Scheduled tribes.
9. The State legislature may prescribe by law the manner of reservation of the offices of the Chairpersons of Municipalities.
10. The State Legislature may make provisions for reservation of seats or offices of chairpersons in favour of backward classes.
11. A Municipality shall be divided into wards and forwards having a population of 3 lakhs or more, it would be obligatory to constitute wards committee.
12. The State Legislature shall make provisions with respect to the composition, territorial area and the manner in which the seats in ward committees shall be filled.
13. The state legislature may constitute other committee in addition to Ward committee.
14. The tenure of every municipality shall be 5 years from the date of its first meeting Elections to constitute a municipality shall be completed before the

expiry of the period of 5 years. It may be dissolved earlier according to law.

15. Before dissolution, reasonable opportunity of being heard must be given to the municipality.
16. All persons who have attained the age of 21 years will be eligible to be members of a municipality.
17. The state legislature shall confer on the municipalities all such powers and authority as may be necessary to enable them to function as institutions of self government.
18. The State legislature may by law authorise a municipality to levy, collect and appropriate taxes, duties, tolls etc.,
19. The State legislature can also assign to a municipality various taxes, duties etc., collected by the state government. Grants in aid may be given to the municipalities from the Consolidated Fund of the state.
20. There shall be a Finance Commission appointed to review the financial position of the municipality and make recommendation as to —
 - a) The distribution between the State and the Municipalities of the net proceeds of taxes, duties tolls and fees leviable by the State which may be divided between them and allocation of shares amongst different levels of Municipalities.
 - b) The taxes duties, tolls and fees that may be assigned to the municipalities.
 - c) grants- in- aid to the municipalities.
 - d) the measures needed to improve the financial position of the municipalities.
 - e) any other matter that may be referred to it by the Governor.
21. The Conduct of elections to be municipalities shall be supervised by a State Election Commission.

22. At the district level, a District Planning Committee shall be setup to prepare the developmental plans.
23. In every Metropolitan area there shall be a Metropolitan Planning Committee.
24. The Finance Commission appointed by the President under Article 280 shall make recommendations in regard to the measures needed to augment the consolidated fund of the state to supplement the resources of the municipalities.

3.4.5 STRUCTURE AND FUNCTIONING OF MUNICIPAL BODIES

In India for the administration of urban areas, several types of municipal bodies are created for the towns and cities, depending on their size, population. Industrial or other importance etc.,

- a) Municipal Corporation
- b) Municipal Council / Committee / Municipality
- c) Notified Area Committee
- d) Town Area Committee
- e) Township
- f) Cantonment Boards, Special purpose Agency / Authority
- g) Port Trusts
- h) Special Purpose Authorities

3.4.6 PROBLEM AREAS IN MUNICIPAL ADMINISTRATION

Municipal Administration in India is confronted with numerous hurdles and suffers from some inherent problems. Some of the important problem areas are:

1. Scarcity of Financial Resources: The first and most serious problem facing the urban local bodies is the acute scarcity of finance. Generally their sources of income are inadequate as compared to their functions. Their chief sources of income are the varied types of taxes. However, most of the income generating taxes are levied by

the Union and State Governments and the taxes the expenses of the services provided. Though they can impose certain new taxes, the elected members of these urban bodies hesitate in doing so, for fear of displeasing their electorate.

2. High Level of Corruption: A high incidence of corruption is prevalent in most of the urban local bodies. One of the reasons for a high level of corruption is the relatively low salaries paid to the staff.

3. Poor System of Financial Administration: The system of municipal financial administration suffers from serious flaws. The system of accounting as prescribed by the State Government, is not followed strictly, leading to embezzlement, leakages and extensive under assessment. In various municipalities, audit objections remain pending for many years and, in some even audit is not conducted regularly. It is sometimes revealed by audit that the funds borrowed at a high rate of interest lie unutilized. Action is not taken on the audit report on time, with the result that, with the passage of time, no action can be taken.

4. Low Effectiveness: Because of inadequate finances, the local bodies have not been able to fulfil their obligatory functions. As a result they suffer a constant outcry from the public as well as the government. The most basic necessity, i.e., water is not supplied properly, drainage facilities do not cover the entire city, unplanned colonies and slums develop fast, menace of stray cattle on the roads continues, traffic is hazardous, roads are not properly maintained and unsafe buildings are allowed to continue to exist despite the obvious threat to the inmates and the inhabitants of the area. In short, poor sanitation, poor hygiene and shortage of basic necessities make cities unsafe.

5. Excessive State Control: Next is the issue of the excessively strict control exercised by the State Government over urban bodies. To ensure proper performance of their functions, the state government exercises legislative, administrative, financial and judicial control. This proves to be more of a curse than a boon, because instead of providing guidance and support through the control mechanism the control turns out to be negative, restricting the functioning of these bodies. Suppression till 1992,

was very arbitrary. Through this tactic the government not only meted out punishment to the elected councillors but to the citizens as well, depriving them of their elected institutions. Now the constitution 74th Amendment act has taken away the power to supersede or suspend the municipal body from the state government. However, the state government can dissolve them. The financial control over the urban bodies has also been so rigid that they have virtually no autonomy left. When the control becomes too oppressive, the relationship of the state government with the urban bodies would naturally be strained. Hopefully the situation will change because of the Constitution 74th Amendment.

6. Poor Quality of Personnel Management: With the provincialization of the municipal services a lot of earlier defects in personnel management have been mitigated. Yet, the system of recruitment fails to bring in the best men. The need for adequate training of the municipal staff has not received due emphasis. The pay scales are not comparable with those of the state services and promotion opportunities are few. Several vacancies are not filled for years and transfers are effected at the free will of the senior bureaucrats and the government. In the sphere of transfers, corruption, favouritism and nepotism are rampant. In the case of most of bodies the state government is empowered to take disciplinary action and the urban body has very little control over its personnel. The municipal bodies have failed to attract qualified and competent personnel.

7. Inability to check the problem created by rapid urbanization: It is generally commented that the urban bodies have failed to perform their primary duty, that is to check the problems and complications created by rapid urbanization. The shifting of a vast number of the rural population towards cities has led to several problems such as the unplanned growth to towns and cities. In the absence of proper planning judicious use of land is not being made colonies are set up without proper facilities such as schools parks and hospitals the growth of slums is not checked there is a shortage of houses traffic congestion is rampant and hardly any effective steps are taken to check urban poverty and unemployment.

8. Low Level of Participation: Due to an acute lack of civic consciousness public participation in urban bodies has been negligible. The population of the cities consists of heterogeneous groups and they are alienated from one another. Most of the city populations was once rural and even now, it looks at the city merely as a place to earn a livelihood and has little attachment with it. While one understands the reasons behind the low level of participation of the rural population in the management of their politico administration institutions it is difficult to appreciate a similar if not identical phenomenon in the urban areas. Why is it that despite a relatively higher level of literacy and educational standards city – dwellers do not take adequate interest in the functioning of the urban government bodies? A perceptible apathy on their part towards participating in the governance system pushes such institutions into a state of complacency and irresponsibility.

9. In-effective Leadership: Poor municipal leadership is yet another factor which has corroded the credibility of the urban bodies. The urban bodies, during their elections, fails to attract men of calibre as the latter find a berth in State and Union legislature more prestigious and profitable. Besides the urban bodies have no original powers; they are appendages of the state government and their image is sullied often by charges of corruption and inefficiency. Evils of casteism and communalism are also rampant and all malpractices associated with a general election are present. The system of cooption is also misused. Deserving candidates are rarely co-opted and this weakness the municipal leadership.

3.4.7 LET US SUM UP

Since its inception, the Panchayat Raj system in the country has not been functioning in right direction. Hence a need was felt to revitalize them and evoke a comprehensive concept of Panchayat Raj, which should clearly mention the role expected from Panchayat Raj bodies. The constitutional 73rd Amendment Act is certainly an attempt and it is hoped that it will go a long way in revitalizing the Panchayat Raj for decentralization and rural development.

The backlog and current problems of Urban India are enormous. The fast

pace of urbanization in future would lead to problems of a magnitude many times larger than the current ones. Only a meticulously planned approach to manage urban growth would be able to effectively tackle the urban problems. Their sheer magnitude suggests that it will be impossible on the part of the governmental agencies to put together the required resources. Effective management of urban problems would require a concentrated effort by all actors in the urban sector. There is a need for inter governmental and public private partnerships in which the people play a pivotal role. In this regard, the constitution (74th Amendment) Act has accorded central status to the Municipalities. While the responsibilities for ultimate delivery of services to the people may lie with the Municipalities, it is neither necessary nor desirable for them to handle all aspects of urban management through the municipal bureaucracy. Partnership programmes could be formulated in many areas such as planning, project formulation, designing financing, contract management, monitoring evaluation etc. In the ultimate analysis, providing quality services at lower cost should be the key principle of municipal government. Urbanization is bound to result in socio-economic dislocations and problems. However, a positive approach to optimize the benefits of urbanization and mitigate the social costs with meticulous planning could be the way to build a strong and modern Urban India of 2021.

3.4.8 EXERCISE

1. Discuss the evolution and formation of Panchayathi Raj system in India.
2. Trace the important draw backs in 73rd CAA.
3. Identify the problem areas in urban administration.

4.1 RELATIONSHIP BETWEEN POLITICAL AND PERMANENT EXECUTIVE: GENERALISTS VS. SPECIALISTS

- Y. Pardhasaradhi

STRUCTURE

4.1.0 Objectives

4.1.1 Introduction

4.1.2 Political Executive

4.1.3 Permanent Executive

4.1.4 Relationship between Political and Permanent Executive

4.1.5 Meaning of General and Specialists

4.1.6 Position in India

4.1.7 Reasons for the Superiority of Generalists

4.1.8 Arguments in Favour of Specialists

4.1.9 Steps Taken by Government of India to Resolve Problems

4.1.10 Let us Sum Up

4.1.11 Exercise

4.1.0 OBJECTIVES

After going through this lesson, you will be able to know:

- The meaning of political and permanent executive;
- The relationship between political and permanent executive;
- Meaning of Generalists and Specialists;

- Reasons for Superiority of Generalists and arguments in favour of Specialists; and
- Steps taken by Government of India in recent time to resolve the problems between Generalists and specialists.

4.1.1 INTRODUCTION

In a democratic country, two categories make up the executive. One that is elected by people for a specific period is called the Political Executive. Political leaders fall in this category. In the second category, people are appointed on a long-term basis. This is called the Permanent Executive (Non-Political Executive). Civil Servants fall in this category. They remain in office even when the ruling party changes. Usually the non-political executive or bureaucracy is less powerful than the political executive. One reason because of which Political Executives are more powerful than the Non-Political Executives is non-political executives work under political executives and assist them in carrying out the day to day administration. Another reason because of which political executives are more powerful than the non-political executives is in a democracy the will of the people is supreme. The minister is elected by the people and thus empowered to exercise the will of the people on their behalf.

On the other hand, the generalists and specialists are found in every administrative system. But regarding the role of generalists and specialists in the administration has become an important issue in public administration in India. The problem has acquired new dimensions due to the increasing role being played by science and technology in all walks of life. In the 1940s or 1950s no one thought of atomic energy or communication technology such as fax, internet, and computers. Therefore, the role of the specialists in administration has acquired new dimension due to intervention of several kinds of rifles, missiles and chemical weapons. Therefore, attempts have been made to define the role of generalists and specialists in many countries. For example, Fulton Committee (1966-68) of Britain has made important recommendations of the subject. Since the Indian administration was

largely based on British pattern this report attracted the attention of the Indian administrators, scholars and study teams.

4.1.2 POLITICAL EXECUTIVE

The political executive consists of those institutions formally responsible for governing a political community—that is, for applying its binding decisions, which may be formulated, to a greater or lesser extent, by the executive institutions themselves. The principal functions of the contemporary political executive are increasingly being carried out by specialized structures; these functions are representation and integration, leadership, deliberation and decision making, control and supervision of subordinate decision-making and enforcement organs. Finally, executive responsibility and accountability have become institutionalized through the acceptance and use of regular procedures.

In India, though the executive power is vested in the President at the Centre and the Governors in the States, but it is actually exercised by a Council of Ministers which is drawn from the legislature and is responsible to it. The Constitution of India did not elaborate the structure or method of functioning of Council of Ministers, which have therefore developed by conventions. Thus, at the centre, the executive power is exercised by the Cabinet, headed by the Prime Minister, and the Cabinet is the source of political authority. The policies are scrutinized by the Cabinet before they are presented to Parliament for approval.

4.1.3 PERMANENT EXECUTIVE

The non-political executive mainly consists of the civil servants (Bureaucracy) from the lowest to the highest levels. It carries out the day to day administration by working in the government departments. The civil servants are politically neutral. They do not owe allegiance to any political party. Their job is to carry out the laws and policies of the government without any political consideration. They are specially educated and trained persons. They are experts and professionals. They give expert advice and opinion as well as collect, classify and present data to the political executive on the basis of which the latter takes all decisions. Once appointed, the civil servants

remain in office till the attainment of the retirement age, usually up to the age of 55 or 60 years. They get regular and fixed salaries and are hierarchically organised into higher and lower relationships.

The role of the non-Political executive is to advise the political executive. The officers manning the Secretariat are to analyze each policy issue or individual proposal dispassionately and freely, and render opinion to the political executive without fear or favour. Integrity, impartiality, fearlessness, precedents, and experience in administration are the basis on which noting on files are made by the echelons in the Secretariat.

4.1.4 RELATIONSHIP BETWEEN POLITICAL AND PERMANENT EXECUTIVE

The Indian Constitution provides for separation of powers between the legislature, executive and judiciary with well-defined roles and responsibilities for each one of them. Since India is a parliamentary democracy, there is an interface between the legislature and the executive at the level of the Council of Ministers, which is collectively responsible to the legislature. The Constitution separates the executive into two parts. In terms of Articles 53 and 154, the executive power of the Union and the States vests in the President or Governor directly or through officers subordinate to him. These officers constitute the permanent civil service and are governed by Part XIV of the Constitution.

The other part of the executive is the 'political'. The President or Governor is required to act according to the aid and advice of his Council of Ministers, appointed under Articles 73 and 163 of the Constitution. Because the advice is normally binding, such advice for the officers becomes an order which they must obey under Articles 77 and 166 respectively. The President and Governor frame rules for the conduct of business in the government. Work is allocated among Ministers as per the Government of India (Allocation of Business) Rules and the manner in which the officers are required to help the President or Governor to exercise his executive functions is governed by the Government of India (Transaction of Business) Rules. What this

means is that though officers are subordinate to the President or Governor, they carry out the orders of the Council of Ministers in accordance with the rules framed in this behalf. The Rules of Business of Government do provide for the Secretary to the Government to advise his Minister about the course of action proposed in a particular matter and to submit to him a note which tells him about the propriety or legality of his orders and suggest that either such orders not be given or that they be suitably modified. The relationship between the Secretary and the Minister is organic. The Minister has the mandate of the people to govern, but the Secretary has an equivalent constitutional mandate to advise the Minister. Once his advice has been suitably considered, unless the Minister passes an illegal order, the Secretary is bound to implement it. The Minister, on his part, is required to support the Secretary who is implementing his order. Once a law is framed or rules and regulations are approved, they apply to everyone, whether a member of the political executive or of the permanent civil service. A civil servant is required to implement the orders of government without bias, with honesty and without fear or favour. It is precisely in this area that a degree of a difference of opinion begins to emerge between the political executive and the civil servants.

This happens because there is no system of specifying of accountability, thus making the relationship between the political executive and the permanent civil servants only issue sensitive.

This underscores the criticality of defining the relationship between the Minister and the civil servant more objectively. This is possible only if we put the relationship in an output-outcome framework. Outputs or key results are specific services that the civil servants produce and deliver, and therefore, the civil servants should be held to account for the delivery of key results, which becomes the basis for evaluation of their performance. Outcome is the success in achieving social goals and the political executive decides what outputs should be included so that the desired outcomes or social goals can be achieved. In such a scheme, the political executive becomes accountable to the legislature and the electorate for the outcome. The political executive is judged on the basis

of whether it has chosen the right outputs to achieve social goals. If this is done, the relationship between the political executive and permanent civil service would have been objectively defined.

