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INDIAN ADMINISTRATION

Unit 1-20

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UNIT-I
EVOLUTION OF INDIAN ADMINISTRATION

Structure

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1.1 Introduction

The Dharama-sutras do not contain any systematic exposition of legal principles doctrines such as we find in the Dharmasastras and Arthasastras of the later age. Nor does their conception of law and politics conform to our present ideas on the subject. As we shall see later they “cover for more than law and do not cover the whole of law.” As regards politics they view the state or society as an organic whole, in which the different elements, such as the king and the people, play their part according to Dharma or Law, imposed or at least sanctioned by the Divine Will. Life is also regarded as whole without any sharp distinction between public and private, or individual and collective. As a matter of fact the collective organization of society dominates over the idea of individual person. Each individual has his duty and responsibility, rather than rights and privileges, fixed by law and custom and this applies as much to the King as to his mean subject. Each man has a recognized function, which he inherits as a member of a group rather than selects of his accord. To perform this function successfully is his highest object in life, a duty not merely political, social and moral, but also religious in character. For on this depends not only his well being in this life but also his salvation in the next world. Like the modern collectivist theories (such as Fascism) this view raises society above individual but there is an important difference. For the allegiance here is not to any party or political principle, but to Dharma conceived as an eternal and immutable Law or Order, which is divine in character and does not emanate from human will.

1.2 Learning Objectives

After Learning through this lesson the students will be able to know:

- The Administration during British time.
- The Indian constitution and its philosophy.
- The Salient Features of Mughal Administration.
- Personnel Administration in during Mughal Administration.
- Local government in Mughal Administration.

1.3 ADMINISTRATIVE ORGANIZATION

The king was the head of the administration and his jurisdiction extended to all walks of life, to quote V.

D. Mahajan, "According to the Dharma Sutras, the sovereign was not the source of law but merely the upholder of law." To quote Gautama, "The administration of justice shall be regulated by the Veda, the Dharma Sastras, the vedangas, the Puranas and the usvedas." Again, "The king must protect the castes and different stages of life. Authoritative in the realm shall be all laws of castes and clans as well as the laws of regions not opposed to Vedic tradition, while for their respective orders, ploughmen, traders, herdsmen, moneylenders and artisans may make their own laws. "According to Vasishta, "The king's duty is to pay attention to the special laws of regions, castes and clans and keep the four orders to their prescribed duty. "The various guilds were allowed to frame their own laws.

To quote V.M. Apte, "His supreme duty, as noted above, was the protection of the people, and maintenance of the rules of Caste and Order. As a corollary to this he must punish the thieves and other criminals as well as those who stray from the path of duty laid down in the Sastras. His authority and jurisdiction thus extended practically over the entire activities of his subjects. One of his most important duties was to decide legal disputes. He was to protect the interest of a minor until he attained majority. He was also to support learned priests, the widows of his soldiers, those who are exempt from taxes (to be specified later) and Brahmacharins. He must preserve fruit-bearing trees. He must make an equal division of the booty secured in battle and distribute it equitably among those who shared the risks of war with him. He must prevent the use of false weights and measures.

Under the king, thus were regular hierarchy of officers. The village was the basic administrative unit. According to Apastamba (II. 10.26.4) the king "shall appointment men of the first three castes; who are pure and truthful, over villages and towns for the protection of people." These officials were to appoint subordinates possessing the same qualities. They were to protect the towns and villages from thieves and must be made to repay what is stolen within their jurisdiction. These passages, though brief, hold out the picture of a regular administrative machinery which was set up for the security of life and property.

Special branches of Administration were for collection of taxes and military matters.

According to Gautama, the king was entitled to take as tax one-tenth, one eighth or one sixth of the produce and one day's work of month from artisans. He could also charge one-twentieth or merchandise, one-fifteenth on cattle and gold and sixtieth on flowers, herbs, honey, meat, grains, fruits etc. The right of inheritance was given to the Sapindas, Widows were not given the right to inherit. A daughter could inherit only if there was no son, pupil or teacher of the deceased. Women were not allowed to offer sacrifices. They were considered as property.

A special mention may be made of the administration of justice. The administration of justice was not only restricted to public but covered all facts of life. Under the criminal law, theft and adulteracy are the main general topic discussed in the Dharma-sutras. To quote V.P. Apte, "That the king himself personally administered civil and criminal justice appears from certain indications in the Sutras (Gau. Dh S. XII. 43). The administration of justice was to be regulated by the Vedas, the Dharmasastras, the Angas, and Purans (Gau. Dh. S. XL 19), due regard being paid to local and family usage or (in other words) to the laws of districts, castes, and families which the king must learn from those who in each case have authority to speak (Gau. Dh. S. XI 20-22). It seems to have been permissible for the king. Reference is made to three kinds of important crimes and those were assault, adultery and theft. The punishments awarded to persons belonging to the various castes varied. If a Kshatriya abused a Brahman, he was fined 100 coins. If a Vaishya abused a Brahman, he was fined 150 coins. If Brahman abused a Kshatriya he was fined 50 coins. If he abused a Vaishya, he was fined 25 coins. If he abused a Shudra, he was not fined at all. Interest at the rate of 15 percent was allowed.

Dharma-surtas also paid attention to village, sanitation and building of towns, to quote V.D. Mahajan, "The Dharma Sutras preferred the life of villages and condemned the life of cities According to Baudhayana. It is impossible for one to attain salvation who lives in a town covered with dust." No wonder, good people were asked to avoid going into the towns. The mantras were not to be recited in the towns at any time. However, there are some reference to the building of towns by certain kings and the establishment of their palaces, assemble halls etc. The people were not allowed to go to foreign countries. A taboo was put on sea voyage.

A. Kautilya

R.S. Tripathi in his book "History of Ancient India" mentions that Magasthenes and Kautilya are two most important authors, whose writings throw a flood of light on the people, government

and institutions of India under Chandragupta Maurya. The India of Megasthenes is now lost but happily it is still preserved in the form of quotations by later writers. Kautilya or Chanakya is reputed to have been the minister of Chandragupta. His production the Arthashastra is a compendium on polity and statecraft, and it would perhaps be no overestimate of its value to say that despite its theoretical character, it is a unique work in early Indian Literature. According to V.D. Mahajan. "The most important source for writing the history of the Mauryas is Kautilya's Arthashastra. The book is divided into 15 Adhikaranas or sections, and 180 Prakaranas or subdivision. It has about 6,000 slokas. This was discovered in 1909 and has been ably translated by Shamasastri. The book is more a manual for the administrator than a theoretical work on polity discussing the philosophy and fundamental principles of administration or of political science. It is mainly concerned with the political problems of the government and describes its machinery and functions, both in peace and war.

The Arthashastra consists mostly of injunctions to kings in general. It consists of fifteen books. Of these, the first five deal with the internal administration of the State, the next eight with its relations with neighbouring States, while the last two are miscellaneous in character. Each book is divided into several chapters.

Book One deals with the duties of king and the appointment of ministers and other high officers. Book Two gives a picture of State activities. Book Three discusses a code of Law. Book Four deals with the suppression of crime. Book Five deals with salaries of state servants and other matters. Book six is an introduction to the State's relations with its neighbours States. Book seven deals with the various aspects of foreign policy. Book Eight deals with calamities or weaknesses. Book Nine is concerned with preparation for war. Book Ten deals with fighting. Book Eleven, Twelve and Thirteen deal with the problems related to war and conquest.

Self Check Exercise 1

1. How is the Organization in the society described?
2. Briefly explain Kautilya's Arthashastra?

1.4 ADMINISTRATIVE ORGANIZATION AND ITS DIVISION

The machinery of the Government was highly organized and can be divided into four elements-the King, the Ministers, the council and the Bureaucracy.

(a) The King : The King was the head of all branches of the Government. Kings were merely hereditary, though there were examples of elected kings.

According to Kautilya, the calamity of a king is more serious than that of a minister (Amatya). The king alone appoints the minister, the domestic priest and servants. He employs superintendents. He applies remedies against troubles. As is the conduct of the king, so is the conduct of the people. A King is the head of the state. He is the government itself (Raja Rajyamiti). Government is ultimately resolvable into one ultimate and that is the king. The king absorbs all the rest of elements. The kings were given training. Their day and night schedule was divided into eight parts which are given below as given by R. C. Majumdar.

Day:

- (1) Receiving reports about the accounts and the defensive measures of the kingdom.
- (2) Considering the prayers and petitions of the subjects.
- (3) Bath, meal and study
- (4) Attending to revenue and departmental heads.
- (5) Attending to the business of the council and confidential reports from spies.
- (6) Recreation or deliberation on State affairs.
- (7) Inspection of royal forces.
- (8) Consultation with the commander-in-chief about military affairs.

Night:

- (1) Receiving the spies.
- (2) Bath, meal and study
- (3) (5) Sleep
- (4) Reflection on sacred literature and his own duties
- (5) Consultation with the ministers and sending out spies.

(6) Attending to domestic duties, religious rites, ceremonies etc;

The paramount duty of the king was to protect the people and their welfare. Kautilya sums up the position very beautifully in the following verse: "In the happiness of his subjects lies his happiness; in their welfare his welfare; whatever pleases himself he shall not consider as good, but whatever pleases his subjects he shall consider as good."

(B) THE MINISTER:

Ministers were important to the king. Kautilya says:

"Sovereignty is possible only with assistance. Minister:

A single wheel cannot move. Therefore the king shall depute ministers and know their opinion." Kautilya discusses that selection of ministers must be done on merit and should mainly depend on qualifications and not on the considerations of family or background influence. The ministers used to advise the king on all important matters.

The following remarks of Kautilya indicate the nature of ministerial power and responsibility. "A single minister proceeds willfully and without restraints. In deliberating with two ministers, the king may be overpowered by their combined action or imperiled by their mutual dissension. But with three or four ministers he will not come to any serious grief, but will arrive at satisfactory results. In accordance with the requirements of place, time and nature of the work in view, he may as he deems it proper, deliberate with one or two ministers or by himself. The king may ask his ministers for their opinion, either individually or collectively and ascertain their ability by judging over the reason they assign for their opinions."

(C) COUNCIL:

The Council assisted the king in the administrative work. This body occupied a great importance. It used to concentrate on all important issues.

(D) BUREAUCRACY:

As stated by R.C. Majumdar that while the policy was formulated by the council and the ministers, the detailed work of administration was carried on by a bureaucracy. At the head of the bureaucracy were a few high officials whose numbers and status must have varied in different ages and different status. The following list includes the more important ones :-

1. The High Priest

2. The Commander-in-chief
3. The Chief Judge
4. The Door-keeper (Pratihan)
5. The High Treasures (Sannidhata)
6. The Collector-General (Samahartta).

The General nature of their is indicated by their names. There were also ceremonial officers, such as “The bearer of the Sunshade of the Date,” and “the State Sword-bearers.” There were other officers like Viceroys and Viceroys and Ambassadors, whose sphere of work lay in distant parts of the country. All these formed the members of the higher branch of administration. Next came the lower branch, consisting mainly of the Superintendents of the various departments into which the administration was divided and their staff. The number of these Superintendents must have varied in different kingdom. In Kautilya’s Arthashastra we read of the Superintendents of the following :-

1. Oceans mines. 2 Treasury 3. Mines 4. Metals 5. Mint 6. Accounts 7- Gold 8. Store-house 9. Commerce
10. Forest produce. 11. Passports 12. Weights and Measures 13. Lineal measures 14. Tolls. 15. Weaving
16. Agriculture 17. Liquor 18. Slaughterhouse 19. Prostitutes 20. Ships 21. Cows 22. Horses 23. Elephants
24. Chariots 25. Infantry 26. Armour 27. Pasture 28. Harem.

Besides there were officials dealing with local administration at the District and lower levels.

Self Check Exercise 2

- List the main divisions within the Mughal administrative organization.
- How did these divisions contribute to the efficiency of the administration?

1.5 Financial Administration:

The most important contribution of Kautilya was in the field of the financial Administration. The Department of Revenue was one of the important department of the Government, as Finance was the motive power and the basis of all the activity. Kautilya paid great attention towards this department.

Kautilya mentions two high officials Samaharta and Sannidhata, who practically were vested with the immediate control of the whole administration. In their financial capacity, the functions of the samahartas relate to the whole range of state Income and expenditure. The task of collecting revenue was entrusted to Samaharta³. The samaharta was assisted by the sthanikas and under them were the Gopas each of whom was in charge of the five or ten villages. The work undertaken by the samaharta was to prepare a great revenue roll of the kingdom and Gopas under his guidance and direction prepare various registers and census list of the villages. This has to be checked by spies during emergency samahartas had to raise taxation. Agents of local governments were Gopas in local areas. Their work was to collect and maintain registers in income and expenditure. Basically they maintained reports about the following:-

- (i) Varieties of land product and their produce,
- (ii) Areas under cultivation,
- (iii) Irrigation laws.
- (iv) Privileges and immunities enjoyed by individuals local traditions etc.
- (v) Transfer of sale of land
- (vi) Occupation of the people

The duties of samaharta comprised of the following:-

- (i) Division of the kingdom into four parts apparently corresponding to jurisdiction of the four sthanikas.
- (ii) The arrangement of the villages were done according to the grade like best, middle and lowest.
- (iii) Preparation of the revenue free land that is Nibandha.
- (iv) By means of inspection of village boundaries he was to ascertain the total areas of

villages within his circle.

(B) Maintaining the

- (i) register of boundaries and villages, fields.
- (ii) register of uncultivated lands.
- (iii) Register of transfers
- (iv) register of the amount of loan advanced and revenue remission.

He mentioned that all administrators must take care of finances as money is like honey and there are chance of its sticking.

Self-Check Exercise 3

1. What was the role of the king in the administrative organization of ancient India?
2. According to V.D. Mahajan, was the sovereign the source of law? Explain.
3. How were legal disputes decided under the king's administration?

1.6 SALIENT FEATURES OF MUGAL ADMINISTRATION

Some key features of the Mughal administrative system can be noted from the beginning. First, the Mughals introduced certain foreign elements into their administration. They originally came from Central Asia, where they had their own system of governance. When they established their rule in India, they adapted this system to fit Indian traditions and conditions. As a result, Mughal administration became a blend of Indian and foreign influences, specifically a mix of Persian-Arabic systems within an Indian framework.

Second, the Mughal government was formally structured around the military. Every official in the administration was also registered as part of the army. They were assigned a **mansab** (rank) that determined their status and salary based on the number of horsemen under their command. Their payments were handled by **bakshis**, or military paymasters.

Third, because of its military foundation, the Mughal administration was a centralized autocracy. The emperor had absolute power, and his commands were considered law.

Fourth, religion and politics were closely linked in the system. The emperor was expected to govern according to Islamic principles and follow the guidance of religious scholars (**ulemas**). Historian Jadunath Sarkar noted that this led to a different approach towards Muslim and Hindu

subjects. While the emperor performed social welfare functions for Muslims, he largely avoided interference in the lives of non-Muslims, focusing mainly on law enforcement and revenue collection. However, this interpretation is debatable. For example, Akbar actively integrated Hindus into the administration and promoted inclusivity. He forbade the collection of the Jizya, the differential tax claimed from the Hindus and was applauded by non-Muslims for the creation of the new order *Din-I-Illahi*. Historians have also unearthed the *farmans* of Aurangzeb-widely known for his ant-Hindu measures-concerning grants of land to Brahmins and Yogis.