Another area which has tension in the relationship is the arbitrary transfer and posting of civil servants at the behest of Ministers and other political leaders particularly in the states. Robert Wade, in his study of Andhra Pradesh, has shown how the process works. As Wade says, “The transfer is the politicians’ basic weapon of control over the bureaucracy and thus the lever for surplus-extraction from the clients of the bureaucracy. With the transfer weapon not only can the politicians raise money by direct sale; they can also remove someone who is not being responsive enough to their monetary demands or to their request for favours to those from whom they get money and electoral support – in particular, the contractors. One is thus led to visualise a special circuit of transactions, in which the bureaucracy acquires the control of funds.... then passes a portion to MLAs and especially Ministers, who in turn use the funds for distributing short-term material inducements in exchange for electoral support. These funds, it should be noticed, do flow through the public domain; but they are neither open to public scrutiny nor available for public expenditure programmes.”

In fact, the process of transfers of civil servants is perceived to be so lucrative that it is popularly known as the transfer industry. N N Vohra, a retired civil servant, has commented that: “Transfers of government functionaries have in many States, virtually assumed the status of an industry. Officials at all levels are repeatedly shifted from station to station in utter disregard of the tenure policies or any concern about the disruption of public services delivery and the adverse effect on the implementation of development programmes.” In Mohsina Begum’s case, the Allahabad High Court lamented that “whenever a new government is formed, there is a tidal wave of transfers of government servants on the basis of caste or community or monetary considerations” leading to “total demoralisation of the bureaucracy and its division on caste and communal basis, besides spread of corruption and breakdown of all norms of administration”.

The Fifth Pay Commission was driven to make some adverse observations about the ‘transfer industry’. The Commission declared: “There is a definite feeling that the instrument of transfer is widely misused in this country, particularly by politicians in power, to subjugate the government employees. Transfer is also used as an instrument of punishment.... Demands have, therefore, been made that no transfer before the expiry of three years in a post, should be made appealable, particularly if it has been made at the behest of politicians.

The Fifth Pay Commission made several recommendations about evolving detailed, clear, and transparent transfer policies. First, the Commission recommended that detailed guidelines should be formulated and publicised by each department as part of a comprehensive transfer policy, so that arbitrariness in transfers is eliminated altogether, and transfers are effected in as transparent a manner as possible.

Second, in order to ensure administrative continuity and stability to incumbents, frequent transfers should be discouraged, and a minimum tenure for each posting of officers should be predetermined, and it should normally be three to five years, except in cases where longer tenures are justified on functional grounds, like continued availability of certain specialized skills. In the case of sensitive posts, where opportunities exist for developing vested interests, the tenure should be defined for a shorter period, which may be two to three years.

Third, any premature transfer before the completion of the prescribed tenure should be based on sound administrative grounds, which should be spelt out in the transfer order itself. The civil servant should be given the right to appeal against such an order if he feels aggrieved, and a provision for a summary procedure to deal with such a situation should be made within each department. In case of emergency, when such an order is made in the exigencies of public interest and has to be implemented at once, representation against the transfer order should be dealt with by an authority superior to the officer ordering the transfer after personal discussion, if possible, on the same day.

Fourth, the instrument of transfer should not be allowed to be misused either

by bureaucrats themselves or by politicians in power. It should not be used as a means of punishment by circumventing the procedure laid down for disciplinary proceedings.

The Draft Public Services Bill, 2006 moots the idea of constituting a Central Public Services Authority for good governance. In terms of Article 19(e) of the Bill, the Authority has been charged with the responsibility of ensuring that: “the transfers and postings of public servants are undertaken in a fair and objective manner and the tenure of the public servant in a post is appropriately determined and is maintained consistent with the need to maintain continuity, and the requirements of good governance”. However, the recommendations of the Authority in these matters cannot be mandatory, but only advisory.

Another likely area of conflict between the Minister and the officers is the influence exercised by the Minister in the day-to-day functioning of subordinate officers. Efficient running of activities of a ministry or department requires delegation of powers and functions to the various levels of bureaucracy. Once this delegation has been done, the bureaucracy should be allowed to discharge its duties, of course as per the delegated authority. It has often been observed that Ministers issue instructions, formal or informal, to influence the decisions of the subordinate bureaucracy. It has also been observed that officers, instead of taking decisions on their own, look up to the Ministers for informal instructions. Several states have created an institution of ‘District In-charge Minister’ to review the development activities in the district. There have been instances when District Ministers have exceeded their brief and issued instructions on issues which come totally within the officer’s domain. These practices are unhealthy as they can have a propensity to check an officer’s initiative and impinge on the authority delegated to him. It could lead to decisions which are not in public interest and also demoralised a conscientious civil servant. It is necessary to spell out the relationship between the political executive and the bureaucracy in a comprehensive manner. The Commission would suggest the details of the institutional and legal framework required to build a healthy

relationship between the political executive and the bureaucracy in its forthcoming Report on Civil Services Reforms.

4.1.5 MEANING OF GENERALISTS AND SPECIALISTS

Generalists are professionals whose time and project demand them learn a broad variety of disciplines. A generalist may be defined as a public servant who does not have a specialized background and is easily transferable to a department or branch of government. A generalist also defined as a public servant who does not have a specialized background and is easily transferable to any department or branch of Government. In other words a generalist is a civil servant who belongs to the managerial class and who is well up in rules, regulations and procedure of administration. He generally performs POSDCORB functions, namely, planning, organizing, supervising, directing, coordinating, reporting and budgeting. By 'specialist' is generally meant a person who has special specialist can be easily distinguished on the basis of his education and training.

Two points may be noted in this context:

1. Expert or specialist is a relative term. For example, the generalist medical practitioner is an expert in relation to the patient, but is only a generalist in relation to a surgeon, dentist or ophthalmologist. In other words, there are degree of expertise.
2. There is equally a problem between the working engineer in the field and his counterpart in the laboratory or the university. The Indian Administrative Reforms Commission has chosen to call such specialized services as 'functional services'.

'Functional services' include not only 'services' which are charged with a technical function for which pre-entry vocational education is required (e.g. the various Engineering Services), but also those which specialize after entry in a particular area of administration for which no preentry vocational qualification is prescribed (such as, Accounts, Income-Tax). The Commission distinguished the

‘functional services’ from ‘a general purpose’ service. For example, members of IAS start their service in the districts, but soon get dispersed to various posts which cover different functional areas. The IIPA Conference on Personal Administration attempted a detailed definition of the term ‘generalist officer’ and specialist or technical officer’.

A generalist officer is one who has received a liberal college education (in whatever subject) and after receiving initial training in the field is appointed to a middle level supervisory post for which an educational qualification in technical or professional subjects like engineering, medicine, etc – has not been prescribed as compulsory. In due course, he is appointed to higher administrative positions irrespective of his previous experience and training.

A specialist or technical officer is appointed to a middle level supervisory post for which a technical or professional educational qualification has been prescribed as compulsory. He is excluded from areas where his specified knowledge or training may not find direct application. The specialist is a person who possesses special knowledge or skill in a specified field.

4.1.6 POSITION IN INDIA

The public services in India are characterized by the superior position of the generalist. By and large, the ‘policy formulation’ levels in the Central and State Secretariats are manned by the members of the generalist services. Although the technical services constitute about fifty percent of the total strength of class I officers, they are generally excluded from holding Secretariats appointments. A good portion of the posts (of Deputy Secretary and above) in the Central Secretariat are held by civil servants in the IAS. In general, positions in the field are filled by the specialists. But there are many instances of the IAS officers working as Director of Education, or Director of Health, or Director of Agriculture, or even Chief Conservator of Forest in various State Governments. At the district level, there is the generalist Collector leading a team of technical district officers who are heads of technical departments at the district level. The Panchayati Raj administration, too, has not escaped this

phenomenon. Thus, the Chief Executive Officers of the Zila Parishad is an IAS officers, who is the head of a team of technical officers.

4.1.7 REASONS FOR THE SUPERIORITY OF GENERALISTS

1. The belief that the high calibre of recruits to the Indian Administrative Services and the wide and varied experience gained as a result of their postings to a diverse variety of jobs, equip these services with qualities needed for the performance of the senior management level jobs.
2. “Another justification for the predominance in the higher administrative position of services primarily recruited for the general administration, is the facility which this system seems to provide for contact with the grass-roots of administration .” (IIPA Conference).
3. Administration in India has traditionally been based on the principle of ‘area administration’ and the British continued this tradition. In independent India the village, the block, the tehsil, the district, the division continue to remain the units around which the administration at that level revolves. The case for the generalists is that there should be a manager at all levels to perform the managerial functions of planning, directing, coordinating, and that only an experienced administrator can fulfil this role with success.
4. The generalists emphasize the need for a Secretariat at the headquarters, predominantly manned by generalists, to act as an intermediary and link between the specialists in the field and the amateur Minister at the top.
5. The generalist Secretary is considered to be in a much better position to tender correct and proper advice to this Minister because he usually has complete understanding of the total effect of various factors on a particular policy decision.
6. Generalists charge the specialists of being parochial and narrow-minded. Specialists, according to this view, are prone to display bias and a restricted view of matters. After all, the specialist is one who knows more and more of

less and less and they quote the authority of Paul Appleby, according to whom, “the price of specialization of every kind is parochialism.”

4.1.8 ARGUMENTS IN FAVOUR OF SPECIALISTS

The induction of specialists in administration has been justified on the following grounds:

1. The scope and nature of administration during the past one century has undergone complete transformation and the number of technical departments has tremendously increased. As a result the generalist dominated administration has become outmoded and needed to be replaced by specialists.
2. Secondly, it is illogical that the IAS officers with little technical experience should be asked to head highly technical undertakings by superseding those who have spent life-time in gaining competence in their particular field. The liberal education of the generalists and the training received by them in general administration does not qualify them to direct the functioning of technical units.
3. Thirdly, the generalists by nature and training are prone to adopt law and order approach and cannot be innovative. Often they act only after technical matters are explained to them thereby causing avoidable delay.
4. The Fulton Committee in its Report of 1968 also favoured greater role for the specialists. It favoured development of greater professionalism among the specialist through more training in management and wider career opportunities. Likewise the Indian Administrative Reforms Commission in 1969 recommended a scheme of functional cadres having equal status. It recommended that the senior management posts in which the knowledge of the subject matter was important should be field up by them from relevant functional cadres.

Ministers are supposed to lay down policies while the generalists help them in this task. Such advice requires a deep understanding of technical issues. Society

can be benefited if the Government has such think tanks. Administrative Reforms commission mentioned. Though a variety of specialists have been inducted into the Secretariat in recent times, they have remained in separate hierarchies. At present, their business is to tender advice and pronounce on the viability of the projects or programs, if and when called upon to do so. According to the existing practice, they are not expected to and in fact do not involve themselves directly in policy advice or managerial decisions which are the province of the Secretariat hierarchy.”

Delays occur as the technical people explain the policy issues to the Secretary who in turn explains to the Minister. The process involves a lot of clerical activity. The technocrats feel democratized when they see the unnecessary duplication of functions in having a secretariat department over them.

4.1.9 STEPS TAKEN BY GOVERNMENT OF INDIA TO RESOLVE PROBLEMS

1. Weakening of the Tenure System.
2. Creation of new specialist All-India and Central Services. Article 312(1) of the Constitution authorizes the Union Parliament to provide for one or more All-India services common to the Union and the States, if the council of States declares by a resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest to do so. On the eve of independence, there existed only two All-India services – the Indian Civil Service and the Indian Police service. Of these, the IPS was retained and the old ICS was replaced by the new IAS. Several new services have been added to the list, namely, the Indian Engineering Service, the Indian Forest Service, the Indian Statistical Service, Indian Economic Service etc. All these services aim at giving better status and emoluments to specialists. In the States, provision has been made in many cases to give better grades to technical services.
3. Appointment of specialists to positions of administrative responsibility. The trend is visible in most departments. Thus we have Assistant, Deputy and

Joint Advisers in the Minister of Education working side by side with the generalist Under/Deputy/Joint Secretary. The Planning Commission is almost exclusively manned by specialists and professionals.

One way of achieving the same objective is by combining the role of the Secretary to and the head of the executive agency in one integrated office. “A composite office will permit more specialization in the division of work than would be possible in separate offices, ensuring that every aspect of the work to be done is handled by persons chosen for their competence in that aspect, reducing the dependence on ‘generalists’, whether they are generalists in the sense that their educational background and experience have no direct relevance to the jobs given to them, or in the sense that they reutilized to perform other jobs, though their qualifications at the time of their recruitment were relevant to the generality of the technical or specialists jobs which they were expected to do” (Madhya Pradesh Administrative Reforms Commission).

Another way of achieving the same objective is the method of giving the specialists head of department ex officio status of Joint/Additional/full Secretary to Government, e.g., the Railway Board members while remaining heads of the operating departments are also ex officio Secretaries in the Railway Ministry.

Various other solutions to the problem have been offered from time to time. Thus, Central Administrative Reforms Commission (1966 to 1970) has in its report on personnel administration recommended fictionalization of all services including the IAS. It also recommended that senior management posts in functional areas should be filled by the members of functional services.

4.1.10 LET US SUM UP

A country should make the best use of its manpower and should use all methods to curb the growing dichotomy between Generalists and Specialists. The ARC Report has rightly concluded. “The Generalist has his place, and an important one at that, in the scheme of things, so has the specialist, the scientist and the technologist. In a growing democracy committed to rapid socio-economic development, the

administration has to be good, no less than it has to be effective. This twin purpose needs the devoted services of the specialists no less than those of Generalists. Preference for the Generalist should give place to a preference for those who have acquired competence in the concerned field.

We can rightly conclude that the main criterion for good administration should be that it serves the needs of the taxpayer and the common man. This requires an outlook that 'job' is more important than the man who performs it, and every job must be performed by a man most competent to do it. The only way of getting the best of both 'generalist' and 'specialist' is to ensure that they go 'hand in hand' towards the common objective of good public administration, and not 'one above the other.'

4.1.11 EXERCISE

1. How do you distinguish between political executive with non-political executive?
2. Critically analyse the relationship between political and non-political executive.
3. Describe the meaning of Generalists and Specialists and write about the Indian situation.
4. Comment on the steps taken by Government of India to resolve the issue of Generalists and Specialists.

4.2 CLEAN ADMINISTRATION: INTEGRITY IN ADMINISTRATION, RECENT ADMINISTRATIVE REFORMS, CITIZENS AND REDRESSAL OF THEIR GRIEVANCES

- Y. Pardhasaradhi

STRUCTURE

4.2.0 Objectives

4.2.1 Introduction

4.2.2 Transparency in Administration

4.2.3 Government Openness and Access to Information

4.2.4 Concept of Accountability

4.2.5 Right to Information Act

4.2.6 Meaning of Administrative Reforms

4.2.7 Need for Administrative Reforms

4.2.8 Types of Administrative Reforms

4.2.9 Administrative Reforms in India since Independence

4.2.10 Evaluation of Reforms

4.2.11 Let us Sum Up

4.2.12 Exercise

4.2.0 OBJECTIVES

After going through this lesson, you will be able to know:

- Importance of transparency, openness and access to information in the domain of public administration;
- Significance of Right to Information Act passed in India and its jurisdiction as a redressal mechanism to public grievances;
- The meaning, types and need for administrative reforms;
- Various initiatives taken by Government of India towards Administrative Reforms, various committees constituted and their recommendations; and
- Critical evaluation of administrative reforms in India.

4.2.1 INTRODUCTION

When India achieved independence, it inherited a colonial legacy in administration, which was suited to the needs of revenue collection and maintenance of law and order. During the years following independence, the Indian government was mostly pre-occupied with the problems of administrative integration of the princely states and the rehabilitation of the refugees and the displaced. With India becoming a Republic, the objectives for the development of the country was spelt out. The focus shifted to the social and economic development of the country. Attention was directed to people-oriented administration. Administration had to be responsive to the development needs of the people. Thus was a need to reform the administration to suit the needs of independent India. The Government of India undertook various measures for bringing in reforms in administration. It constituted various committees and commissions and organized conferences to suggest reforms in administration.

4.2.2 TRANSPARENCY IN ADMINISTRATION

Transparency, it appears these days, is everywhere; or at least talk of it is everywhere. Transparency is, of course, a metaphor, or perhaps it is better thought of as an analogy. In its principal usage, the word “transparent” is used to refer to a physical property. To be transparent, the Oxford English Dictionary tells us, is to have “the property of

transmitting light, so as to render bodies lying beyond completely visible.” As used metaphorically, therefore, to be transparent is to have the capacity of being seen without distortion. Thus, for some fact, information, or process to be transparent is for it to be open and available for examination and scrutiny. Openness and transparency are key ingredients to build accountability and trust, which are necessary for the functioning of democracies and market economies. Evidence is a product of correct and precise information. Openness has been a cornerstone of every government mission to develop the best public policies in order to improve people’s lives by promoting open markets and inclusive wealth. Given the political importance of transparency and the growing international interest in promoting it, it is lamentable (though perhaps not surprising) that there are currently no commonly agreed upon definition of the concept of transparency. Transparency is a multifaceted concept that is often conflated with accountability or even corruption, impartiality, and rule of law.