Fifthly, the Mughal administration, except during military campaigns, functioned primarily as a 'paper government' (kagazi raj). Due to the vast extent of the empire, slow means of transportation and communication, and the lack of political participation among the people, there was an excessive reliance on official documentation, leading to a massive accumulation of records. Furthermore, the primary focus of the state was limited to maintaining law and order and collecting revenue. The Mughal rulers did not actively promote social progress or economic welfare. Sectors such as education, healthcare, and the arts were largely left to private initiatives. Except for Akbar, the emperors did not adopt a policy of benevolent intervention or paternalistic governance. Another key characteristic of the Mughal state was its role as an economic entity. The administration owned and operated several karkhanas (factories) in major cities, producing a variety of goods. A notable feature of the Mughal administration was its approach to law and order. Unlike modern states, where maintaining justice and peace is a fundamental responsibility, the Mughal government largely delegated these duties to local authorities. In rural areas, policing was carried out by chaukidars (village watchmen), who were supported by the villagers themselves. While the faujdar acted as the government's representative, his jurisdiction was so vast that effective supervision of all villages was nearly impossible. Lastly, although the empire had a decentralized structure with provincial and local administrations, true political autonomy did not exist at the grassroots level. Instead of genuine local self-governance, villages and small towns functioned under a system of limited, parochial self-rule, with their primary role being the payment of taxes rather than political participation.

A discussion of the major components of the governance system during the Mughal rule now follows.

Self Check Exercise-4

- Identify three salient features of the Mughal administration.
- How did these features distinguish the Mughal administration from its predecessors?

1.7 THE EMPEROR

In the Mughal system of governance, the emperor held absolute and indivisible sovereignty. Within his empire, he was the ultimate authority, symbolizing unity and ensuring peace. He actively oversaw all major functions of the government, serving as the head of both civil and military administration. The appointment and dismissal of high-ranking officials rested solely in his hands, and no farman (royal decree) could be issued without his seal. The emperor also exercised direct control over the exchequer, determining both revenue sources and state expenditures. He was not

formally accountable to the people, yet most Mughal rulers did not misuse their extensive powers. Instead, they masked their autocratic rule with a paternalistic approach, presenting themselves as benevolent guardians of their subjects. Many emperors personally toured different regions to stay informed about administrative affairs, reducing the significance of a fixed capital. Rather than governing from a permanent seat, they moved with their court, effectively carrying the capital with them. Contrary to the notion that Mughal rulers lived in luxurious ease, their responsibilities were demanding. Akbar, for example, conducted administrative matters in an open court known as the Diwan-i-Aam, directly engaging with his subjects and officials.

Self Check Exercise-5

- Discuss the role of the Emperor in the Mughal administrative system.
- What were some of the powers and responsibilities of the Emperor?

1.8 THE KING'S COUNCIL

Although the Mughal emperors had a few key officials to assist them, these individuals were not equivalent to a modern-day council of ministers. The most prominent among them were the Wazir and the Diwan, while the rest of the administrative structure was entirely determined by the emperor. These officials functioned merely as representatives of royal authority, tasked primarily with advising the sovereign. However, their advice was not binding-while the emperor might listen, he was under no obligation to follow their recommendations. They held no real power to challenge or restrain the emperor's decisions and were, in no sense, his equals in governance. Historian Jadunath Sarkar aptly describes them as "secretaries rather than ministers." Their influence, if any, was limited to subtle persuasion and cautious warnings. Since their role was advisory rather than authoritative, they never resigned, even when their suggestions were disregarded.

Self Check Exercise-6

- What was the composition of the King Council?
- Explain the function and importance of the King Council in the Mughal administration.

1.9 CHIEF DEPARTMENTS OF ADMINISTRATION

The chief departments of the Mughal administration were :

1. Exchequer and Revenue (under the High *Diwan*).
2. Imperial Household (under the *Khan-i-Saman* or High Steward).
3. Military Pay and Accounts Office (under the Imperial *Bakshi*)
4. Canon Law, both civil and criminal (under the Chief *Qazi*).
5. Religious Endowments and Charity (under the Chief *Sadar*).
6. Censorship of Public Morals (under the *Muhtasib*).

7. The Artillery (under the *Mir Atish* or *Daroga-i-Topkhana*)

8. Intelligence and Posts (under the *Daroga of Dak Choki*)

While the Revenue Department headed by the *Diwan* or *Wazir*, will be discussed in the portion dealing with revenue administration, a brief reference to other departments may be made here. The Department of the Imperial Household was overseen by the Khan-i-Saman, who managed all of the emperor's personal attendants and was responsible for supervising his daily expenditures, food supplies, and household stores. Due to the high level of trust he enjoyed, some Khan-i-Samans were even promoted to the position of Wazir. The Military Pay and Accounts Office was headed by the Mir Bakshi, who served as the chief paymaster of the central government. Since all civil officers were considered part of the military, their salaries were also disbursed through him. His duties extended beyond payroll management—he played a key role in appointing mansabdars, recruiting and maintaining the army, assessing troop strength, advising the emperor on military matters, assisting in foreign relations, leading military campaigns, and accompanying the emperor on tours. The Department of Law was led by the Qazi, who was responsible for the administration of justice. As the chief judge in criminal cases, he adjudicated disputes based on Muslim law. The Sadar headed the Department of Religious Affairs. He served as the guardian of Islamic law and the representative of the ulema. His primary responsibilities included overseeing religious grants and ensuring they were used for their intended purpose. Additionally, he acted as a judge in certain civil cases. The Department of Censorship of Public Morals was managed by the Muhtasib, who was responsible for maintaining social order and enforcing moral conduct. His duties involved regulating public behavior, curbing immorality, and punishing individuals engaged in anti-religious activities.

Self Check Exercise-7

- List the chief departments in the Mughal administration.
- Choose one department and describe its main functions.

1.10 PERSONNEL ADMINISTRATION

Before considering the Mughal personnel administration, it may be mentioned that the concept of a special class of civil servants forming the 'civil service' of a state was not developed by the Mughals. In fact their practices in appointment, removal, pay, etc., are to be appreciated strictly in the context of a monarchical rule.

The officials serving in the departments mentioned earlier constituted the Mughal bureaucracy. This was a diverse group that included Persians, Afghans, Mughals, and a small number of Hindus. As previously noted, the Mughal administrative system had its roots in the military. All civil servants were enlisted in the army as mansabdars, a term that signified an official rank and entitlement to salary and privileges. In theory, each mansabdar was required to maintain a specified number of troops for the state's military service. However, under the Mughals, the title mansab was primarily used for high-ranking officials, and despite its military association, it largely became a symbolic designation. In practice, mansabdars were not always obligated to fulfill military duties. This system merged the functions of the military, nobility, and civil administration, making the mansabdars not just government officials but also members of the ruling elite.

Glimpses of the principle of hierarchy and a pattern of job classification also be seen in Mughal administration, especially during Akbar's era. Akbar classified the office-holders into thirty-three grades, ranging from commanders of 10,000 to commanders of 10. The highest rank an ordinary officer could hold was that of a commander of 5,000; the more exalted grades between commanders of 7,000 and 10,000 were reserved for members of the royal family.

The appointment of all the *mansabdar*s was entirely in the king's hands. He granted *mansabs* or ranks to them and dismissed them at his free will. The orders of appointment were issued by the *High Diwan*. The king remained the source of all administrative authority and, by his powers of appointment and removal, he kept all-embracing control over the administrative machinery.