These definitions comprehensively capture a broad range of aspects related to government transparency and therefore offer valuable baseline definitions. Exploring the effects of transparency may, however, require definitions more specifically tailored to the theoretical predictions under examination. Narrowing the theoretical scope facilitates the formulation of measurement tools, and may entail focusing on a specific policy sector, or a specific aspect of the broader construct. As much of the policy literature today focuses on the role of transparency in reducing corruption, we find it compelling to explore what aspects more precisely might be necessary in order for transparency to enhance accountability and contribute to bringing about good government. A key component of the definition is the emphasis not only on the provision of information, but also the ability of external actors to demand and gain access to information not provided routinely by political and administrative institutions, i.e. both agent-controlled transparency but, importantly, also non-agent controlled transparency. We therefore define transparency as the availability of, and feasibility for actors both internal and external to state operations to access and disseminate information relevant to evaluating institutions, both in terms of rules, operations as well as outcomes.

Transparency is thus best understood as a passive or a negative attribute. Transparency is about availability and accessibility, but these attributes of transparency are agnostic on the question of who might take advantage of that availability or accessibility and at what cost. In Isaiah Berlin's classic distinction between positive and negative liberty, he argues that it is essential to distinguish liberty from the conditions for its exercise and thus to distinguish negative liberty from what he believes is misleadingly designated as "positive" liberty.

Transparency is an attribute rather than an activity (like speaking or writing) or a power, it fits well within the negative liberty or negative freedom side of the now-familiar distinctions between positive and negative liberty, positive and negative freedom, and positive and negative rights. Open meeting laws, for example, serve the goals of transparency by prohibiting certain governmental bodies from closing certain proceedings to interested spectators, but whether there are any such interested spectators is another question entirely. And so too with freedom of information laws, which require the government to make available certain records and documents upon request from members of the public but do not require that anyone actually request them.

Recent decades have seen a stark increase in the number of studies using cross country data on governance. Among the most widely used and widely accepted measures of governance are the World Bank Governance indicators or TI corruption perception index. Surprisingly, there is currently no similar widely accepted measure of transparency. Although the governance indexes have received a fair amount of criticism, not least for being perception based, they are widely used among both researchers and policy makers. No transparency index has, however, so far attained a similar level of acceptance.

4.2.3 GOVERNMENT OPENNESS/ACCESS TO INFORMATION

Government openness is defined as the information that the government releases, i.e. the extent to which governments publish information electronically or available, as well as the extent to which citizens can demand and receive information not

published proactively. Studies interested in government openness sometimes use the existence of access to information laws to capture this dimension. However, using legal frameworks to assess actual access to and availability of information is far from ideal, since countries' level of implementation of laws varies considerably between countries. Alastair Roberts points out that access to information depends on well-organized records and a professional civil service. Responding to citizen requests for information requires well worked-out routines for saving documents and making them available for the public, which can be costly in terms of monetary and human resources. Moreover, access to information laws vary tremendously in their legal and institutional strength. Both citizens and non-citizens may request information, but, more importantly, a person does not need to present proof of identity when requesting information, which grants citizens protection from retaliation. Loopholes in any of these respects can render access to information legislation quite ineffectual in a political context used to operating under secrecy.

4.2.4 CONCEPT OF ACCOUNTABILITY

Accountability is one of those golden concepts that no one can be against. It is increasingly used in political discourse and policy documents because it conveys an image of transparency and trustworthiness. However, its evocative powers make it also a very elusive concept because it can mean many different things to different people, as anyone studying accountability will soon discover. This study nevertheless tries to develop an analytical framework for the empirical study of accountability arrangements in the public domain. It starts from a narrow, relational definition of accountability and distinguishes a number of indicators that can be used to identify and classify accountability arrangements. Furthermore, it develops three perspectives to assess and evaluate accountability arrangements in the public domain. Since the late twentieth century, the Anglo-Saxon world in particular has witnessed a transformation of the traditional bookkeeping function in public administration into a much broader form of public accountability. This broad shift from financial accounting to public accountability ran parallel to the introduction of New Public Management by the Thatcher-government in the United Kingdom and to the

Reinventing Government reforms initiated by the Clinton-Gore administration in the United States. Both reforms introduced a range of private sector management styles and instruments into the public sector, including contract management both within and outside the public sector, the use of performance indicators and benchmarks to evaluate and compare the effectiveness and efficiency of public agencies, to name but a few. Most of these instruments require extensive auditing to be effective. The emancipation of ‘accountability’ from its bookkeeping origins is therefore originally an Anglo-American phenomenon – if only because other languages, such as French, Portuguese, Spanish, German, Dutch, or Japanese, have no exact equivalent and do not distinguish semantically between ‘responsibility’ and ‘accountability’.

4.2.4.1 PUBLIC ACCOUNTABILITY

Political accountability is an extremely important type of public accountability within democracies. Here, accountability is exercised along the chain of principal-agent relationships. Voters delegate their sovereignty to popular representatives, who in turn, at least in parliamentary democracies, delegate the majority of their authorities to a cabinet of ministers. The ministers subsequently delegate many of their authorities to their civil servants or to various, more or less independent, administrative bodies. The mechanism of political accountability operates precisely in the opposite direction to that of delegation. In parliamentary systems with ministerial accountability, such as the United Kingdom, the Netherlands and Germany and India public servants and their organisations are accountable to their minister, who must render political account to parliament. In some sense, the people’s representatives render account to the voters at election time. Thus viewed, each of the links in the chain is, in turn, not only principal and agent, but also forum and actor.

4.2.4.2 ADMINISTRATIVE ACCOUNTABILITY

Auditors, inspectors, and controllers Next to the courts, a wide range of quasi-legal forums exercising independent and external administrative and financial supervision and control, has been established in the past decades - some even speak of an ‘audit

explosion'. These new administrative forums vary from European, national, or local ombudsmen and audit offices, to independent supervisory authorities, inspector generals, anti-fraud offices, and chartered accountants. Also, the mandates of several national auditing offices have been broadened to secure not only the probity and legality of public spending, but also its efficiency and effectiveness. These administrative forums exercise regular financial and administrative scrutiny, often on the basis of specific statutes and prescribed norms. This type of accountability arrangement can be very important for public agencies.

4.2.4.3 SOCIAL ACCOUNTABILITY

Interest groups, charities and other stakeholders In reaction to a perceived lack of trust in government, there is an urge in many western democracies for more direct and explicit accountability relations between public agencies on the one hand and clients, citizens and civil society on the other hand. Influenced by the debate on corporate social responsibility and corporate governance in business, more attention has been being paid to the role of NGOs, interest groups and customers or clients as relevant 'stakeholders' not only in determining policy, but also in rendering account. Agencies or individual public managers should feel obliged to account for their performance to the public at large or, at least, to civil interest groups, charities, and associations of clients. A first step in this direction has been the institution of public reporting and the establishment of public panels. The rise of the internet has given a new dimension to this form of public accountability. Increasingly, the results of inspections, assessments and benchmarks are put on the internet. Parents, journalists, and local councils easily can compare the results of a particular school with similar schools in the region, because quantitative and comparative benchmarks are provided for, but they also have access to the quite extensive qualitative reports. Even though there is little evidence, so far, that many parents exercise exit or voice on the basis of these qualitative reports, local principals increasingly do feel obliged to publicly account for themselves. It remains an empirical question to what extent these groups and panels already are full accountability mechanisms, because, as we saw, the possibility of judgment and sanctioning often are lacking. Also, not all of these

accountability relations involve clearly demarcated, coherent and authoritative forums that the actor reports to and could debate with.

4.2.5 RIGHT TO INFORMATION ACT (RTI)

Right to Information is a part of fundamental rights under Article 19(1) of the Constitution. Article 19 (1) says that every citizen has freedom of speech and expression. As early as in 1976, the Supreme Court said in the case of *Raj Narain vs State of UP*, that people cannot speak or express themselves unless they know. Therefore, right to information is embedded in Article 19. In the same case, Supreme Court further said that India is a democracy. People are the masters. Therefore, the masters have a right to know how the governments, meant to serve them, are functioning. Further, every citizen pays taxes. Even a beggar on the street pays tax (in the form of sales tax, excise duty etc) when he buys a piece of soap from the market. The citizens therefore, have a right to know how their money was being spent. These three principles were laid down by the Supreme Court while saying that RTI is a part of our fundamental rights.

Right to Information Act 2005, which became effective on 13th October 2005, provides the machinery for exercising this Act as a fundamental right of a citizen. Therefore, Right to Information Act does not give us any new right. It simply lays down the process on how to apply for information, where to apply, how much fees etc. The Central Right to Information Act came into force on the 12th October, 2005. Before that 9 state Governments had passed state Acts. These were J & K, Delhi, Rajasthan, MP, Maharashtra, Karnataka, Tamil Nadu, Assam & Goa.

Right to Information Act 2005 empowers every citizen to:

- Ask any questions from the Government or seek any information
- Take copies of any government documents
- Inspect any government documents.
- Inspect any Government works
- Take samples of materials of any Government work.

4.2.5.1 JURISDICTION OF RTI

The Central RTI Act extends to the whole of India except the State of Jammu and Kashmir. All bodies, which are constituted under the Constitution or under any law or under any Government notification or all bodies, including NGOs, which are owned, controlled or substantially financed by the Government are covered.

All private bodies, which are owned, controlled or substantially financed by the Government are directly covered. Others are indirectly covered. That is, if a government department can access information from any private body under any other Act, the same can be accessed by the citizen under the RTI Act through that government department.

There is a debate as to how best the RTI can overcome the obstacles created by another statute which is the Official Secrets Act. However, Section 22 of the RTI Act 2005 clearly says that RTI Act would over ride all existing Acts including Officials Secrets Act.

Also, file notings are an integral part of the government file and are subject to disclosure under the Act. This has been clarified by the Central Information Commission in one of its orders on 31st Jan 2006.

4.2.5.2 MECHANISM FOR RTI

One or more existing officers in every Government Department have been designated as Public Information Officers (PIO). These PIOs act like nodal officers. You have to file your applications with them. They are responsible for collecting information sought by you from various wings of that Department and providing that information to you. In addition, several officers have been appointed as Assistant Public Information Officers (APIOs). Their job is only to accept applications from the public and forward it to the right PIO.

In the case of all Central Government Departments, 629 post offices have been designated as APIOs. This means that you can go to any of these post offices and submit your fee and application at the RTI counter in these post offices. They

will issue you a receipt and acknowledgement and it is the responsibility of that post office to deliver it to the right PIO.

4.2.6 MEANING OF ADMINISTRATIVE REFORMS

The term ‘Administrative Reforms’ has been defined variously. There are many names given to this phenomenon of reforms, such as administrative change, administrative transformation, administration restructuring, administrative reengineering, renewal, realignment etc. The idea is that administration is in need of re-alignment and re-adjustment and it must evolve to a new form and format through a planned, systematized and well-directed process.

Administrative reforms can, in short, be defined as artificial inducement of administrative transformation against resistance. This definition highlights three distinct elements, namely:

- Administrative reforms are artificially stimulated;
- It is a transformatory process; and
- There is lot of resistance to change process.

Obviously, reforms do not take place by themselves as they are pre-meditated, well studied and planned programmes with definite objectives in view. Reform is an induced and manipulated change, for it involves persuasion, collaboration and generation of conviction for betterment. Reform is more than a series of incremental changes or marginal adjustments, though it may result from the culmination of small changes, which periodically creates requirement for comprehensive and systematic efforts. Administrative reform paves the way for a new order. It refers to the formal, mechanistic and meditated process of structured change.

According to Gerald E. Caiden, administrative reform is “the artificial inducement of administrative transformation against resistance.” John Montgomery defines administrative reforms as a “political process that adjusts the relationship between a bureaucracy and other elements in a society, or within the bureaucracy itself, in order to change the behaviour of the public service.” In the words of Arne

F. Leemans administrative reforms are the “induced change in the machinery of the government...undertaken by the government to bridge the gap between the reality and desirability.”

4.2.7 NEED FOR ADMINISTRATIVE REFORMS

The distinguishing characteristic of modernized social system is its ability to deal with continuous systematic transformation. Society has to change in order to free itself from the shackles traditionalism, cope with the changes in environment, adopt fresh innovative culture, adopt new knowledge and technology and crave for a new order through elimination of the old structures and system.

Administrative reform is but a part of the universality of this change, for administration is nothing but a sub-culture, a social sub-system reflecting the values of the wider society. Administration must also correspondingly change to be in step with the outer modernization process. Or else, disequilibrium would set in, resulting in imbalances, dysfunctionalities, maladjustments and goal displacement.

The advances in Information and Communication Technology (ICT), and the state's pervasive role in managing national assets and resources, controlling the entire economy through regulation and development, ensuring a just and equitable economic order, correcting age old social imbalances through newer forms of institution-making, and ushering in an egalitarian social system, has thrown up new tasks for administration. This requires fundamental and foundational improvement in the administrative capabilities. The latter, in turn, requires proper planning, educational re-arrangement, skill-generation, attitude-formation and a host of other structural-functional reorganization. This being the ecology of administrative reform, the success of administrative reform programmes postulates an inter-disciplinary and multidimensional approach.

In the early 1990s came the market reforms and later there was an emphasis on structural adjustment. Good governance is the stress of the governments of the day, with focus on accountability, efficiency, effectiveness, transparency and decentralization. With focus on good governance today, there has been a greater

change in the conventional role of the State, the government and the bureaucracy. Today there is shift from responsiveness to partnership and collaboration. The importance is given to people's participation in governance and the involvement of the multiple actors. With citizen's participation and collaboration taking centre stage, the governments have to act as partners with the citizens. Administration cannot fulfil the newer roles with the traditional organization and methods. It has to be people friendly and work on public trust. Hence, the bureaucracy has to change to adapt to the new role. This need for change in turn necessitates reforms.

4.2.8 TYPES OF ADMINISTRATIVE REFORMS

Administrative reforms, according to Gerald F. Caiden can be of four types.

- Reforms imposed through political changes;
- Reforms introduced to remedy organizational rigidity;
- Reforms through the legal system; and
- Reforms through changes in attitude.

Reforms imposed through political changes: Administration is shaped and influenced by political forces. The change in political scene also affects administration. Structure and working of administration is affected by political changes.

Reforms introduced to remedy organizational rigidity: Bureaucratic structures have to change to be flexible. The rigidity in the structure of administration has to be removed. The changes can take place in the form of restructuring, reinvention, realignment, rethinking and reengineering.

Reforms through the legal system: Laws pertaining to administrative reforms can lead to significant changes in administration. Legislation is normally preceded by consultations and deliberations in several forums such as committees, commissions, press, etc,

Reforms through changes in attitude: Human beings are an important part of any organization. Change in their attitude will help in bringing reforms. No legal structural

and political change can lead to desired reform unless and until these are appreciated and accepted by the people working in the organization.

4.2.9 ADMINISTRATIVE REFORMS IN INDIA SINCE INDEPENDENCE

The government adopted the ideology of welfare of the people through socio-economic development, which led to a greater proliferation of tasks and functions. To take up the welfare programmes and challenges, the administrative machinery, which was inherited from the colonial regime and rendered weak by erosive circumstances and stressful situations accompanying independence, had to be revamped and reinforced. Administration, as the instrument for designing and implementing all the developmental programmes had to be restructured, reformed and renewed. Various measures were taken up by the Government of India in administrative reforms. An account of the measures are discussed below.

Secretariat Reorganization Committee, 1947

The Government of India set up the Secretariat Reorganization Committee in 1947, which was headed by Girija Shankar Bajpai. The Committee enquired into the matters of personnel shortages, better utilization of the available manpower and improvement of methods of work in the Central Secretariat.

Shri N. Gopalaswamy Ayyangar Report, 1950

Shri N. Gopalaswamy Ayyangar conducted a comprehensive review of the working of the machinery of the Central Government, which was presented in his report on 'Reorganization of the Machinery of Central Government'. He was a minister without portfolio. He said union ministries should be reorganized and grouped in four bureau (Bureau of Natural Resources and Agricultural, Bureau of Industry and Commerce, Bureau of Transport and Communication and Bureau of Labour and Social Service) and place a limit on the number of departments in the Ministry. Furthermore, in his report, Ayyangar said that the Central Secretariat should be divided into 37 primary units, 28 departments, 8 central administrative offices, and a Cabinet secretariat. Apart from the 20 ministries controlling the entire machinery of the government,

each ministry should have three categories of ministries, namely, a Cabinet Minister, a Minister of State, and a Deputy Minister.

A.D. Gorwala Committee, 1951

In July 1951, a Committee headed by Shri A.D. Gorwala in its Report on Public Administration underlined the need for having a clean, efficient and impartial administration. He submitted two reports, namely, Report on Public Administration and Report on the Efficient Conduct of State Enterprises. While the first report was more general in nature, the second was restricted to public undertakings. In his first report, Gorwala highlighted the faulty relationship that existed between the Secretariat and the heads of departments working under it and the relationship between the administrative ministries and the Finance Ministry. It recommended for the delegation of certain financial powers to the administrative ministries and heads of departments. It said that there was a lack of harmonious relationship between the minister and the secretary and stressed the need for a harmonious relationship between them. Furthermore, it emphasized the need for proper recruitment, training and organization methods for the civil services. In his second report on the public enterprises, Gorwala said proper measures should be taken which include “evolution of suitable forms of control, direction and management; new devices in a relatively untied sphere by the state and different in aspect from ordinary governmental administration.”

Paul. H. Appleby Reports, 1953 & 1956

In continuation of these efforts, the Government of India invited an American expert, Mr. Paul. H. Appleby to suggest reforms in Indian administration. Appleby submitted two reports. His first report namely ‘Public Administration in India: Report of a Survey’, 1953, dealt with administrative reorganization and practices. His second report namely, ‘Re-examination of India’s Administrative System with special reference to Administration of Government’s Industrial and Commercial Enterprises’, 1956, dealt with matters pertaining to streamlining organization, work procedures, recruitment, training in these enterprises, etc

Among the twelve recommendations made, the Government of India accepted

two of his recommendations. First, related to the establishment of a professional training institute, namely the Indian Institute of Public Administration for promoting research in public administration. The second related to the setting up of a central office to provide leadership in respect to organization, management and procedures. As a result, an Organization and Methods (O & M) Division was set up in March 1954, in the Cabinet Secretariat for improving the speed and quality of the government business and streamlining its procedures. O & M units and work-study units were set up in the Ministries / Departments. The focus was on improving the paper work management and methods. A Manual of Office Procedure was prepared for all Ministries and Departments.

Committee on Plan Projects, 1956

In 1956, the Planning Commission set up a 'Committee on Plan Projects' to evolve organization norms, work methods and techniques, with a view to achieve economy and efficiency in the implementation of the plan projects. In 1964, a Management and Development Administration Division was also established as a part of this Committee to promote the use of modern tools of management. It also undertook studies on problems related to development administration at the district level.

Committee on Prevention of Corruption, 1964

The Committee was set up under the chairmanship of K Santhanam in 1962 to study the causes of corruption, to review the existing set up for checking corruption and to suggest measures for improvement. The Committee stressed on the need for streamlining the procedures relating to prevention of corruption and recommended the setting up of Central Vigilance Commission (CVC). The Report, which was submitted in 1964 identified various socio-economic and political causes for corruption in public services. The committee said that corruption was not limited to the lower ranks of public service and made several recommendations for streamlining procedures regarding prevention of corruption and as a result of its recommendation, the Central Vigilance Commission was set up by the Government of India.

Administrative Reforms Commission (ARC), 1966

The Administrative Reforms Commission was set up in January 1966 under the chairmanship of K Hanumanthaiya. Its terms of reference were the widest as it covered the entire gamut of public administration at the Centre as well in the States.

The Commission submitted 20 reports containing more than 500 recommendations. These led to major and minor changes in administration as well as paved the way for further thinking, which led to more reforms.

The major recommendations of the ARC are mentioned below:

- 1) It spelt out the tasks for the Department of Administrative Reforms. The Commission suggested that the Department should concentrate on:
 - ❖ Undertaking studies on administrative reforms that are of a foundational nature;
 - ❖ Creating O & M expertise in the ministries and departments and providing training to the staff in their O & M units in modern managerial techniques; and
 - ❖ Providing guidance to the O & M units in implementing the improvements and reforms.
- 2) It recommended the reactivating of the O & M units in different ministries and departments.
- 3) It called for setting up of a special cell in the central reforms agency to give effect to the reports of ARC; and
- 4) It stated that the central reforms agency should be research based in matters dealing with the methods of work, staffing pattern and organizational structure.

Kothari Committee, 1976

The Committee on recruitment and selection methods under the chairmanship of D.S. Kothari was set up in 1976 by the UPSC to examine and report on the system of recruitment to All India Services and Central Group A and B Services. The

committee in its report recommended for single examination for the IAS and Central Group A non-technical services. It recommended for conducting an objective type preliminary screening test for the civil service examinations to weed out candidates not competent enough. Those who qualify in the preliminary examinations will appear for the Main examination which is of Written Essay type and later an interview. The Central Government decided to implement its recommendations from 1979 onwards.

National Police Commission, 1977

The Commission was set up under the chairmanship of Shri Dharam Vira to examine the role and functions of police with special reference to control of crime and maintenance of public order, the method of magisterial supervision, the system of investigation and prosecution and maintenance of crime records. The Commission made over five hundred recommendations extending to a wide area of interest relating to police administration.

Commission on Centre-State Relations, 1983

Justice R S Sarkaria, a retired judge of the Supreme Court was the chairman of this Commission. It was setup in March 1983 by the Government of India in the backdrop of regional parities like the Telugu Desam in Andhra Pradesh and Karnataka Kranti Ranga and Janata Party in Karnataka coming to power. These state governments including that of West Bengal and Jammu and Kashmir were demanding more autonomy for the states. Its terms of reference was to examine and review the working of the existing arrangements between the Union and states with regard to powers, functions and responsibilities in all spheres and make recommendations as to the changes and measures needed. The Commission submitted its report in 1988 in two parts. While the first part comprises of the Main Report, the second part deals with the memoranda received from the state governments and political parties.

The Report covers various issues that have a direct impact on inter-governmental relations in the administrative and legislative spheres. The Report examined and covered various issues like the role of the Governor, Emergency provisions, the deployment of the Union's Armed Forces in the states to maintain

public order, legislative relations, administrative relations, financial relations, etc but we will only go through some of the important recommendations briefly. The Sarkaria Commission in its recommendations said Article 365 for imposing sanctions should be resorted as a last resort by the Central Government in case the State Government decides not to comply with Articles 256 and 257 of the Constitution. All possibilities should be explored before imposing sanctions under Article 365.

The Commission said there was a need to setup an Inter-State council or Inter-Governmental Council on the basis of Article 263 to ensure inter-governmental coordination and sort out problems between inter-governmental agencies.

In issues pertaining to disputes between the Union Government and the state governments, an independent assessor should be appointed to examine the issue before a decision is taken.

The Commission felt that The All India Services should be strengthened as they are very essential to maintain the unity and integrity of the country. If the State government is given a choice to move out of the All-India services, it will lead to parochial tendencies in the states.

The Fifth Central Pay Commission, 1997

The Fifth Central Pay Commission (1997) made several far reaching recommendations regarding administrative reforms and it said that the machinery of the government has to be reinvented. It said the government staff should be drastically reduced as there are too many secretaries in each department. In another recommendation, there should be restructuring of government departments and no file should travel for more than three hierarchical levels. Furthermore, it said there should be restructuring of office systems to make the office more efficient and effective. The unnecessary movement of files should be done away with. Officials should not waste their time in locating the files and the dak system should be made more efficient. The repetitive tasks should be eliminated. It suggested for the following modified version of hierarchy in a typical central government department.

- Senior executives;
- Executives;
- Supervisory staff;
- Supporting staff;
- Auxiliary staff;
- Introduction of the concept of multi-skilling at the Group 'D' level.

Surender Nath's Committee Report, 2003

The Surender Nath Committee has submitted a comprehensive report to streamline the civil services. Appointed by the Department of Personnel, the committee headed by the former chairman of UPSC Surender Nath was asked to review or examine the present system of Annual Confidential Reports (ACRs) and devise a new method for promotion of officers. It advocated for the system of Performance Appraisal (PA) of the government officers for promotion. The committee said the officer's professional capabilities have to be assessed in order to determine the capacity building needs and suitability for particular areas of responsibility and assignments and his conduct with peers, juniors, elected representatives and the public. The performance appraisal report would enable the officer to identify systemic shortcomings in the organization with a view to improve governing standards. Some of the useful suggestions that the committee made related to the system of scrutiny through computerization, openness, grade inflation/numeric grading, health checks, and 360 degree reporting.

Besides, the government also constituted a committee under B.N. Yugandhar, former director, Lal Bahadur Sastri National Academy of Administration, Missourie to review the in-service training programme of IAS officers. According to its terms of reference, the committee reviewed and examined the prevalent one-week training programmes and the two week training programmes. For the purpose of maintaining uniformity in terminology with the professional induction training (along with the Foundation Course), Phase I and Phase II, the committee recommended for the

introduction of the three mid-career programmes to be called as Phase- III, Phase IV and Phase V programmes. On the basis of this report, the Government of India decided to introduce a new system of mandatory mid-career training for IAS officers from the year 2006-07 with some modifications.

Another committee on civil service reforms was setup under the chairmanship of P.C. Hota in 20004 former chairman, UPSC to examine the whole gamut of civil service reforms covering All India Services and the organized Group 'A' Central Services and to make suitable recommendations to the Government.

Transparency and Right to Information Act, 2003

This provision in the Action Plan entails freedom of information to the public. This will include amendments to the Official Secret Act, 1923 and Indian Evidence Act. The Freedom of Information Act, 2003 has been passed. The Act seeks to provide freedom to every citizen to secure information under the control of public authorities. It seeks to make government open, transparent, responsive and accountable to the people. This Act provides easy access to the people to all information relating to government activities and decisions except matters relating to national security. Most of the States - Goa, Karnataka, Maharashtra, Delhi, Rajasthan and Tamil Nadu- too have passed legislation on the Right to Information.

Information and Facilitation Counters (IFCs) have been set up by ministries, departments and organizations with large public interface in areas such as land records, passport, investigation of offences, administration of justice, tax collection and administration, issue of permits and licenses etc. Information and Communications Technology based public service delivery has helped in promoting accountability and transparency in administration.

4.2.9.1 SECOND ADMINISTRATIVE REFORMS COMMISSION: IMPORTANT RECOMMENDATIONS

The Second Administrative Reforms Commission (ARC) was set up in 2005 with Veerappa Moily as chairman. It presented 15 reports in all by April 2009 when the term of the commission came to an end.

The reports are as follows:

1. First Report: *Right to Information: Master Key to Good Governance*
2. Second Report: *Unlocking Human Capital: Entitlements and Governance – A Case Study*
3. Third Report: *Crisis Management: From Despair to Hope*
4. Fourth Report: *Ethics in Governance*
5. Fifth Report: *Public Order – Justice for All . . . Peace for All*
6. Sixth Report: *Local Governance – An Inspiring Journey into the Future*
7. Seventh Report: *Capacity Building for Conflict Resolution – Friction to Fusion*
8. Eighth Report: *Combating Terrorism – Protecting by Righteousness*
9. Ninth Report: *Social Capital – A Shared Destiny*
10. Tenth Report: *Refurbishing of Personnel Administration – Scaling New Heights*
11. Eleventh Report: *Promoting e-Governance – The SMART Way Forward*
12. Twelfth Report: *Citizen Centric Administration – The Heart of Governance*
13. Thirteenth Report: *Organizational Structure of Government of India*
14. Fourteenth Report: *Strengthening Financial Management Systems*
15. Fifteenth Report: *State and District Administration*

Important Recommendations:

Of these, the first, eighth, tenth, eleventh, twelfth and thirteenth reports have come up with crucial suggestions in the realm of civil service reforms. The tenth report on Refurbishing of Personnel Administration – Scaling New Heights recommended the setting up of National Institutes of Public Administration to run Bachelor's Degree courses in public administration/governance/management. In the long run it is expected that these specialized centers of excellence (National Institutes of Public Administration) would evolve as major sources of civil services aspirants. Selected Central and other Universities should also be assisted to offer such graduate level

programmes in public administration/ governance/public management which will produce graduates to further expand the pool of eligible applicants to the civil services. The courses offered in these universities should include core subjects such as the Constitution of India, Indian legal system, administrative law, Indian economy, Indian polity, Indian history and culture apart from optional subjects.

Graduates of the above mentioned special courses from the National Institutes of Public Administration and selected universities would be eligible for appearing in the Civil Services Examinations. Further, graduates in other disciplines would also be eligible to appear in the Civil Services Examination provided they complete a 'Bridge Course' in the core subjects mentioned above. Regarding capacity building, the Second ARC suggested that every government servant should undergo a mandatory training at the induction stage and also periodically during his/her career. Successful completion of these trainings should be a minimum necessary condition for confirmation in service and subsequent promotions.

All civil servants should undergo mandatory training before each promotion and each officer/official should be evaluated after each training programme. Successful completion of the training programmes should be made mandatory for promotions. The objective of mid-career training should be to develop domain knowledge and competence required for the changing job profile of the officer. To this end, mid career learning opportunities relevant to specific domains or specializations should be made available for officers.

The Second ARC, while commenting on the restructuring and reorganization of the government, suggested that the concept of a Ministry (central) has to be redefined. A Ministry would mean a group of departments whose functions and subjects are closely related and is assigned to a First or Coordinating Minister for the purpose of providing overall leadership and coordination. This concept of a Ministry and the Coordinating (or First) Minister may be explicitly laid down in the Allocation of Business Rules. Adequate delegation among the Ministers would have to be laid down in the Transaction of Business Rules. As a consequence of this,

rationalization of Secretary level posts wherever required may also need to be carried out. A Ministry should have a broader view besides acquainting itself with the various laws that guide its functioning. The ARC also suggested that the government should lay emphasis on policy analysis, policy making, planning, budgeting, monitoring implementation of policies, coordination and evaluation. The ARC called for the creation of effective executive agencies. Each agency, whether a new body or an existing departmental undertaking/agency/ board/special purpose body etc. that is to function as an executive agency, must be autonomous or semi-autonomous and professionally managed under a mandate. Such executive agencies could be structured as a department, board, commission, company, society etc. Regarding re-organization of the Ministries, the ARC says that each Department should lay down a detailed scheme of delegation at all levels so that the decision making takes place at the most appropriate level.

The Second ARC, widely commenting on the state of e-governance in India, says that the success of an e-Governance initiative lies in how efficiently it has enhanced people's participation in government functioning through wide ICT access, bringing government and the services it offers closer to its citizens, promoting accountability, transparency and responsiveness in government functioning and ensuring that government works better at lesser costs. These are the *sine qua non* for good governance and a vibrant democracy.

The Second ARC has recommended that the Union and State Governments take proactive measures for establishing Knowledge Management systems as a pivotal step for administrative reforms in general and e-Governance in particular. It also suggested that Public-Private Partnership (PPP) should be the preferred mode to implement e-governance projects as most of them tend to involve technology providers and system operators at the ground level. The Union government is considering roping in technocrats to overhaul the e-governance structures. The Unique Identity Management Authority – meant to provide unique identity card to all Indian citizens – headed by technocrat Nandan Nilekani is a step in that direction.

4.2.10 EVALUATION OF REFORMS

At the Central level, various ministries and departments have been slow in implementing the reforms. The citizen's charters lack quality, as many of the ministries and departments have renamed their information brochures as charters. The citizens as well as the employees also seem to be unaware of the charters. The computerization and networking is yet to be fully implemented by the Centre and the States.

The review of laws has not been taken up at the required pace. The Lokpal Bill is lingering in the Parliament. The Department of AR&PG found that many of the Information and Facilitation Counters set up by the ministries and departments are non-functional. The code of ethics is yet to come up. The voluntary retirement scheme has also not been properly taken up. At the State level, much is left to be achieved. The Right to Information Act has been placed in several States, but it has not been properly implemented.