Most historical accounts of the period do not mention any type of training of officials during the Mughal rule. As regards transfers of officials, again, it was the king who had the final say. He kept a tight hold over his subordinates by transferring them from one place to another. Most of the emperors believed in frequent transfers of their officers lest they should create a permanent influential base for themselves'. Leave matters were handled by the *Diwan*. He was responsible for granting formal leave (*rucksat*) to all the higher level officers. For their promotion, these officers looked up chiefly to the king. Notably, the *Diwan* occupied a position of great importance, as he could express in a most tangible manner, his appreciation of the services of his officials. The King distributed honours and promotions and could also reward a service by the gift of a province. He promoted *mansabdar*s on due recommendation of the provincial *subedar*. The pay structure under the Mughal administration had certain peculiarities of its own. Each grade carried a definite scale of pay, out of which its holder was expected to

maintain a quota of troops and animals. Hence, each officer, after presenting his troops for inspection was granted an assignment of revenue. Moreland and Chatterji, writing four decades ago, remarked that during the Mughal rule, the remuneration of the higher grades was extremely liberal when account is taken of the value of the money- somewhere between five and ten times what is in India today.¹⁵ In case they were not given a cash salary, they were granted a *jagir* for a temporary-period. Under this system they were not given the actual ownership of the land but instead were allowed merely to collect and enjoy the land revenue equivalent to the amount of their salaries from the assigned tract. The salary bills of all the *mansabdars* were passed by the *Bakshi* or paymaster of the army.

Despite specification of duties of various official, each officer had to be ready to discharge any other duties entrusted to him. An officer could be entrusted at any moment with an entirely new duty. For instance, Birbal, the famous poet and minister in Akbar's court, was put in command of troops at the frontier which ended fatally for him. Todar Mal was an able Finance Minister or Diwan and also an able general in the field.

Another striking feature of the personnel system was the doctrine of escheat. A *mansab* was not hereditary. It was purely *ex-officio*. A *mansabdar* had only a life-long interest in his *jagir* which escheated to the crown on his death and the title and emoluments could not usually be transmitted from father to son. As the *jagir* was given only for a lifetime, the nobles led extravagant lives, since they knew that they could not leave anything as an inheritance. This was in tune with the maxim followed during the Mughal rule that land was the property of the sovereign and his main source of revenue.

The scheme of pension too existed, though in a totally different form. The royal grants consisted of "pension either in land money (*i.e. jagir* or *tankha*) which the king gives, augments, retrenches or takes away at pleasure." This means that a pension once granted was not final; it could be taken back by the king at his pleasure. Pension was also granted to the widow of the deceased as well as to his children.¹⁷ There was a department called *Bait-ul-mal*, where the escheated property was recorded and maintained.

The emperor conducted the business of all his departments at his discretion. These departments could not claim to be consulted as a matter of right. All officials could exercise control over formal business at the pleasure of the emperor who was the breath which gave life to the organism of the administrative system. Royal ordinances could not be opposed and it

enabled him to exercise great influence over every department. It was considered treason to refuse to obey any mandate under the royal seal. The finances of all the departments were strictly under the supervision upon the king for its expenditure. He could feed one fat and starve another.”

The Mughal administration also adhered faithfully to the principle of administrative decentralization. Out of the three tiers of administration, the central administration has been discussed in the preceding pages and the other two tiers, viz., provincial and local administration are discussed in the following section.

Self Check Exercise 8

- How was personnel administration managed in the Mughal Empire?
- What were the criteria for selecting officials in the Mughal administration?

1.11 PROVINCIAL ADMINISTRATION

Akbar was responsible for organizing the provincial administration of the Mughal Empire and establishing a stable governance system. He initially divided the empire into twelve provinces, or subahs, later increasing the number to fifteen. The administrative structure in the provinces closely mirrored that of the central government. Each subah was governed by a subedar, also known as a nazim in some regions. There were no fixed regulations regarding the tenure of this office. The subedar was responsible for overseeing the province's overall administration, ensuring economic prosperity, maintaining law and order, and defending the region. His duties also included supervising the judiciary, assisting the Diwan in revenue collection, maintaining provincial forts, and recommending appointments and promotions for key positions. Despite being the second most important official in the province, the Diwan was not subordinate to the subedar; rather, he acted as his rival. Appointed directly by the emperor on the recommendation of the high Diwan, he reported exclusively to the central administration and maintained direct communication with the high Diwan. This arrangement violated the principle of unity of command, as it established two independent and parallel administrative structures within the province. The subedar and the Diwan closely monitored each other's activities and reported separately to the emperor. Although they were expected to collaborate, historical records suggest that their rivalry often led to intense conflicts, resulting in frequent transfers of one or the other.

The duties of the provincial *diwan*, were collection of revenue, keeping financial accounts, allotment and disbursement of the salaries of the provincial officers, managing the *jagirs* of the province, realization of revenue from taxes and appointing the *amins*, *kroris* and tahsildars in the provinces with the consent of the high *diwan*. He had to report to the high *diwan* twice a month with a statement of the cash balance with him. The *subedar* also reported to the Imperial Records Office about the general condition of his *subadh*. It was these reports which became the main

channel of communication between the central and the provincial governments.

The *subsadar* of the province was directly appointed by the centre. His duties included supervision and distribution of grants, promotion of learning by encouraging *ulema* through stipends and looking after the religious interests in the *subah*. The *qazi* was in charge of the Judicial Department of the *subah*. In some provinces, the office of the *sadar* and the *qazi* were merged, in the sense that the functions of both the positions were entrusted to one person only, while in other provinces they were not amalgamated. The *bakshi* of the *subah* was the counterpart of the *mir baks* at the centre. Appointed by the Imperial Court, he was in charge of the military establishment of the province. He looked after the recruitment, organization, discipline and efficiency of the provincial army. He too made regular reports to the Imperial Court. In the maintenance of law and order in the provinces, the *faujadar* was the Chief assistant of the *subedar*. There were several *faujdar*s in a province, each in charge of a fixed area called the *faujdari*. His duties were to protect the tax-payers, punish the lawless and rebel chiefs, crush violence and lawless conduct and reform the troublemakers. He also had to overcome opposition to the revenue authorities, the criminal judge and the censor. In the capital of each province and in other important cities, there was an officer called the *kotwal*. He was in charge of law and order and security in the city, prevention of thefts, carrying out the *qazi*'s orders and the management of prison.

Besides, the central government maintained a regular chain of communication between itself and the provincial governments. For obtaining news about the country there were four officers : (1) The *wagani* who was the writer or surveyor of occurrences (2) the *sawanih-niqar* who was the secret reporter on important cases, (3) the *kufi* who resided secretly in the *subahs*, reported news and supervised postal arrangements, and (4) the *harkarahs* who were spies and brought in oral or written news.

SelfCheckExercise-9

- Describe the structure and roles within the provincial administration of the Mughal Empire.
- What strategies did the Mughal Empire employ to maintain control over its provinces?
- Who were the main officials in provincial administration, and what were their responsibilities?

1.12 LOCAL GOVERNMENT

Under the Mughal administration, each subah was divided into several units known as sarkars, which were further subdivided into parganas or mahal. It was at this level that the local population interacted directly with government officials. Below the parganas, villages were referred to as mawdah or dih, each with clearly defined boundaries, including the surrounding lands. Within a mawdah, there were even smaller settlements called naglah. During Shah Jahan's reign, his wazir introduced an additional administrative unit known as the chakla, positioned between the sarkar and the pargana and encompassing multiple parganas. However, the sarkar continued to exist alongside this new unit. Each sarkar had its own officials. The faujdar served as the executive and military head, acting as the direct representative of the Mughal government at the local level. Appointed by the central administration, he wielded combined authority over military, police, judicial, and executive matters. The faujdar commanded a small military force to suppress rebellious zamindars and also assisted the amir in revenue collection. The amir, on the other hand, oversaw the revenue department of the sarkar and operated under the direct supervision of the provincial diwan.