Nothing has been going beyond the 73rd and 74th constitutional amendments. The States have not implemented the constitutional amendments in letter and spirit. As a result, decentralization has suffered a setback. The States have not adequately streamlined the function of the panchayats. In some States more powers have been vested with the district and intermediate levels whereas in some States more powers have been given to the gram panchayats and the intermediate levels and not to the district level. The States have not provided these bodies with adequate staff and finances in relation to the subjects allocated to them. Again, the district planning committees have not been set up by a number of states. The gram sabha are not fully empowered as their powers and procedures have not been properly laid down. The urban local bodies have lost their importance due to the multiplicity of corresponding institutions that have come up to carry out varied functions pertaining to housing, urban regulation, water, and sewerage, and power distribution. Also, there is dearth of resources, which creates problems for rendering better services.

4.2.11 LET US SUM UP

Administrative reforms are vital for the sustenance of the government machinery. The focus on good governance today has necessitated reforms in government as well as in administration. The Government of India undertook reform measures since independence. Various commissions and committees were set up to suggest reforms in the administrative system, organization, methods and procedures. One of the important commissions to suggest reform was the ARC, which made recommendations covering the entire gamut of administration at the Centre and States.

Major reforms in the recent years pertain to the implementation of the Action Plan on Effective and Responsive Government. There are three vital components of the Plan that aims at making administration responsive and citizen friendly, transparent with the right to information, and improvement of the performance and integrity of the civil services. The Centre and States have implemented the Plan to a certain extent.

4.2.12 EXERCISE

1. While explaining the meaning of administrative reforms, list the reasons that have necessitated administrative reforms.
2. Discuss the important provisions of Right to Information Act (RTI).
3. What are the recommendations made by Paul Appleby regarding administrative reforms in India?
4. Write a note on the Administrative Reforms Commission (1966)
5. What were the recommendations made by the Second Administrative Reforms Commission (2005)?

4.3 GOOD GOVERNANCE INITIATIVES AND INDIAN MODEL OF OMBUDSMAN : LOKPAL AND LOKAYUKTAS

- Y. Pardhasaradhi

STRUCTURE

4.3.0 Objectives

4.3.1 Introduction

4.3.2 Concept of Governance and Good Governance

4.3.3 Meaning and Definition of Governance

4.3.3.1 World Bank Prescription on Governance

4.3.3.2 UNDP Definition of Governance

4.3.4 The Concept of Good Governance

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4.3.4.2 E-Governance

4.3.5 Introduction to Citizen and Administration

4.3.5.1 Categories of Citizen and Administration

4.3.6 The Ombudsman

4.3.6.1 Powers and Functions of Ombudsman

4.3.7 Lokpal and Lokayukta in India

4.3.7.1 Important Provisions of the 'Lokpal Bill'

4.3.7.2 Salient Features of the Lokpal Bill – 2001

4.3.7.3 Powers and Functions of the Lokayukta

4.3.7.4 Jan Lokpal Bill

4.3.7.5 Contentions on Clauses of Jan Lokpal Bill

4.3.8 Let Us Sum Up

4.3.9 Exercise

4.3.0 OBJECTIVES

After going through this lesson, you will be able to know:

- Concepts of governance and good governance and the difference between government and governance;
- Meaning and definitions of governance, how differently various agencies and scholars defined it;
- Various streams of discourse on what constitute good governance;
- The importance of ombudsman and her/his powers and functions; and
- Various efforts at establishing effective Lokpal and Lok Ayukta to address citizen grievances.

4.3.1 INTRODUCTION

The term “government” in Anglo-American political theory refers to the formal institutions of the state and their monopoly of legitimate coercive power. Government is characterized by its ability to make decisions and its capacity to enforce them. In particular government is understood to refer to the formal and institutional processes, which operate at the level of the Nation-State to maintain public order and facilitate collective action.

Theoretical work on governance reflects the interest of the social science community in a shifting pattern in styles of governing. The traditional use of governance and its dictionary entry define it as a synonym for government. Yet in the growing work on governance there is a redirection in its use and re import. Rather governance signifies ‘a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed’. Governance is ultimately concerned with creating the conditions for orderly rule and collective action. The outputs of governance are

not therefore different from the government; it is rather a matter of a difference in processes.

4.3.2 CONCEPT OF GOVERNANCE & GOOD GOVERNANCE

The concept of governance came to light in 1980. The main objective of the governance is the welfare of the state. It is directed to the common citizen. Administration means structured bureaucracy, rules and regulations. But governance means the most efficient form of administration. There is a lot of difference between government and governance.

DIFFERENCE BETWEEN GOVERNMENT AND GOVERNANCE

Government	Governance
Pillar	Building
Skeleton	Flesh
Rigid	Simple outreach
Narrow perspective	Broader perspective
Negative in nature	Positive in nature
Deals with policymaking	Deals with policy implementation
Deals with maintenance of law and order	Deals with mainly welfare of the state

Governance is citizen friendly and people friendly – related to common man, human being, and welfares and efficiency in administration. Government Institutions are created in every country or nation in the world. But they are not performing well according to the expectations of the people. This is not only because of the internal factor but also external factors or surrounding factors in the current nations. The levels of the expectations of the people in the nations are increasing in human aspirations creating new dimensions to the process of administration and governance. Thus the governance takes the lead in adjusting to meet the requirements of the people's new aspirations and demands of the people in the present context of the national growth and changing world scenario. Governance helps in bridging the government and people and resulting in building

the confidence of the government. Therefore governance focuses on results, service quality and public satisfaction. Thus resultant fact is that internal management of the government of a country. Liberal democracy is the philosophy of governance. Market oriented economy is the focal point of the concept of governance.

The government in general gives the framework of action and guidelines for the administrative machinery. But the governance is more than that. The existing social and economic conditions along with exiting institutions are now contrary to each other. Conflict is going on between these two people's protests and demands are increasing day to day. Bringing necessary reforms to meet these demands is very essential. Citizen-centred administration rather than rule based within the democratic functioning system. This involves the equitable distribution of different assets among all sections of the people keeping in mind their aspirations and demands on the government. This is to be achieved through governance.

4.3.3 MEANING AND DEFINITIONS OF GOVERNANCE

Since the second half of the 1990s, the literature in public administration mainly throws light on 'governance'. Indeed, at times, the term governance seems to have replaced public administration in the literature. It is difficult to find a commonly agreed upon definition of governance.

4.3.3.1 WORLD BANK PRESCRIPTION ON GOVERNANCE

Governance is the act of exercising control over the actions of people. The World Bank in its report defined 'governance' as the "exercise of political power to manage a nation's affairs. In another document, titled Governance and Development (1992), the World Bank defines governance "as the manner in which power is exercised in the management of a country's economic and social resources for development".

The World Bank has identified three distinct aspects of governance:

- the form of political regime;
- the process by which authority is exercised for managing a country's economic and social resources for development; and

- the capacity of government to design, formulate and implement policies and discharge functions.

This definition of governance has been further expanded by other agencies to include the degree of democratization to prove legitimacy of the State, media freedom; transparency in administration to promote accountability of government, individual and group rights; people's participation in administration to establish the Rule of Law, and respect for human rights; and, finally, competence of government to formulate policies and deliver services to the people.

4.3.3.2 UNDP PERSPECTIVES ON GOVERNANCE

The concept of "Governance" has been found to have varying definitions. Among them the United Nations Development Program (UNDP) provides a more elaborated definition. Governance is:

"the exercise of economic, political, and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes, and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences"

This definition indicates that governance has two major components: a country and its citizens. Governance is how a political entity (i.e. state) organizes and administers its functions through exercising power via its various agencies. In addition, governance includes the sum of procedures, actions, and entities available to citizens in order to enable them to conduct numerous operations, such as communicating their concerns, exercising their rights, undertaking their responsibilities, and arbitrating their disputes.

As a way of defining governance, the International Institute of Administrative Sciences (IIAS) differentiates between "government" and "governance." Government is an institution that consists of a set of sub-institutions, namely "the Constitution, Legislature, Executive and Judiciary". To further define "governance", the IIAS identifies a number of components of which the concept is comprised; thus: "the

degree of legitimacy, representativeness, popular accountability and efficiency with which public affairs are conducted”. This suggests that there are four elements by means of which “governance” may be assessed:

- the presence of mechanisms that legitimize a system’s structures,
- processes, and actors; and
- the extent to which the system’s institutions and their actions are representative and accountable to the general public.

Clearly, the definition of governance varies according to the institution. Each institution produces a definition of the term in question by highlighting one element or a set of elements that make up the nature of governance. Nevertheless, they have one element in common: governance is not synonymous with government. Rather, government is just one actor among several who’s internal and external interactions with the other actors, such as the civil society, the private sector and the general public, shape governance.

4.3.4 THE CONCEPT OF GOOD GOVERNANCE

Governance has been variously defined as the management of society by the people, or as the exercise of authority to manage a country’s affairs and resources. It has to be noted, however, that there has hardly been a consensus as to its core meaning, and as to how it could be applied in practice. The term does not yet possess a standard meaning nor has its meaning remained constant in the decade or so of its being accorded a central place in donor frameworks for development.

The lack of specificity in the meaning of the term “governance” becomes apparent when we examine its historical evolution. The concept achieved prominence in donor discourse around 1990, after the end of the Cold War. The World Bank was the first major donor institution to adopt the concept of good governance as a condition for lending to developing countries.

In the beginning, the focus was rather apolitical and on the improvement in the quality of public sector management. By the mid-1990s, international donors’

conceptions of good governance had expanded to include the notions of transparency, accountability, and participation. In addition, a new dimension was stipulated, namely, predictability. This last element was introduced in light of the financial crises in the latter part of the 1990s, which led to a call for improvements in corporate governance and stability of international financial markets.

4.3.4.1 STREAMS OF DISCOURSE ON GOOD GOVERNANCE

Presently, there are two distinct streams of discourse on good governance: donor and academic. Academic discourse has dealt mainly with the way in which power and authority relations are structured in different contexts, whereas donor directed discourse has focused more on state structures designed to ensure accountability, due processes of law, and related safeguards. Academic discourse is directed mainly towards better understanding of institutional linkages between the state, civil society and the private sector; donor-driven discourse is oriented towards enhancing policy effectiveness.

There are currently three domains at which good governance is addressed: The first is the national and covers all of the standard elements of a political, economic and administrative nature. The second is the global and refers to all of those elements introduced by the process of globalization, including the regulation of global public goods and economic stability in capital flows. The third is directed at the corporate community.

The recent rise of corporate social responsibility or good corporate governance in some developed countries reflects continuous interaction of non-market based institutions and the private sector in the economic setting of scarcity. The initiatives taken by the World Business Council for Sustainable Development (WBCSD) and others, adapting the codes of conduct in the field of global environmental problems are examples in this instance. The concept of corporate social responsibility thus can be interpreted as an attempt to transcend social dilemmas, which arise when choices made by profit-maximizing firms yield outcomes that are socially undesirable, or as an attempt to reconcile the private sector's profit maximization motives and the public interest.

First, good governance is predicated upon mutually supportive and cooperative relationships between government, civil society, and the private sector. The nature of relationships among these three groups of actors, and the need to strengthen viable mechanisms to facilitate interactions, assume critical importance.

Second, good governance is defined as possession of all, or some combination of, the following elements: participation, transparency of decision-making, accountability, rule of law, predictability.

Third, good governance is normative in conception. The values that provide the underpinning for governance are the values postulated by the defining actors and institutions.

This last point deserves special consideration. If donor-conceptualized standards of good governance were insisted upon, it would imply an insistence that Western-derived standards of conduct be adopted in non-Western politico-cultural contexts. Scholars have also raised the problem of possible contradictions and trade-offs among the elements, for instance, economic growth, labour conditions, civil liberties, and the protection of the environment. In this definition, the World Bank highlights four elements that make up the building blocks of good governance. These include

- Transparency and predictability in policy making
- Professionalism in bureaucracy
- Accountability of government
- Participation of the civil society which swears by the law

With regard to the UNDP, good governance is described as

“being among other things participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law fairly. Good governance ensures that the voices of the poorest and the most vulnerable are heard in decision-making in the allocation of development resources, and that political, social and

economic priorities are based on broad consensus among the three stakeholders - the state, private sector and the civil society”.

This definition identifies the attributes that comprise the concept of good governance, which are as follows:

1. Adoption of a participatory approach;
2. Transparency and openness;
3. Accountability through assuming responsibilities for actions;
4. Effectiveness;
5. Equity and fairness;
6. Endorsement of the rule of law;
7. Openness in decision-making and concern towards vulnerable social groups;
8. Formulation of the national agenda through a consensus between state, private sector, and civil society.

From another perspective, the UNDP lists nine underlying characteristics of good governance. They are:

1. Participation
2. Rule of law
3. Transparency
4. Responsiveness
5. Consensus/Orientation
6. Equity
7. Effectiveness and Efficiency
8. Accountability
9. Strategic Vision

4.3.4.2 E-GOVERNANCE

What exactly do we mean when we use the term e-governance? Do we only mean

any application of information technology to a process being used by the government wherein the governmental process is being simply automated, or do we mean something beyond it? I believe the definition of e-governance is context specific to some extent, for example the term should not be taken to mean the same thing in both United States or in any underdeveloped nation. In US e-governance implies a much greater degree of interactivity and sophistication in the offerings from the service provider. However in underdeveloped nations the very concept would fall flat, as herein automation, done in order to improve the efficiency of the whole governance process, is more valued.

An explanation about the usage of terminology is in order at this point to understand the mutually interchangeable use of words, “*e-Government*” and “*e-Governance*”. The popular usage of these terms indicates the same possible meaning however, e-Government refers to the provision of efficient, convenient and transparent services by government departments and agencies to citizens and businesses. Citizens and businesses are recipients in the e-government scenario, while e-Governance seeks to involve the citizens in the systems of governance and, especially, the decision-making processes.

Broadly the ICT led governance initiative could help bring about improvements in the “effectiveness” and “efficiency” aspects of the governance process, which is the ultimate goal of all participants in the whole governance process. The positive relationship between ICT and economic growth and productivity has already been explored. The contention that ICT led initiatives in developing nations could enable developing economies to leap-frog an entire stage in development cycle have been around for quite some time in the last decade and are enough to silence sceptics who question whether it is wise for resource starved developing nations to invest in ICT led initiatives and e-governance initiatives.

The decade of 1990-2000 saw a large number of e-Governance projects being initiated in India, at both Central and State levels. People’s expectations have registered a sharp increase, in line with the rest of the world. They now

expect the public sector to perform at par, if not better than the private sector. In the modern world, the State or government is being constantly looked upon more as a service provider and is under tremendous pressure to perform. In the process, the governments have to battle built-in dysfunctional features, which may affect its performance. Another aspect is that rapidly increasing population pressure in certain regions like India means that the fiscal health of many governments is deteriorating.

4.3.5 INTRODUCTION TO CITIZEN AND ADMINISTRATION

Administration comprises the organised activities of the state for orderly social development measured in terms of individual citizens. With its experience, expertise and exercise of authorities, the administration converts the philosophical and of the state into realizable social goals to the satisfaction of the citizen. Administration is the accomplishing side of the government. It weaves the fabric of relations between the citizen and groups and between them and the conceptual state to render collective significance to individual existence, needs to expectations. The multiplying social demands and needs as well as ideological predilections have ostensibly led to the rapid expansion of the administration. New areas of administration open up and even new services are set up to moot the emerging requirements. More services of the state invariably imply more regulation of the citizen and greater functional burden upon the administrator and the need for continuing attention to this vital aspect of administration functioning.

4.3.5.1 CATEGORIES OF CITIZEN AND ADMINISTRATION

The relationship between the citizen and administration can be studied under the following categories:

- a) Propensity for co-operation
- b) Association with and Participation in administration
- c) Complaints and Grievance redressal
- d) Citizen's/Community control over Administration

a) Propensity for Mutual Cooperation: The term cooperation implies a two-sides

readiness to work together with mutual trust and understanding. It implies administrative responsiveness to the needs and demands of citizens as well as citizens knowledge and sympathy with the administrative systems' functioning and the limitations under which the individual administrators work. Callousness, aloofness, haughtiness, suspicion and resentment of administrators towards citizens request and demands are misplaced anytime, anywhere, but more so in the emerging culture of the democracy as much as the ignorance, indifference, reluctance, fear and recrimination by citizens. The proneness for cooperativeness is reflected in what are called 'convergent' attitudes and actions of citizens – i.e. where citizens support government's policies and programmes. Citizens may differ from them but they should not disrupt administration by 'divergent' actions, such as violent demonstrations, destruction of public property, etc differences could be and are often settled by constitutional means and over a period of time differences get sorted out and ironed among communities committed to democratic behaviour. We could develop indicators of 'convergence' and 'divergence' as well as middle range phenomenon of parallel continuum of both in which citizens may support some aspects of an administrator's policy and programme but show dissatisfaction with other aspects. This could be styled 'critical cooperation' which indeed is a healthy sign of a vital and effective democracy.

b) Active Association and Participation: The entire theory and practice of democratic politics rests on the workability of the notion of an active citizen involvement in the holding and sharing of power and responsibilities of government and public office.

In the modern era of the administrative state many writers have voiced their concern over the problem of responsiveness of the administrative state to the norms democratic voices against bureaucratic or arbitrary abuse an increase in people's vigilance and participation in politics is necessary. To Quote one author "Modern States should show concern for individual people in the criteria used in making decisions; as an effort to assign each person's need equal weight in policy deliberations and as an effort to make as broad as feasible the opportunities for people to participate in the decisions that effect them.

Citizen's participation in administration may take many forms. It refers to all those activities which show the citizen's involvement in the process of administration, that is participation in policy formulation and programme planning, implementation and evaluation of policies and programmes meant for development of particular target groups.

c) Redressal Grievance: The increasing activities of government and the penetration of bureaucracy into remote areas of country enhance the scope for citizen's grievances to multiply. Along with the increase in the breadth and depth of governmental activities, much change has not taken place in the traditional attitudes of civil servants and method of communication of the government with the public. Extension methods in the development programmes constitute desirable departure from the past but unfortunately the extension officers also, by the large, tend to become bureaucratized. Further, the thin spread of limited resources on a variety of programmes in vast areas has roused expectations without any prospect of providing satisfaction. Consequently, complaints and grievances of the people, both with the quality, and adequacy of services, and galore. The citizen can seek redressal of his grievances by influencing the elected officials either through the mass media or personality, so that they can intimate corrective action by the executive. Moreover institutionalized grievance redressal bodies are available to the Citizen. The institution of 'OMBUDSMAN' is perhaps the most popular institution, in many countries today, for the redressal of citizens' grievances.

4.3.6 THE OMBUDSMAN

Ombudsman is a typical Scandinavian institution for the redressal of citizens' grievances against maladministration. Sweden was the first country to adopt this institution in 1809. It has been in existence in Finland since 1919, and in Denmark since 1953. Norway and New Zealand adopted this institution in 1962 and Britain adopted it in 1987. Since then, several countries in the world including India have adopted the institution of Ombudsman with slight variations to suit their special needs. It is called by different names in different countries.

The Swedish word “Ombudsman” stands for an independent and non-partisan officer appointed by the legislature to deal with complaints from the citizens against administrative injustice and maladministration. The office of Ombudsman is usually provided for in the constitution or by law. Although appointed by the legislature, the Ombudsman is politically not under the control of the legislature. He enjoys a fixed tenure.

4.3.6.1 POWERS AND FUNCTIONS OF OMBUDSMAN

The Ombudsman, broadly speaking supervises the administration and prevents maladministration, corruption, nepotism and other allied evils. He has the power to investigate, criticize and publicize administrative actions. He has also right to inspect administrative agencies and to call for the files of the government for the purpose of his investigations he can satisfy himself whether lapses and abuses have crept in. Then he reports back to the legislature.

The Ombudsman’s method of handling appeals against administrative decisions is very simple and informal. He receives complaints directly from the aggrieved citizens either by mail or on the telephone, and sometimes in person from the complainants themselves. Sometime, the Ombudsman himself takes the initiative to inquire into any incorrect administrative action on the basis of reports in the newspapers. He contacts the administrative agency concerned, gathers facts relating to the matter under investigation and examines them objectively. Then he gives his report on the complaint. The Ombudsman system is inexpensive.

The complainant is required to pay a very nominal fee for filling the complaint with the Ombudsman. The complainant also need not engage a lawyer to plead his case. It is for the Ombudsman to investigate and find out whether the complaint is justified or not. The recommendations made by him are invariably accepted by the departments concerned and individual grievances are redressed. This is so because his reports are made public and given good coverage in the press. No government department wants to get adverse publicity about its actions in the press. Thus, publicity is one of the Ombudsman’s most effective weapons to move the government

departments to act on his reports.

The Ombudsman's jurisdiction varies from country to country for instance. In Sweden and Finland the Ombudsman has the power to prosecute and his jurisdiction includes courts with respect to their procedure. In Denmark, he has power to order a prosecution. In New Zealand, his jurisdiction extends to matters of administration and not matters of policy. In Britain, the Ombudsman, called Parliamentary Commissioner for Administration, has limited jurisdiction. The most important duty of the Parliamentary Commissioner is to examine and report upon those cases where an individual has "sustained injustice in consequence of maladministration". He does not receive complaint directly from the aggrieved citizens. Rather, he receives complaints through the complainant's representatives – i.e. the respective 'Member of Parliament' (M.P). This process is known as "M.P.Filter". Matters involving dominant considerations of national for public interest are excluded from his purview. Further, he does not investigate any matter in respect of which the aggrieved person has a right to move the court of law or tribunal. Thus, the Britain Parliamentary Commissioner has a much more restricted jurisdiction than his Swedish counterpart in the communist countries like the U.S.S.R. Poland, Hungary, Czechoslovakia and Romania the Ombudsman like procurator system exists. The institution of the procurator broadly achieves the same objectives as the Ombudsman achieves in other countries. The procurator system in the communist countries plays an important role in redressing citizens grievances and ensuring legality of administrative acts.

4.3.7 LOKPAL AND LOKAYUKTA IN INDIA

In India there has been a lot of public outcry against maladministration, corruption, nepotism, delays, discourtesies, inefficiency and unresponsiveness of the administration to popular needs. As a result of this public outcry against the various defects of our administration, the need for an Ombudsman type of institution to deal with corruption and injustice arising out of maladministration has been keenly felt. The Administrative Reforms Commission, set up by the Government of India in 1966, took up on priority basis the matter of redressal of citizens' grievances against maladministration. In its interim report on the "problem of redress of citizen" grievances", submitted in 1966, the A.R.C.

recommended inter alia the setting up of the institutions of Lokpal and Lokayukta for the redressal of citizen's grievances.

To give effect to this recommendation of the A.R.C. for the first time, the “Lok Pal and the Lokayuktas Bill” was introduced in the Fourth Lok Sabha in 1968. The Bill was passed by the Lok Sabha in 1969. While the Bill was pending in the Rajya Sabha the Fourth Lok Sabha was dissolved and consequently, the Bill lapsed. Again, the Bill as passed by the previous Lok Sabha was reintroduced in the Lok Sabha in 1971. But this Bill also lapsed on the dissolution of the Fifth Lok Sabha. In 1977, the Janata Government introduced a fresh Bill called the “Lokpal Bill” in the Lok Sabha. When the Bill was under the consideration of the Lok Sabha, the Lok Sabha was dissolved. Consequently that Bill also lapsed. Thus, all the three attempts in the past to set up statutory machinery to deal with corruption in high political places and citizens' grievances aborted. In 1985 the Rajiv Gandhi Government had taken up the issue of setting up the office of Lok Pal and introduced a bill on the subject in the Lok Sabha on August 26, 1985. However, this bill had also lapsed. The issue was taken up once again after a long gap by the limited Front Government in 1996 and a bill was introduced in 1996. Unfortunately, this bill has also lapsed with the dissolution of the Lok Sabha in 1997. The main provisions of the Bill are outlined below:

4.3.7.1 IMPORTANT PROVISIONS OF THE LOK PAL BILL

The Lok Pal Bill 1996, was introduced on the 13th of September, 1996 in the Parliament by the then Minister for Personnel and Parliamentary. The bill seeks to establish the Lokpal as a high office to enquire into complaints against public functionaries for an offence punishable under the prevention of corruption act.

According to the bill, the term “public functionary” covers the offices of Prime Minister, Ministers, Ministers of State, Deputy Ministers and Members of Parliament, The Constitutional offices of the President, Vice President, Speaker of the Lok Sabha, Chief Justice or any other Judge of the Supreme Court, the Controller and Auditor General of India, Chief Election Commissioner, Election Commissioners, Chairman or any other member of UPSC are excluded from the purview of the Lokpal.

In contrast to the earlier bills, which provided for a single member Lokpal, the present bill envisages a multimember Lokpal consisting of a Chairman and two members. The bill provides that the Chairman is to be a person who is or has been a Chief Justices or Judge of the Supreme Court and the members to be only those individuals who are qualified to be Judges of the Supreme Court.

In order to ensure that the appointment is non-political the bill provides that the Chairman and the members of the Lokpal shall be appointed after obtaining the recommendations of a committee including the Prime Minister, the Speaker of the Lok Sabha, the Union Home Minister, the Minister for Personnel, Public Grievances and Pensions, the Leader of the Opposition in the Lok Sabha, the Leader of the Opposition in the Rajya Sabha and the Deputy Chairman of the Rajya Sabha. The bill provides for a fixed tenure of five years for the Chairman or the Members. Under the scheme of the bill any citizen can lodge a complaint against a public functionary with the Lokpal. If the Lokpal finds that the complaint is sustainable he shall enquire into the matter and submit his report within six months. On the other hand, if the Lokpal finds that the complaint is frivolous (is false accusation) he can award a punishment of a sentence to serve one to three years in prison and pay a fine of Rs.50,000.

The bill empowers the Lokpal with the powers of a Civil Court in certain matters. The bill also provides that all enquires of the Lokpal shall be conducted “in camera”. This would imply that no information can be published till the report submitted. The Lokpal shall forward its report and recommendations to the competent authority i.e. the Prime Minister, in case it is a case against the Prime Minister the report shall be submitted to the Speaker of the Lok Sabha.

The 1996 bill is indeed an improvement over the previous bills. The provisions of a multi-member Lokpal and the inclusion of the Prime Minister within the ambit of the Lokpal are indeed praise worthy. However, like the previous bills, the 1996 bill also met with the same fate and it lapsed before it could be made into an Act. Again in 1996, it was introduced with minor modifications. This bill also lapsed due to the dissolution of the Lok

Sabha.

On August 14th 2001 the Lok Pal Bill was introduced for the eighth time by the Minister for Personnel Ms Vasundhara Raje Scindia. The Salient features of the bill are given below.

4.3.7.2 SALIENT FEATURES OF THE LOKPAL BILL – 2001

1. An institution called Lok Pal shall be established to inquire into allegations of corruption against public functionaries, including the Prime Ministers.
2. The Lok Pal shall be a three member body comprising a chair person who is or has been a Chief Justice or a Judge of the Supreme Court and two members who are or have been the judges of the Supreme Court or the Chief Justices of the High Courts.
3. The Lok Pal shall have a fixed tenure of three years.
4. The Chairman and members shall be appointed by the President on the recommendation of a committee headed by the Vice-President and comprising the Prime Minister, the Lok Sabha Speaker, the Home Minister, the leader of the House other than the House in which the Prime Minister is a member and the leaders of opposition in the Lok Sabha and the Rajya Sabha.
5. The Lok Pal shall inquire into complaints alleging that a public functionary has committed an offence punishable under the Prevention of Corruption Act 1998.
6. The term public functionary will cover the Prime Minister, the Minister, the Ministers of State, the Deputy Ministers, and the Members of the Parliament.
7. Constitutional functionaries such as judges of the Supreme Court, the Election Commissioners have been kept out of the purview of the bill.
8. The Chair Person or a member of the Lok Pal shall not be removed from

office except by an order made by the President on the ground of proven misbehaviour or incapacity after an inquiry by a committee consisting of the Chief Justice of India and two other judges of the Supreme Court next to the Chief Justice in seniority.

9. The Lok Pal shall be vested with the powers of the Civil Court in respect of summoning and enforcing the attendance of any person and examining him on oath.

4.3.7.2 LOKAYUKTAS IN THE STATES

Various States in India have, however, set up the Ombudsman Type Lokayuktas to check corruption and redress citizens' grievances against maladministration. Orissa was the first state to enact Lokayukta legislation in 1970. It was followed by Maharashtra in 1971. Rajasthan, Bihar and Madhya Pradesh set up Lokayukta institutions in 1974. Uttar Pradesh adopted the office of Lokayukta in 1975. Andhra Pradesh and Karnataka enacted the Lokayukta Acts in 1983 and 1984 respectively. All these State Ombudsman plans are based on the proposals of the A.R.C. All these legislations dealing with the institution of the Lokayuktas exhibit minor changes to suit the local needs.

It may be noted that the competence of the Lokayuktas in these states varies from state to state. Thus, in Rajasthan and Gujarat the job of Lokayuktas is confined to investigate allegations and not grievances. On the other hand, the Lokayuktas in other states could enquire into allegations as well as grievances. In India maladministration and corruption go hand in hand. Hence Lokayuktas are looked upon more as officers to check corruption.

Appointment, Tenure, Removal, etc. : According to the Lokayukta Act, passed by most of the states, the Governor appoints the Lok Ayukta and Upa Lok Ayukta in consultation with the Chief Justice of the High Court and the Leader of the opposition in the Legislative Assembly. In appointing the Ups Lok Ayukta the Governor is also required to consult the Lok Ayukta. They hold office for a period of five years.

The Act requires that a person for the office of the Lok Ayukta should be a judge or a retired Chief Justice of a High Court. The Upa Lok Ayukta is to be appointed from among the five names of grade-I District Judges forwarded by the Chief Justice of the High Court. After completion of their tenure, the Lok Ayukta and Upa Lok Ayukta are not eligible for reappointment. After laying down office they are also not eligible for employment in any office either in government or any local authority, corporation or government company, etc. These provisions ensure the independence of the Lok Ayukta and Upa Lok Ayukta in the discharge of their duties.

4.3.7.3 POWERS AND FUNCTIONS OF THE LOK AYUKTA

The Lok Ayukta deals with charges of corruption and grievances of citizens against maladministration. A complaint may be made by any person who is aware of an illegal act being committed. But if a person wilfully or maliciously makes a false complaint, he will be liable for punishment up to one year imprisonment or fine.

The Lok Ayukta is empowered to enquire into charges of corruption or complaints of misconduct against present and past ministers of all ranks and legislators. Chairman of Zilla Parishads, Presidents of Panchayats Samithies. Heads of Statutory Corporations and Government Departments, Chiefs of Cooperative Societies, Senior Officers and every Sarpanch of Gram Panchayats are amenable to Lok Ayukta's jurisdiction. However, allegations against the Chief Minister are excluded from the purview of the Lok Ayukta. It may be noted here that the "Karnataka Lok Ayukta Bill 1984" brings even the Chief Minister under its purview.

The Upa Lok Ayukta is expected to deal with complaints, similar to those handled by the Lok Ayukta, against lesser officials and functionaries.

There are certain limitations also on the powers of the Lok Ayukta. First, he "shall not investigate any action". In respect of which a formal and public enquiry has already been ordered. Second, the State Government has also assumed power to exclude complaints against certain classes of public servants. Third, the Lok Ayukta cannot compel the government to produce any document in a court of law. Lastly, the powers of the Lok

Ayukta are only recommendatory.

4.3.7.4 JAN LOKPAL BILL

The first version of the Lokpal Bill drafted by the Government of India headed by united progressive Alliance in 2010 was considered ineffective by anti-corruption activities from the civil society. These activities under the banner of India Against Corruption (IAS), came together under the leadership of Annahazary, the Head of the civil Society to draft a citizen's version of the Lokpal Bill later called the Jan Lok Pal. Jan Lok Pal Bill also referred to the citizen's ombudsman Bill, is an anti-corruption Bill. This bill intended to propose improvements to the Lokpal and Lokayukta Bill 2011. The Jan Lokpal Bill aims to effectively deter corruption, compensate citizen grievances and protect whistle-blowers. The prefix jan (means citizens) signifies that there improvements includes inputs provided by ordinary citizens through an activist driven, non-governmental public consultation.

4.3.7.5 CONTENTIONS CLAUSES OF JAN LOKPAL BILL

The following is an analysis of the contentious clauses of the Jan Lokpal Bill put forth by "India Against Corruption" organization from the sole perspective of "grievance redressal". This analysis elucidates what powers out of those mentioned in the Jan Lokpal Bill, would a Lokpal actually need for effectively checking corruption with its focus on "grievance redressal". It also addresses the issue of making Lokpal powerful, without addresses the issue of making Lokpal powerful, without delegating to it extraordinary and overriding powers over other constitutional bodies, thereby ensuring that the balance of power that exists between the democratic institutions in India remains preserved.