He ensured that the lands were surveyed, their produce correctly ascertained and the revenue deposited regularly in the *pargana* treasury. The *bitikchi* assisted the *amir* by doing the necessary paper-work which formed the basis of assessment and collection of revenue. He maintained land-records and sent monthly abstracts to the Imperial Court. The *khazandar* assisted the *amir* in receiving money from the cultivators and issuing receipts. The *qazi* performed basically the same tasks did the provincial *qazi*. He was in charge of all religious affairs, mosques etc.

Pargana Administration

As mentioned earlier, each sarkar was divided into several parganas. The shiqdar served as the executive head of a pargana, responsible for maintaining law and order and overseeing criminal justice. He also conducted census operations and assisted the amir in collecting land revenue. Reporting to him was the qanungo, whose primary duties included surveying, assessing, and managing revenue collection. The qanungo also supervised the patwaris within the pargana.

Village Administration

During the Mughal period, village administration was managed by the village panchayat. It played a crucial role in organizing village life and ensuring adherence to customary laws and social norms. Functioning as a local governance body, the panchayat focused on community welfare and served as a judicial authority, resolving disputes among villagers. However, if any party was dissatisfied with the panchayat's decision, they had the right to appeal to higher government authorities.

As regards the attitude of the central government towards the villages, historians have different opinions.

J. N. Sarkar, for instance, holds the view that the mughals were essentially urban people and

preferred to lead a city life because cities were the seats of power. Therefore, the villages “were neglected and despised and village life was dreaded by them as a punishment.” No doubt, the villages were the places from which their food and income came, but that was their only connection with them.” At another place, he says that the state undertook no welfare -activities for the people so long as there was not violent crime or defiance of royal authority in the villages. “Every village was left free to continue the noiseless even tenor of its life along the old grooves, untroubled by the government if it did not trouble the government”. The provincial government kept in touch with the village by means of (1) *the faujdars* posted in the towns; (2) the lower officials of the revenue department who did the actual collection from the peasantry (3) the visits of the *zamindars* to the *subedars*, and (4) the tours of the *subedars*. Its contact was, however, not very intimate.

However, the appraisals of other historians indicate that the government was not so callously indifferent to the villagers, as is suggested by Sarkar. The Mughals took an active interest in agriculture as the bulk of the revenue came from land. The officers of the state in the revenue department under the high *diwan* at the centre and the provincial *diwan* in the subahs performed other functions too, besides collection of revenue. Sarkar himself mentions some of them while describing the duties of the *amin* in the village. Not only was he to ensure the collection of revenue but he also was to see whether the existing ploughs were sufficient and if not, then grant *taqavi*(agricultural loans) to the villagers.

After a brief discussion of the area administration, we now refer to certain salient aspects of law and order and revenue administration of the Mughals.

The very fact that the constitution of Indian Republic is the product not of a political revolution but of the research and deliberations of a body of eminent representatives of the public who sought to improve upon the existing system of administration, makes a retrospect of the constitutional development indiscernible for a proper understanding of this constitution.

Practically the only respect in which the constitution of 1949 differs from the constitutional documents of the proceeding two centuries is that while the latter had been imposed by an imperial power, the Republican constitution is made by the people themselves though representatives assembled in a Sovereign constituent’ Assembly. That explains the majesty and ethical value of the new instrument and also the significance of those of its provisions which have been en-grated upon the pre-existing system.

Self Check Exercise-10

- How was the local government organized under the Mughal Empire?
- What were the primary duties of local government officials?
- Explain the relationship between local government and higher administrative authorities in the Mughal Empire.

B. Administration during Mughal Period

1.13 Mughal Empire

The Mughal Empire was a prominent early-modern empire that ruled a vast region of South Asia from the 16th to the 19th century. For nearly two centuries, its territory extended from the Indus River basin in the west, northern Afghanistan in the northwest, and Kashmir in the north, to the highlands of present-day Assam and Bangladesh in the east, and the Deccan Plateau in southern India. The empire is traditionally considered to have been founded in 1526 by Babur, a warrior chieftain from present-day Uzbekistan. With military assistance from the Safavid and Ottoman empires, Babur defeated Ibrahim Lodi, the Sultan of Delhi, in the First Battle of Panipat, paving the way for Mughal dominance over northern India. However, the formal imperial structure of the Mughal state is often traced to 1600, during the reign of Babur's grandson, Akbar. The empire reached its greatest territorial extent under Aurangzeb, the last major emperor, who ruled until 1707. After his death, the empire began to decline and was reduced to the Delhi region by 1760. Following the Indian Rebellion of 1857, the British Raj officially dissolved the Mughal Empire. While the Mughals established and maintained their empire through military conquest, they did not impose strict cultural assimilation. Instead, they introduced efficient administrative reforms, fostered diverse ruling elites, and promoted a centralized governance system that ensured stability. The empire's primary source of revenue was agricultural taxation, introduced by Akbar, which required peasants to pay taxes amounting to over half of their agricultural output. These payments were made in regulated silver currency, integrating peasants and artisans into larger regional and international markets. The relative stability maintained by the Mughal Empire, particularly during the 17th century, contributed to India's economic expansion. The growing European presence in the Indian Ocean trade network, coupled with increasing demand for Indian raw materials and manufactured goods, further enriched the Mughal courts. This prosperity led to greater patronage of the arts, including painting, literature, textiles, and architecture, particularly during the reign of Shah Jahan. Several Mughal-era structures have been designated as UNESCO World Heritage Sites, including the Agra Fort, Fatehpur Sikri, Red Fort, Humayun's Tomb, Lahore Fort, Shalimar Gardens, and the Taj Mahal-described as "the jewel of Muslim art in India and one of the world's most admired masterpieces."

Self Check Exercise-11

- Provide an overview of the Mughal Empire's origins and expansion.
- Discuss the significance of the Mughal Empire in Indian history.
- What were the cultural and administrative contributions of the Mughal Empire?

1.14 Babur and Humayun (1526-1556)

The Mughal Empire was established by Babur (reigned 1526–1530), a Central Asian ruler descended from Timur (founder of the Timurid Empire) on his father's side and Genghis Khan on his mother's side. After being driven out of his ancestral lands in Central Asia, Babur turned his attention to India in pursuit of his ambitions. He first established control over Kabul and then advanced southward into India through the Khyber Pass. Babur's forces defeated Ibrahim Lodi in the First Battle of Panipat (1526), marking the beginning of Mughal rule in India. Before the battle, he sought divine favor by renouncing alcohol, destroying wine vessels, and pouring out the wine into a well. However, at the time, the Lodi dynasty was already in decline, and the Rajput Confederacy, under the leadership of Rana Sanga of Mewar, was the dominant power in Northern India. Babur initially suffered defeat at the Battle of Bayana, but in a decisive encounter near Agra, his Timurid forces overcame Rana Sanga's army. This battle proved to be one of the most historic and pivotal battles in Indian history, shaping the political landscape of Northern India for the next two centuries. Following his victory, Babur shifted the Mughal power center from Kabul to Agra. However, his continuous military campaigns prevented him from consolidating his newly acquired territories. The empire's instability became evident under his son and successor, Humayun (reigned 1530-1556), who was eventually forced into exile in Persia by rival factions. During this period, Mughal rule was briefly disrupted by the Sur Empire (1540–1555), founded by Sher Shah Suri (reigned 1540-1545). While in exile in Persia, Humayun forged diplomatic ties with the Safavid Empire, leading to greater Persian cultural influence in the later Mughal administration. In 1555, Humayun successfully reclaimed parts of India, restoring Mughal rule. However, his reign was short-lived, as he died in an accident the following year.