- (i) The power vested in the Lokpal to initiate prosecution of anyone found guilty of corruption – Lokpal should restrict itself to ensuring that any aberrations or anomalies are corrected, leaving the prosecution of the corrupt officials to the concerned departments and the courts. As explained earlier, the concerned departments will be forced to take action against those guilty of corruption once they are made to financially repay for the damages.
- (ii) Lokpal to have all the powers enjoyed by the police including registration of First Information Reports (FIRs) – Lokpal should only have the power to register

complaint, investigate the matter brought before it and pass the corrective orders to the concerned government agencies. The stipulation here is that the orders issued by the Lokpal are binding on the concerned government organizations and agencies. If the concerned agencies feel that their concerns have not been fully addressed by the Lokpal, they should move court within, say, 15 days from the time the order is passed. If they have nothing to present against the order and still fail to comply with the directions of the Lokpal, the matter will get automatically forwarded to the designated courts of law. Since investigation in the matter has already been conducted by the Lokpal, the courts will only need to conduct a summary trial and decide on the quantum of the punishment. Further, the non-implementation to Lokpal's orders can be made an offence at par with the contempt of court.

- (iii) Anti-Corruption wing of the Central Bureau of Investigation (CBI) to be merged with Lokpal – Lokpal should have an independent investigating arm to check the veracity of the complaints. The independence of the Central Bureau of Investigation (CBI) should not be fiddled with. In case the designated courts feel that further investigation is needed on the representation forwarded by the Lokpal, it can refer the matter to the anti-corruption wing of the CBI.
- (iv) Prime Minister to be brought under the ambit of Lokpal – The Prime Minister's Office can be brought under the purview of Lokpal provided "grievance redressal" and corrective action on administrative policies are the only subjects on which Lokpal can pass orders. In other words, if an individual or an organization has been at the receiving end of an executive order of the Prime Minister's Office, it can approach the Lokpal for relief, Prime Minister's discretion on issue of national importance and subjects like Defence and Foreign Policy should not be, in any manner, under the purview of Lokpal.
- (v) Lokpal to have powers to investigate judiciary – Since courts are the ultimate custodians of justice, an effective mechanism for self regulation within judiciary itself would work best in tackling judicial corruption. (That the judiciary

is extremely competent in managing itself is evident from the recent Supreme Court order to the government of India asking it about the action taken against a former Chief Justice of India in a disproportionate assets case). No agency, including Lokpal, can be made superior to the judiciary.

- (vi) The power to directly investigate the conduct of the Members of Parliament – Since Members of Parliament do not carry out any administrative function (Even MPLADS money is disbursed by the district administration on their recommendation), there is no need for such a clause. Their conduct within Parliament should be out of the ambit any other agency lest it would violate the parliamentary supremacy.
- (vii) Lokpal to have the power to impose penalties like removal from office, imprisonment, and recovery of assets from the persons who have benefited from corrupt practices – the power to impose penalties and punishments should be under the sole purview of the competent courts only. As discussed above, Lokpal should confine itself only to “grievance redressal” through its orders to the concerned agencies, which if not implemented before the set deadlines, should be forwarded to the judiciary for further action.
- (viii) Lokpal can use tools of investigation like the wiretaps and even recruit investigating officials – Lokpal does not need investigating powers like wiretaps of its basic function is to verify the complaints and ensure “grievance redressal”. However, it should be allowed to recruit staff to indecently ensure the authenticity of the complaints.
- (ix) Punishment of corrupt officials under the Lokpal Act for a minimum of 10 years and a maximum of up to life imprisonment – Only the competent courts should decide on the quantum of punishment to be given to the corrupt officials for a particular act of corruption. However, non implementation of Lokpal orders can be treated as an act at par with contempt of court and made punishable with hefty monetary penalties and punishments like removal from

office and recovery of assets.

The government of India and the concerned stakeholders must work on making Lokpal an effective “grievance redressal” mechanism. It will not only check corruption in India to a great extent but also ensure that the Lokpal does not become a super-powerful, overriding institution and the balance of power between various democratic institutions remains intact. The clamour for creation of Lokpal bill reaching mountainous proportions indicates the level of disenchantment among the people of India against corruption in government organizations. The institution of Lokpal, with well thought out powers and safeguards, will indeed prove to be one of the most significant anti-corruption reforms in the country.

4.3.8 LET US SUM UP

In a democracy, as distinct from an autocracy, governance should be ‘society-centred’. It would include the government, which is its dominant part, but transcend it by taking in the private sector and the civil society. All three are critical for sustaining human, economic and social development. The government creates a conducive political, legal and living environment. The private sector promotes enterprise and generates job and income. The civil society facilitates interaction by mobilizing groups to participate in economic social and political activities. Because each has weaknesses and strengths, democratic governance is achieved through constructive interaction among all the three. Most of these principles are at work in India’s democratic system, but when it comes to practical governance, there have been major failures. This is mainly due to autocratic and arbitrary style of functioning of our institutions and instruments of governance—legislative, executive and judicial. The resultant discontent has led to severe law and order problems. This, coupled with a weak and meek civil society, we have in the country, makes democratic governance a virtual ‘Utopia’.

The Indian Lokpal is synonymous to the institution of ombudsman existing in the Scandinavian countries. The Government of India made a series of attempts by introducing 10 lokpal bills in the loksabha in the years 1968, 1971, 1977, 1985, 1996, 1998, 2001, 2005, 2010, and 2011 respectively, the establishment of the federal ombudsmen still

remains only a dream. The main reason for non-acceptance of it by parliament is the lack of consensus among the political parties. However several states in India viz. Kerala, Karnataka, U.P, A.P, M.P etc. succeeded in setting up of Lokayuktha institution to combat corruption in Administration through state legislations. Lokayukthas provide for inquiry/ investigations into complaints of corruption against public servants including Ministers. They protect citizens' right against mal administration, corruption, delay, inefficiency, non-transparency etc., However, the Lokayukta organizations have too many shortcomings such as no uniformity in the Acts of different states, recommendations of the Lokayuktas are not acceptable to the competent authorities. Other problems are non-cooperative attitude of the authorities' lack of independent investigation, authority, requirement of prior permission of the government in some cases and indifferent attitude of the state governments. To increase the efficiency and effectiveness of the institution of Lokayuktha it is necessary to adopt the uniformity in the appointment, powers and functions of the Lokayuktas in all the states. The Jan Lokpal Bill is an anti-corruption Law in India. It is designed to effectively deter corruption, redress grievances and protect whistle blowers. It seeks power to the Jan Lokpal to prosecute politicians and bureaucrats without government permission. But a majority of the clauses included in the Bill was opposed by rulings and opposition parties and judicial experts.

4.3.9 EXERCISE

1. Write an essay on Governance and Good Governance initiatives.
2. Comment on the history of Lokpal bills in India.
3. Evaluate the working of Lokayuktas in various states.

4.4 IMPACT OF LPG REFORMS ON INDIAN ADMINISTRATION

- Y. Pardhasaradhi

STRUCTURE

- 4.4.0 Objectives**
- 4.4.1 Introduction**
- 4.4.2 Meaning of Privatization**
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- 4.4.11 Challenges in Globalized Context**
- 4.4.12 Let us Sum Up**
- 4.4.13 Exercise**

4.4.0 OBJECTIVES

After going through this lesson, you will be able to know:

- Concepts and meaning of liberalization, marketization and globalization;
- The LPG policy changes in India and their impact;
- Impact of LPG policy on Indian administration, how government and governance are changing ;
- The challenges the Indian administration is facing due to LPG reforms and exposure to globalized context.

4.4.1 INTRODUCTION

From the third five-year plan, the central government faced the problem of resources. This has led to the introduction of private companies. The issue of privatization has attracted much attention in recent years reflecting a worldwide interest in reducing role of the state and enhancing scope of private ownership and private sector. Privatization has emerged as a major public policy issue in many countries of the world. In India a large number of public enterprises are incurring heavy losses and have not been able to generate the required resources.

The debate on privatization in public enterprises started in India specially after some liberalization movement was adopted by Rajiv Gandhi, the then Prime Minister because of resource Crunch. The government under the Primeministership of Shi Narasimha Rao has been forced to undertake several liberalization moves to open up the economy, allowing the multi-nationals to invest in Indian industries, de-licensing industries etc. All these measures encourage privatization movement in the country. The privatization of public enterprises is not a new phenomenon. This was first practiced almost a century back by Japan. It promoted many enterprises and after successful running of the enterprises they were handed over to private enterprises. This practice created “revolving fund” for the government to promote more and more industries.

4.4.2 MEANING OF PRIVATIZATION

Privatization is believed to induce managers to peruse profit goals. According to John Moore, financial secretary to the British treasury, privatization liberates managers and employees and allows them to reach full potential. Privatization is the act of reducing the role of the government, or increasing the role of the private sector, in an activity or in the ownership of assets. According to David Held, privatization is the substitution of market system of allocation for non-market system. In the words of D.R.Pendse privatization is any process, which reduces the involvement of the state in the nation's economic activity. Privatization is a worldwide phenomenon and many countries both developed and developing have been transferring them public units to private parties.

4.4.3 PRIVATIZATION IN INDIA

Desirability of privatization in India privatization has become one of the most controversial themes in current political and economic discourse all over the world. In India the public sector units are under the thumb of top bureaucrats ministers and politicians and therefore the public sector units have become tools in their hands to

1. Monopolize economic decision making
2. Manipulate benefits such as free use of PSUs cars, aircrafts for personal pleasure.
3. Raise funds for election and other purposes related to their personal aggrandizement.

These have destroyed the commercial failure of the public sector units in India hence private sector units have come up.

4.4.3.1 ALTERNATIVE WAYS OF PRIVATIZING PUBLIC SERVICES

- a) Contracting out is the most common method. In this method the government retains control over the activity continues to finance it, but delegates its operation for a fee to one or more private companies.
- b) Franchise arrangement is another common form of privatization. In this arrangement the government grants a private party authority to provide a particular service within a particular area.

- c) Vouchers are a relatively new way of privatization; potential users of public services are given redeemable vouchers which they can use to get public services from any one set of alleviation recognized providers.
- d) Voluntary service: It is another form of privatization. Where individuals, groups or institution are recruited for honorary public service.

Privatization is a useful way not only of spreading governance skills and governance responsibility in a society, but an outcome that strengthens participative democracy. It is also a useful way of tapping managerial talent outside the side. It may be discussed that privatization will always lead to the process of economic development. In cities privatization is being undertaken under compulsion and not due to ideology.

According to D.R. Pendse, privatization in the broad sense included viz., divestiture, de-Nationalization, postponing the prospects of state and liquidation of any state owned enterprises. According to Samuel Paul the major goals of privatization are viz., improving efficiency and completion, reduction of public deficit, cash generation, elimination of political interference in enterprise management and widening of the ownership of economic assets.

4.4.3.2 PRIVATIZATION POLICY IN INDIA 1985

The policy of privatization was first initiated by seventh five-year plan (1985-90). Since 1985 there has been inclination towards privatization in most of the developing countries. In January 1985, Indira Gandhi Liberalized economic policy. It is she who led the foundation for privatization.

- It liberalized industrial licensing system. It abolished licensing in developing a production and modernization.
- It reduced import duty so that foreign capital would be welcomed. It gave licence even to multinational company to bring in Automation and modernization.

In India, there started imbalances in financial matters. The reasons were deficit

financing, unproductive expenditure of government department, heavy burden of indirect taxes on public. Government therefore followed the policy of privatization. New government only decided to continue this policy. They made it more realistic and progressive. The new government not only liberalized the new policy but also began to evaluate public sector undertaking.

4.4.3.3 ROLE OF PUBLIC SECTOR

New industrial policy of Indian government has given signals for privatization in India. Roughly 50 liberalization decisions relating to industries have been taken since January 1985. The seventh five-year plan assigns a key role to the agricultural sector for employment generation. Under the 7th five-year plan there is considerable emphasis on creation of conditions for additional self-employment. Privatization is an important part of the new industrial policy in India, which was introduced by the government of India in 1991. Government of India in the official memorandum to the IMF on the economic policies of the country for 1991/92/93 has mentioned, “The public enterprise sector has not generated internal surpluses on a large scale and because of its inadequate exposure to competition has contributed to a high cost structure.

Privatization has very often been recommended for developing countries where the industrial sector and occasionally key elements of the commercial sector be heavily dominated by private enterprises. In India the Abid Hussain Committee Report 1988 May recommended a liberalized approach to private participation in core industries. This implies the sale of over 50% of an asset to private investors. The World Bank in April 1988 asserted that autonomy could never be achieved in the Indian context except through privatization. Ironically privatization has today become an excuse for raising money. But privatization offers better future for most countries than State Corporation.

In India private sector companies in India have been earning attractive profits. According to a survey of 541 large public limited companies conducted by the reserve bank of India for the year 1985-86 gross profits showed marginally higher growth rate of 20.6% in 1985-86 compared with 20.3% in 1984-85. Beginning with mid 1991, the Government has made radical changes in its policies bearing, foreign investment, change

rate, industry, fiscal affairs etc. the various aspects put together constitutes economic policy. A major complication of these changes is the privatization of an important part of the public sector.

4.4.4 FEATURES OF LPG POLICY

The important features of the new policy may be explained as follows under four heads, liberalization, privatization of P.S. Globalization & market friendly state.

- 1. Liberalization:** -The thrust of the policy is the freedom for the entrepreneur to enter any industry/trade/business. The capital markets too have been freed and opened to the private enterprise seeking capital. The entrepreneur can buy the foreign exchange in the market at the market rate. This has been made possible by making the rupee convertible in respect of transaction current account covering export / import of goods & services. This market-oriented environment will also foster competitions among them who will now compete to take advantages of the market opportunities.
- 2. Extending privatization:** -Another aspect of the new policy is the large increase in the scope for the privatization of the functioning of the economy. The new policy provides for the privatization of the public sector units; In the first place out of 17 industries reserved for the public sector, 11 have been thrown at the private sector.
- 3. Globalization of the economy:** - The new economic policy has also made the economy outwardly oriented such that its activities and now to be governed both by the domestic market as also the world market. Deviation of the rupee in July 1991 was intended to do away with the artificially controller over the exchange rate of rupee. The rupee has also been made fully convertible on current accounts on balance of payments.
- 4. Market friendly state:** - The role of the state is confined to selected non-market areas, Out of 17 industries reserved for it 11 has been reserved and Union open to the private sector. The state has also to ensure stability in the market through

the use of macro-economic policies.

Therefore the new economic policy has ushered in a system, a market oriented system. The public sector, which has so far been a lead-sector in development, is no longer holds the same commanding heights of the economy. The private sector has now been assigned a larger area and a more important place in the economy. An important justification put forward for the new policy is that it goes well with the present state of India's economic conditions. It will improve the efficiency in the use of resources. The growth rate of the economy is also expected to go up sizeable. The balance of payments too will get balanced largely because of the convertible rupee system on current account. Liberalization of government policy by pulling down the areas of demarcation for the public and private sector as enunciated in Industrial policy resolution of 1956 is the most acceptable mode of privation.

Strategies of Economic Liberalization adopted in recent years have envisaged upon:

- Reforms in trading, financial and banking sectors.
- Increasing efficiency of public sector through privatisation and disinvestments.
- Greater resource mobilisation through fiscal adjustments and economic review.
- Greater reliance on the market mechanism through reducing price controls, subsidies, etc.
- Delicensing of industries
- Rational exchange rate adjustment through devaluation another methods.

4.4.5 DEFINITIONS OF GLOBALIZATION

The myriad definitions of globalization indicates the complexity of the phenomena and also that the term assumes different shapes and significance over time and space. New models of multilevel governance are being projected as a useful device for translation of government functions, and public services have been swift in adjusting to these new

realities. In fact, reforms and transformations during the last two decades have been so swift that it has been equated to a “paradigm shift”. The global trends have impelled all to refashion techniques and methods. Furthermore, the claim that global forces often create common responses and homogenous institutional effects is becoming evident in common mantras being adopted by everybody irrespective of peculiarities of each country. With state socialism and its command structures dead, market capitalism is imposing itself aggressively. The acceptance of New Right politics has led to the proliferation of supranational institutions of government like the IMF and the World Bank. As political systems embrace liberalization, privatization and globalization, citizens are left with little hope to play any substantial collective role as they are viewed as “purely rational self-interest agents” capable of self-enhancement. The rise of management gurus exploding the formula of governance based on this premise is injecting solutions into sick public sectors. They have established a set of commonalities which they believe are pervasive in creating new models of management for both the public and private sectors.