Self Check Exercise-12

- What were the key achievements of Babur in establishing the Mughal Empire?
- Describe the challenges faced by Humayun during his reign.
- How did Babur's and Humayun's policies shape the future of the Mughal Empire?

1.15 Akbar and Aurangzeb (1556-1707)

Akbar (reigned 1556-1605) was born as Jalal-ud-din Muhammad in the Rajput Umarkot Fort to Humayun and his wife Hamida Banu Begum, a Persian princess. Akbar ascended to the throne under the regency of Bairam Khan, who played a pivotal role in solidifying the Mughal Empire in India. Through a combination of military campaigns and diplomatic efforts, Akbar expanded the empire in all directions, ultimately controlling nearly the entire Indian subcontinent north of the Godavari River. He established a new, loyal ruling elite, introduced modern administrative practices, and fostered cultural growth. He also increased trade with European trading companies, contributing to a strong, stable economy and promoting commercial and economic expansion.

Akbar was known for his policy of religious tolerance, promoting freedom of belief at his court, and tried to bridge cultural and socio-political divides by founding a new religion, Din-i-Ilahi, which incorporated elements of a ruler cult. Akbar's rule left the empire internally stable and prosperous, though signs of political decline soon emerged.

Jahangir (born Salim, reigned 1605-1627) was the son of Akbar and Mariam-uz-Zamani, a Rajput princess. Named after the famous Indian Sufi saint Salim Chishti, Jahangir was raised by Chishti's daughter. Jahangir was known for his opium addiction and neglect of state affairs, coming under the influence of rival court factions. Unlike Akbar, Jahangir sought to strengthen his ties with the Islamic religious establishment, significantly increasing the number of madad-i-ma'ash (tax-free land grants) bestowed upon religious scholars. However, Jahangir's reign also saw conflicts with non-Muslim religious leaders, most notably the execution of Sikh Guru Arjan, marking the start of a long-standing hostility between the Mughal Empire and the Sikh community.

Shah Jahan (reigned 1628-1658) was born to Jahangir and Jagat Gosaini, a Rajput princess. His reign marked the golden age of Mughal architecture, epitomized by the construction of the Taj Mahal. However, the cost of maintaining the court began to exceed revenue, and the empire's finances began to strain. Shah Jahan extended the Mughal Empire southward into the Deccan by overthrowing the Nizam Shahi dynasty and forcing the Adil Shahis and Qutb Shahis to pay tribute. His era is often referred to as the "Golden Age of Mughal Architecture."

Shah Jahan's eldest son, the liberal Dara Shikoh, became regent in 1658 during his father's illness. Dara supported a syncretistic Hindu-Muslim culture, much like his great-grandfather Akbar. However, with the support of the Islamic orthodoxy, Aurangzeb, another of Shah Jahan's sons, seized the throne. In 1659, Aurangzeb defeated Dara and had him executed. Though Shah Jahan recovered from his illness, Aurangzeb kept him imprisoned until his death in 1666.

Aurangzeb (reigned 1658-1707) was known for promoting a more Islamicized Mughal state. He encouraged conversion to Islam, reinstated the jizya tax on non-Muslims, and compiled the Fatawa al-Alamgir, a collection of Islamic law. He also ordered the execution of Sikh Guru Tegh Bahadur, leading to the militarization of the Sikh community. Aurangzeb's policies aimed to integrate local elites into his vision of a shared identity that unified various groups within the empire. During his reign, the empire expanded to cover nearly all of South Asia. However, by the time of his death in 1707, much of the empire was in open revolt. Aurangzeb remains a controversial figure in Indian history, with some historians arguing that his religious conservatism and intolerance weakened Mughal society, while others point out his efforts to support Hindu temples, employ more Hindus in his administration, and oppose bigotry against Hindus and Shia Muslims.

Self Check Exercise-13

- Identify and explain three major policies implemented by Akbar.
- How did Akbar's administrative reforms impact the Mughal Empire?
- Compare and contrast the reigns of Akbar and Aurangzeb in terms of administrative efficiency and military expansion.

1.16 Decline (1707- 1857)

Aurangzeb's son, Bahadur Shah-I, reversed his father's religious policies and attempted administrative reforms. However, after his death in 1712, the Mughal dynasty plunged into turmoil, marked by violent feuds and instability. In 1719, four emperors ascended the throne, serving as mere figureheads under the influence of the Sayyid king-makers. During the reign of Muhammad Shah (reigned 1719–1748), the empire began to fragment, with large portions of central India falling into the hands of the Marathas. The distant campaign of Nadir Shah, who had previously reasserted Iranian suzerainty over much of West Asia, the Caucasus, and Central Asia, culminated in the Sack of Delhi. This event shattered the last vestiges of Mughal power and prestige. As the empire weakened, many of its elites sought to govern independently, establishing their own kingdoms. In the Deccan, while the Mughals attempted to curb the growing autonomy of the Nizam, he, in turn, encouraged the Marathas to invade central and northern India. Despite this, scholars like Sugata Bose and Ayesha Jalal argue that the Mughal Emperor continued to represent the highest sovereignty in India. Not only the Muslim gentry, but also Maratha, Hindu, and Sikh leaders continued to recognize the emperor as the supreme sovereign in ceremonial acknowledgments.

Meanwhile, as the Mughal Empire fragmented, some regional powers became embroiled in global conflicts, leading to defeats and territorial losses during the Carnatic Wars and the Bengal War. Shah Alam II (reigned 1759–1806) made unsuccessful attempts to reverse the decline of the Mughal Empire. Ultimately, he sought protection from the Emir of Afghanistan, Ahmed Shah Abdali, which precipitated the Third Battle of Panipat between the Maratha Empire and Abdali's Afghan forces in 1761. In 1771, the Marathas recaptured Delhi from Afghan control, and by 1784, they became the official protectors of the Mughal emperor in Delhi. This arrangement lasted until the Second Anglo-Maratha War. Afterward, the British East India Company assumed the role of protectors of the Mughal dynasty in Delhi. In 1793, the Company took control of the former Mughal province of Bengal-Bihar, dismantling local rule (the Nizamat) and setting the stage for British colonial rule over the Indian subcontinent. By 1857, a significant portion of former Mughal India was under East India Company control. Following the Indian Rebellion of 1857–1858, in which Bahadur Shah Zafar, the last Mughal emperor, nominally led the revolt, the British East India Company deposed him, exiling him in 1858. Subsequently, the British Crown took direct control of the territories previously held by the East India Company, officially establishing the British Raj. In 1876, Queen Victoria of Britain adopted the title of Empress of India.

Self-Check Exercise 14

- What were the main provisions of the Indian Council Act of 1861?

C. Administration during British Period

The British Crown assumed sovereignty over India from the East India Company for the governance of India under the direct rule of the British Government, the Government of India Act, 1858. This Act serves as the starting point because it was dominated by the principle of absolute imperial control without any popular participation in the administration of the country, while the subsequent history up to the making of the constitution is one of gradual relaxation of imperial

control and the evolution of responsible government. By this Act the powers of the Crown were to be exercised by the Secretary of State for India, assisted by a council of fifteen members (known as the council of India). The Council was composed exclusively of people from England, some of whom were nominees of Crown while others were the representatives of Directors of The East India Company, the Secretary of State who was responsible to the British Parliament, governed India through the Governor-General Assisted by an Executive Council, which consisted of high officials of the Government.