4.4.6 EVOLUTION OF MARKETIZATION

The overwhelming domination of libertarians in the political circles has led to the claim that the crisis witnessed in 1970’s was primarily the result of collectivist methods and bureaucratic stranglehold which nipped the competitive spirit and helped only entrenched vested interests. The outcome of which is ruthless propagation of *laissez faire* and marketisation as the only economic arrangement equipped to salvage the twin crisis of state socialism and bureaucratic mismanagement. The accompanying intensification of globalization is further aggravating the incapacity of the state to deal effectively with the myriad demands placed on it. The new regime of global accumulation is described as “disorganized capitalism”, “flexible accumulation”, “post-Fordism” and the “network society”. Although there are differences over specific details, all agree that this restructured capitalism is based on a neo-liberal mode of regulation and flexible regime of accumulation. Neo-liberalism can be identified in the ways in which nation states have moved away from welfare to a competition state. This can be seen in state strategies to deregulate economies to promote the supposed efficiency of market forces, promote global competitiveness through spread of appropriate knowledge economy. In much of the third world structural adjustment policies are designed

to open up former protected economies to the forces of global competition. These policies are designed to allow a country to exercise their respective comparative advantage in a global system of free trade. Goods, people, knowledge, information, and images flow across territorial borders instantly and unhindered causing homogenizing of responses, reactions and solutions to issues. The stretching of social, political and economic activity across the globe and constant interaction with these domains has led to diffusion of opportunities, knowledge and has a pluralizing impact. These developments have been interpreted as creating a sense of global belonging and vulnerability that transcend national loyalties. Adding to these developments is the impact of a number of institutional assemblages from regional to international. The transnational agencies and actors create global political orientation and wider perspective which greatly reduces the control of national agencies and institutions. Furthermore, globalization has impacted the formal authority of state.

4.4.7 STATE AND GLOBAL PLAYERS

The spatial reach of the contemporary system of production, distribution and exchange has dispersed the effectiveness of the national institutions to steer the economy of a country and has created disjuncture between sovereign state institutions and global economic players. With the internationalization of the economic process, investment and production, decisions on purely issues of national self interest takes a backseat especially if economies lack the international clout to back them. In the global set up, national policies and centrally planned pattern of economic growth holds little relevance. This means large scale openness of borders achieved by removing state regulatory barriers and protectionist measures thus facilitating rapid financial transactions, communication and exchange. “The Keynesian macroeconomic planning which functioned well in the context of “embedded capitalism” provided the political and economic foundations for both national and international economic regulation after the second world war; but with the breakdown of the “liberal consensus” in the wake of economic crisis in 1980’s, the possibility of managing the national economy and bucking international economic trends become more difficult.” The forces and constraints of the international economy like recessions, inflation and changing terms of trade have tremendously impacted all economies especially the newly industrial states that bore the

brunt of sudden fluctuations. Wettenhall suggests that by early 1990s there was a privatizing mood building up around the world.

4.4.8 THE *MANTRA* OF LIBERALIZATION

Libertarians propagated critical restraint on coercive power of the state and ultimately set contours for a free market society and a minimal state. This view is synonymous to non-intrusive state authority providing limited number of public goods where the market is incapable of supplying. The preference was for an international system where all interaction is conducted between individuals unimpeded by the state. The mantra of liberalization was accompanied by globalization which was defined by Giddens as “action at distance” which has engendered stretching and deepening of relations across the borders of nation states and with increasing intensity. The programme promoted world over is justified as the system for a way out for poorer states to get out from the enormous debts. Neo-liberalism is seeking to become a hegemonic ideology in industrial managerial organizations which cuts at the auto-centric development and import substitution industrialization. Globalization has also been the fallout of a political project, an agenda of the most internalized fractions of capital in leading states of the world carried on in significant measure through private organization of the business community. The economic base to globalization is provided by “internetted access to suppliers and customers as well as relational contracting alliance.” As the single global market emerges, competition among national models for the management of standards and government regimes has become the central battlefield.

4.4.9 PARADIGM OF GOVERNANCE

The discussion of globalization makes it pertinent to study its impact on the public administration. Let us start by understanding what exactly does the term governance connote. The reassertion of the political dimension of representative government and the ascendancy of the managerialist school of thought led to a debate about administrative reforms in the public sector. Public choice theory assumes that organization design of administrative state power vests in the bureaucracy which in turn became a self-serving machine. This paradigm of governance gained ascendancy under the response of Public Choice theorists who wanted to re-establish the primacy

of representative government and management principle over the bureaucracy. According to this model, traditional public sector models operated on the principle of self-interest at the expense of efficient public services. The trajectory of reform from bureaucratic structures to more flexible entrepreneurial structures was driven by the agenda of marketisation and contracting out of government services ostensibly in order to insulate the state from financial burdens. The last decade of the twentieth century proved to be a watershed in administrative reforms.

Initially, managerialism became the dominant idea for disaggregating bureaucracies and state control, by instilling greater competition through contracting out, quasi-market and consumer choice. This transformation of the service involved less rowing and more steering or governance. As a result, the dividing line between public and private sector are dissolving. Governance results in multilevel and multidimensional processes and diffuses public authority at all levels over various societal actors.

4.4.9.1 GOVERNANCE – GOVERNMENT - GLOBALIZATION

The administration became a process of how to manage the increasing level of devolved systems. In framing its role the government became intertwined with broad global forces. The rising importance of twin forces of devolution and globalization fundamentally altered the foundation on which the dominant tradition was based. “A theory of public administration means in our times a theory of politics also.” To which is added “a theory of public administration in our times is a theory of governance as well.” Governance as a way of describing the links between government and its broader environment: political, social and administrative. It is a way of capturing the initiatives that governments around the world have deployed to shrink their size while struggling to citizen’s demand. According to Robert O Keohane and Joseph Nye, “Governance is the processes and institutions, both formal and informal that guide and restrain the collective activities of a group.” Governance is about increasing the capacity of the government to pursue the collective interest under external and internal controls. Governance however continues to be a slippery term as it imposes inescapable pressures on government “to do more with less” as it encourages differentiation, devolution, independence, responsiveness and autonomy etc. There is also

an element of messiness in the argument of governance, in the otherwise neat fit between the advocacy of neoliberal principles and economics for the countries. The source of messiness is due to the simultaneous insistence on minimal state and on good governance. Governance entails not only scaling down the size and scope of the state, but an expansion in state capacity. The classic liberals agree that the bureaucracy must be prevented from growing disproportionately. The Parkinson tendency inherent in bureaucracy is often held responsible for its non-performance and ultimate debacle leading to changed contours of government administration. The bureaucratic aggrandizement propelled its fall, thereby leading to the call to transform the most established way of doing business in government. The fear that traditional administration was connected to “bureaucracy which helps pursue their own internal logic rather than the democratically elected purposes and that they relentlessly grow and become all engulfing in the civic life.” State intervention is often viewed in the context of overarching state power and even totalitarianism. They stand opposite to the concept of governance as the traditional bureaucratic functioning symbolizes obstruction to market forces, high taxation and corporatism which hampers efficiency and economy. This attitude led to opposition to Weberian practices of administration and emphasis on unfettered capitalism.

4.4.9.2 BEYOND THE BUREAUCRACY - PUBLIC ENTREPRENEURIALISM

The imminent collapse of bureaucracy in the times of globalization and liberalization was demanded and anticipated by the new liberal management thinkers. Administrative de-bureaucratization is at the core of ‘institution building’ in the modern world. In this respect, the latest wave of network complex organization is dominating contemporary organization. For the World Bank, governance is a broad exercise of political power to manage the countries affairs more efficiently which involves shift from bureaucracy to rationalization of task, flexibility, mobility and re-enchantment. The new ‘Zeitgeist’ creates epistemic or knowledge culture that shapes modern political structures. “It presumes that a complex conjunction of economic, technological, cultural and political ‘restructuring’ will bring about the demise of bureaucratic organization and replace it with an organizing logic and system

based on fluid structureless and boundaryless unit or process.” Flexible accumulation refers to the new organizational forms, which have developed out of the contradictions of Fordism. Output and productivity declined substantially in the late 1970’s and so capital responded by experimenting with new forms of work organization. Flexible production is based on “form of production characterized by a well developed ability both to shift promptly from one process and/or product configuration to another and to adjust quantities of output up or down over short run without any deleterious effects on the levels of efficiency. This move has important implications, as labour gets disaggregated in its performance, fragmented in its organization, diversified in its existence, divided in its collective action.” Governance, as new management introduces private sector methods, stresses professional management, explicit standards and measures of performance, managing by results, value for money and closeness to customers. ‘The governance concept points to the creation of a structure or an order which cannot be externally imposed but is the result of a multiplicity of governing and each other influence actors.

4.4.10 CHANGED SCENARIO OF INDIAN ADMINISTRATION

A knowledge society would be characterized by the application of knowledge not only in business, industry, education and healthcare, but also in governance and public administration. Today, the two important challenges facing many developing countries, including India, are appalling poverty and protection of democracy from terrorism and violence. In India, standards of governance are disturbingly low despite high economic growth. Also, standards of governance in dealing with the above twin challenges are deteriorating because of negligence and indifference of public administration. This daunting challenge can be met successfully through reforms in administration to improve the quality of governance.

Increased emphasis on quality performance, social justice and humane approach would be the important ingredients of public administration in the changed context of economy. Citizens today demand accountability in governance putting pressure on public servants. The Right to Information Act has strengthened the momentum towards public control and scrutiny over administration. Also, NGOs and civil society organizations are

taking a lead in the demand for transparency and accountability in the system.

Aspirations of people rise in a knowledge-oriented society resulting in a rising feeling of dissatisfaction especially among the youth. The interacting conflict of changes – both outside the individual and society as well as within the individual and society – are causing frictions that pose challenges to the governments. People are demanding liberty, equality and freedom and their aspirations, in the context of the present knowledge explosion, cannot be ignored by the governments.

Another dimension is the growing concern among the masses over corruption in public life. Corruption takes a heavy economic toll, affects the operation of markets, constrains economic development and delivery of services and distorts institutions, including bureaucracy. Lack of transparency coupled with secrecy that shrouds government decisions and operations facilitate corruption. People, like never before, are demanding better quality of services from the governments, in the backdrop of awareness and judicial activism. The demands on public administration with regard to delivery of quality services have increased due to improved knowledge and information. Administrators have to blend knowledge power with political power in the interest of social peace and progress. Imperfections and inefficiencies can neither be ignored nor tolerated. Innovations and initiatives for social improvement will have to be given top priority.

4.4.11 CHALLENGES IN A GLOBALIZED CONTEXT

The greatest disparity between developed and less developed nations is no longer a matter of natural resources, or even of human capital (increasingly mobile as it is), but is the growing divide in access to organizational capacity and the extent to which this impedes the coordination and exploitation of informational resources. This organizational capacity is often directly associated with the ability to embody ICT within networked structures that can link government to economic and social development in new ways.

Late capitalist societies exhibit such network-based social and economic structures, both within government and in the economy and wider civil society. These

structures are increasingly identified as the significant instrument for the expansion of liberal capitalism through innovation and new forms of decentralized concentration, alias new modes of organizing based on digital networks and assembling complex meshes of activities and territories that cross conventional borders. As a consequence, across the world it is possible to identify a movement, or a strong set of claims, for the introduction of programs to shift from ‘government’ as a primary responsibility of the unitary state, to ‘governance’ by and through networks of institutions and individuals acting in partnership, held together by relations of trust, and transcending many old and established boundaries.

The webs of power and knowledge that these initiatives enact are often presented as being fundamental to the dynamics of technological, organizational, and social innovation in both developed and developing socio-economic contexts. Mobilizing technological capacity, the diffusion of networking and communication infrastructure, and the establishment of the internet as the new platform for global communications (telephony, data and images, broadcasting) are often understood as central in this process. Indeed, ICT is often identified as a primary actor in enabling national and regional economies to develop new social and organizational capacity and exploit new knowledge assets. This, it is proposed, can then leads to a better ability to participate in the wider global economy and serves as a primary means to achieve social and economic development.

Typical challenges for developing countries include the creation of institutions in support of the new global and electronic markets as well as establishing an enabling policy environment that supports social inclusion and offers institutional transparency. This must be accomplished while building regimes for foreign investment and participation in global trade. This movement can usefully be conceptualized in terms of a new and distinctive ‘program of government understood as a specific contemporary problematization of the question of the nature of the State and the drivers of its power and legitimacy. What emerges is a program of government that draws heavily on information and communication technology, and which transcends the widespread commitment of nation states to e-governance, offering a new and distinctive problematization of the nature of citizenship, statehood, and citizen/ state relations.

These are programs of government that express a fundamental commitment to the

proposition that ICT and informational resources can significantly increase organizational coordination and effectiveness in government and operate on a scale that takes us beyond the nation state. These programs seek to support transactions taking place among diverse social and economic actors, organizations, and institutions operating in a global space. Examples of such global ICT programs can be found in the widespread commitment to E-Government as a technology of transformation, in the establishment of global electronic markets for primary resources, in health information systems and bio-surveillance, or in the establishment of global projects to address climate change through carbon trading, organic agriculture, and land and water management.

The primary characteristics of this transformational program include:

- The establishment of new networked and distributed modes of organizing mediated by technology and operating in the area of government, policymaking, regulation, and infrastructure development — often on a scale that goes beyond any one country.
- The application of a ‘toolbox’ of policy instruments and guidelines to build and operate such systems, often identified with the general goal of promoting better (or good) governance, harnessing the market and the power of education and information.
- The presence of a common set of institutional and technical actors that operate across multiple levels of contexts and domains, building synergies as they mobilize and develop their technical and managerial knowledge resources.

These are fundamentally global programs. This is not a question of their application going beyond the state (though it often does), but of the character of the mobilization that enacts and sustains them. In this mobilization we see three important drivers that bring a global dimension: first, the technologies applied are universal and generic (e.g. the internet, data management, websites); second, the values and goals they inscribe are universal (e.g., liberal capitalism, good governance, management and planning methodologies); third, the networks of agencies which carry them out are universal (e.g. including bilateral and more often multilateral development and financial institutions such as the OECD, World

Bank, and UN bodies, but also business schools, international management consultancies, technology companies, and the institutions of the scientific elites). However, country-specific socio-cultural, politico-economic setting can alter the implementation of these universal themes.

4.4.12 LET US SUM UP

The nature of change in administration of public service is characterized as transformational resulting in the emergence of new public service paradigm. The governance agenda in fact involves changes at macro, meso and micro levels, ranging from broad global arena to internal micro organization operations. The logic of implementation of best rational practices involves political response and assessment in evaluating the change programmes being handed out under the label of governance per se. The changed agenda seeking to rein-in bureaucratic power and replace it with more flexible governance system requires that it moves with caution as there are social, economic and political cost which are important components of developing a change agenda. The cumulative impact of economic, cultural, political and technological transformation has generated a certain configuration of structural mechanisms and principles that have almost irreversibly sealed the fate of traditional modus operandi of government functioning. Nevertheless, emergence of reformed organization and governance conclusively indicates a shift from adhocracy as the ideological organizing template towards a new form of management of government functions. The ‘paradigm shift’ acknowledges the new reality of globalization and marketization and advocates the principle of “less and better governance”.

Organizational capacity has been identified as one of the missing links in India’s development. In the context of governance, capacity entails the ability of an institution of governance—the legislature, executive, judiciary, civil society or the private sector—to perform its constitutionally or politically mandated functions or roles efficiently and effectively. Capacity in our context is about capacity for development: capacity to promote democratic governance, to improve the structures and institutions of economic policymaking, to invigorate the strength of civil society to contribute to national development and to create an environment of social empowerment for the people where they can meaningfully contribute to decisions that affect their lives. This entails the availability of the human,

material and financial resources essential for efficiently managing the institution and the identification and recruitment of personnel with the required knowledge, expertise, experience, competence and leadership to manage the institution.

4.4.13 EXERCISE

1. Discuss the important landmarks in Globalization.
2. Comment on various concepts of Globalization.
3. How to measure the organization after 'Beyond Bureaucracy'
4. Critically comment on the ideology of Globalization and its negative impact on the Developing World.

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