1.17 Indian Councils Act, 1861

The Indian Council Act, 1861 introduced a grain of popular element in so far as it provided that the Governor-General's Executive Council which was so long composed exclusively of officials, should include certain additional non-official members, while transacting legislative business as a legislative council. By the Legislative Council was neither representative nor deliberative in the sense. The members were nominated and their functions were confined exclusively to a consideration of the legislative proposals placed before it by the Governor General.

SelfcheckExercise-15

- What were the key provisions of the Indian Council Act of 1861?
- How did this act change the administrative landscape in India?

1.18 Indian Council Act, 1892

Two improvements upon the proceeding state of affairs as regards the Indian and Provincial Legislative Councils introduced by the Indian Council Act, 1892, namely.

(a) though a majority of the officials members were retained, the non-official members of the Indian Legislative Council were hence forth to be nominated by the Bengal Chamber of Commerce and the Provincial Legislative Councils, while the non-official members of the Provincial Councils were to be nominated by certain local bodies such as universities, district board municipalities.

(b) The Council were to have the power of discussing the annual statement of revenue and expenditure true i.e., the Budget and of addressing to the executive.

The first attempt at introducing a representative and popular element was made by the Morley-Minto Reforms, known by the names of then Secretary of State for India (Love Morley) and the Viceroy (Lord Minto), which were implemented by the Indian Councils Act, 1909.

Subsequent to this Government of India Act, 1915 was passed merely to consolidate the provisions of all the proceeding Government of India Acts so that the existing governmental provisions relating to the Government of India in its executive, legislative and judicial branches could be had from one enactment.

Self Check Exercise-16

- Explain the significance of the Indian Council Act of 1892.
- What were the major changes introduced by this act?

1.19 Summary

The other problem of parliamentary democracy can be said to be of Centre-State relationship. Because of centralization of power at the Union level, there is always a conflict between the Centre and States primarily relating to autonomy and the financial aspect. Union Government poses a problem of implementation in uniformity. Hence the S. G. insist on more autonomy. The other problem relating to finances is of acute nature. As the C.G. always has upper hand at the time of allocation of funds.

Further, because of the gulf between the electorate and elected representatives, there arises the need of accountability. It is not possible for the common citizen to have first hand information relating to actions taken by the government.

In the end, there have been growing inequalities of income and wealth in India. As the big industrialist finance the part of election campaign, they get rewards from the government when it comes into power. Hence, the economic concentration is in the hands of big business houses, thereby depriving the larger section of the society.

1.20 Glossary

- (a) **Parliamentary Democracy:** Indian Constitution pervades the Parliamentary form of Government in India. It applies to the state as well as the union.
- (b) **Mugal Administration:** Mugal Came to India from Control area, where they had their own administrative system and modified it according to the tradition and customs prevailing in India.

- (c) **Kautilya** :Kautilya or Chankay to have been the Minister of Chandergupta. He has written the famous book called Arthshastra in third century BC.

1.21 Answer to Self Check Exercises

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

1.3

Self-check Exercise-2

Refer to section

1.4

Self-check Exercise-3

Refer to section

1.5

Self-check Exercise-4

Refer to section

1.6

Self-check Exercise-5

Refer to section

1.7

Self-check Exercise-6

Refer to section

1.8

Self-check Exercise-7

Refer to section

1.9

Self-check Exercise-8

Refer to section

1.10

Self-check Exercise-9

Refer to section

1.11

Self-check Exercise-10

Refer to section

1.12

Self-check Exercise-11

Refer to section

1.13

Self-check Exercise-12

Refer to section

1.14

Self-check Exercise-13

Refer to section

1.15

Self-check Exercise-14

Refer to section

1.16

Self-check Exercise-15

Refer to section

1.17

Self-check Exercise-16

Refer to section

1.18

1.22 References/Suggested Readings

- (1) S.R. Maheshwari, "Indian Administration".
- (2) K.K. Puri, " Indian Administration".
- (3) Mohinder Singh, "Indian Administration".

1.23 Terminal Questions:

- (1) Discuss the Problem of Parliamentary Democracy in Indian Union.
- (2) What are the salient feature of Mugal Administration with special reference to Land-Revenue Administration.
- (3) Discuss the administrative development in Indian Administration after independence.

Unit-2

Niti Ayog & National Development Council

Structure

2.1 Introduction

2.2 Learning Objectives

2.3 Framework

Self-Check Exercise 1

2.4 Division of power in the Indian Constitution

Self-Check Exercise 2

2.5 Parliamentary Democracy

Self-Check Exercise 3

2.6 Planning

Self- Check Exercise-4

2.7 Niti Ayog

Self-Check Exercise 5

2.8 National Development Council

Self-Check Exercise 6

2.9 Summary

2.10 Glossary

2.11 Answer to Self Check Exercises

2.12 Reference/Suggesting Reading

2.13 Terminal Questions

2.1 Introduction

India achieved freedom from British colonialism in August 1947 when it was partitioned into two dominions of India and Pakistan respectively. The Dominion of Pakistan formally came into being on 14 August while the Dominion of India Viz. the erstwhile British India, minus Pakistan was born a day later.

To prepare the new constitution of free India, a Constituent Assembly was brought into existence under the Cabinet Mission Plan in 1946. It consisted of 389 members, including 93 members for the native states the seats were allocated to different provinces and the princely states roughly in the ratio of one member to a million of the population. Whereas the modalities for the representation of native states in the Constituent Assembly were left to be determined by negotiations with their rulers. Elections to the assembly from the provinces were held in July 1945.

2.2 Learning Objectives:

After learning this lesson the students will be able to know:

- The framework of Indian Constitution.
- The Division of Powers between centre and the state.
- The concept to Parliamentary Democracy.
- The relevance of N.D.C. in Indian Planning System.

2.3 Framework

The Constituent Assembly held its inaugural meeting on 9 December 1946. Dr. Rajendra Prasad was elected its permanent chairman two days later. On 13 December Jawaharlal Nehru moved the objective Resolution in which the assembly declared 'Its firm and solemn resolve to proclaim India as an independent, sovereign republic and to draw up for future government a Constitution.' befitting here national aspirations.

The resolution was passed by the constituent Assembly on 22 January 1947. To quote the resolution.

The Constituent Assembly solemnly and resolutely declares its commitment to proclaim India as an Independent Sovereign Republic and to draft a Constitution for its future governance:

1. The territories that currently constitute British India, the territories that form the Indian States, as well as any other parts of India outside British India and the States, and any other territories willing to join, shall form a Union of all these regions.
2. These territories, whether with their current boundaries or with any new ones determined by the Constituent Assembly and later adjusted according to the Constitution, shall remain autonomous units with residual powers. They shall retain all governmental and administrative powers, except those assigned to the Union or implied by it.
3. All powers and authority of the Sovereign Independent India, its constituent units, and the organs of Government are derived from the people.
4. Justice-social, economic, and political-equality of status and opportunity, and freedom of thought, expression, belief, faith, worship, vocation, association, and action shall be guaranteed to all people, subject only to law and public morality.
5. Adequate safeguards will be provided for minorities, backward and tribal areas, as well as depressed and other disadvantaged classes.
6. The integrity of the Republic's territory and its sovereignty over land, sea, and air shall be maintained in accordance with justice and the laws of civilized nations.
7. The ancient land of India shall attain its rightful and honored place in the world and make its full and willing contribution to the promotion of world peace and the welfare of humanity.

Seventy-three of its members, elected from the provinces on Muslim League tickets, boycotted the proceedings of the assembly from its very inception. They subsequently formed a separate Constituent Assembly for Pakistan which was formally inaugurated by Lord Mountbatten at Karachi on 14 August 1947. After the dawn of independence, the Constituent Assembly became a sovereign body, and it took about three years to frame the new constitution of free India, if came into force on 26 January, 1950. The new constitution which declares India, that is Bharat to be a sovereign, democratic republic is a very bulky document.

WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India, into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens; JUSTICE, social, economic and political.

EQUALITY of status and of opportunity, and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949 do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

(Note : The italicized words in the above preamble were added by the Forty Second

Amendment Act, 1976)

Though the Preamble is not a part of the constitution yet it serves as a key to the constitution. To quote Pandit Bhargava “It is most precious part of the Constitution. It is the soul of the constitution. It is key to the Constitution. It is jewel set in the constitution. It is a superb prose poem, may be it is perfection in itself.” Chief Justice Hidayathullah says “Preamble resembles the Declaration of Independence of the United States of America but is more than a declaration. It is the soul of our constitution which lays down the pattern of our political society It contains a solemn resolve which nothing but a revolution can alter.”

An analysis of the preamble shows that it intends India to be a sovereign, Socialist, Secular and Democratic Republic. Let us describe them briefly.

The basic principles and ideology, on which the Indian Constitution is based are discussed below:

Sovereignty : The Indian Constitution is based on the principles of sovereignty meaning, thereby, that India is an independent and autonomous and not dependent upon any foreign government for its administration.

Republic: The concept of Republic implies that head of State would be directly or indirectly, elected by the people themselves, and he would not be appointed on the basis of heredity. Consequently, the Indian Constitution provides for the election of the President not his nomination.

Democracy: As a form of Government, the democracy which is envisaged is, REPRESENTATIVES DEMOCRACY and there are in our constitutional agencies of direct control by the people, such as ‘referendum’ or ‘initiative’.

Socialism: The word ‘socialism’ has been added in the Preamble of the Indian Constitution vide 42nd amendment (1976). The socialist orientation of the Indian Constitution is evident, particularly, from Article 39 which provides: (a) that all citizens have the right to adequate means of livelihood, (b) that the ownership and control of the material resources of the community have to be so distributed as to sub serve the common goods; (c) that the operations of the economic system should be so organized as not to result in the concentration of wealth and the mean of production to the common detriments and so on.

Secularism : The word 'secular' to the existing description of the country as a sovereign democratic republic in the Preamble by the 42nd amendment (1976) further strengthens the non-religious approach of the Constitution. A secular state implies that there is no state religion and in the formulations, of its policies, the state would remain neutral in religious matters-neither supporting nor discriminating against any religion of the country. Let us now examine the special aspect of this framework i.e. Federation, Planning and Parliamentary Democracy.

Federation: The constitution is a Federation constitution in as much as it establishes what may be called a Dual Polity (which) consist of the union at the Centre and the States at the Periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution. Yet the Constitution avoids the tight mould of federalism. and could be both unitary as well as federal according to the requirements of time and circumstances.

Constitution of India 1950 declares India 'Union of State' The word Federalism has not been used anywhere in the constitution. But certain features like the distribution of powers between the states and Union, presence of a Supreme Court to review the laws passed by the government etc. seem to give us the impression of a federal constitution. The Federal nature of the Indian Constitution as has been said earlier, had always been matter of controversy. The reason being this is nothing but the presence of unitary as well as federal characteristics in the same constitution.

Self-Check Exercise 1:

- Define the framework of the Indian Constitution.
- What are the main components of this framework?

2.4 DIVISION OF POWER IN THE INDIAN CONSTITUTION

Division of powers is generally considered to be the most important part of a federation. In the present world of cooperative federalism, the federal government has virtually taken away many of the powers of the units and the traditional definitions of identifying federalism with the 'constitutional autonomy of the States' or strict compartmentalization; no longer hold water. Similarly many other characteristics of the federation which were considered to be the very bases

of federal constitution, have lost their importance in the highly dynamic nature of the present world Society. This, has made the centralization in every walk of life inevitable. However, the division of power is still considered to be the very essence of federalism and any constitution which forbids this division of powers between the union and the units, can not claim to be federal, however, flexible the criterion of federation maybe.

A brief account of these three divisions is given below:

Legislative Relations :The Indian Constitution divides the legislative powers into three lists which have been given in the Seventh Schedule that is Union list, State list, and the Concurrent list.

List-I The Union List: It includes the subjects which are considered to be of the national importance, such as Defense, Foreign Affairs, War and Peace, Citizenship, Railways, Currency, Posts and Telegraphs, Banking etc.

This 42nd Amendment to the constitution inserted a new entry 3 A, after entry 2 in the union list. This new entry deals with the employment of any armed forces of Union or any other force subject to the control of the Union or any contingent of unit thereof in any State in aid of the civil power.

List-II: The State List: This includes the items which were left to the States. Initially, the list included many items such as Public Order, Public Administration, Justice, Prisons, Public Health, Education, Agriculture and Forests etcetera. But the 42nd Amendment Act which was a comprehensive attempt to change the federal division of powers, shifted some of these subjects to the concurrent list. This led to the transfer of administration of justice, constitution and organization of all courts, education, weights and measures, forests, protection of wild animals and birds, etc. from List II to List III.**List III :**The Concurrent List : This list includes the items on which both the union and state governments can legislate. This includes such items as criminal law and procedures, civil procedures, contracts, torts, trusts, welfare of labour. As we have seen in preceding lines, many more, subjects have been removed from the state list and added to the Concurrent list.

Residuary Powers: Residuary powers in the Constitution have been left with the Union. This is contrary to the provisions in the U S. Constitution which leaves the residuary powers with the States.

A part from these three lists, the Union-State-Legislative relation are also governed by some articles which give to the parliament, power to over rule State legislation in certain cases.

ADMINISTRATIVE RELATIONS :

The administrative relations have been designed in such a way as to ensure the smooth working of the Union and the State Government and avoid any such incidence which runs contrary to the spirit of harmonious working. Articles 256, 257, 258, 262 and 263 broadly deal with these provisions. Article 256 provides that the executive as to ensure compliance with the law made by Parliament.

Article 257 provides that the States will exercise their executive power in such a way as not to impede or prejudice the exercise of the executive power of the Union and the Government of India might give to a State such directions as might appear to it necessary for that purpose.

Article 258 provides that the President can constitute the State as the agents of the Union with their consent and can entrust conditionally or unconditionally to them or to their officers, functions in relation to any matter to which the executive power of the Union extends.

Article 262 empowers of President to provide by law for the adjudication of any dispute among states with respect to the use distribution and control of river waters or valleys.

Article 263 deals with the establishment of an inner-State Council.

FINANCIAL RELATIONS :

The financial resources of the centre and the States can briefly be summarized as below :-

1. Tax jurisdiction of the Union : The Union has tax jurisdiction over the subjects which have been included in the Union list. These include corporation tax, taxes on income other than from agricultural land, custom duties, duties of excise on tobacco, estate duty in respect of property other than agricultural land, “terminal taxes on goods or passengers carried by railways, sea or air, taxes on the sale of purchase of newspaper and any other tax which has not been mentioned in the other two lists.

2. Tax jurisdiction of the States : These taxes include mainly the following taxes. Estate duties in respect of agricultural land, taxes on lands, buildings taxes on agricultural income, taxes on consumption and sale of electricity, taxes on the entry of goods into local area of consumption, use or sale therein, taxes on sale and purchase of goods other than newspapers, duties in respect

of succession to agricultural land, duties of excise on certain goods purchased or manufactured in the States, land revenue, taxes on vehicles, taxes on entertainments etc.

3. Taxes levied by the Union but collected and wholly appropriated by the States : This includes stamp duties and excise duties on medicine and toilet preparation. **Taxes levied and controlled by the Union but assigned to the States :** It includes taxes on railway freights, taxes on the sale and purchase of newspaper and advertisements published therein, terminal taxes on goods and passengers carried by railway, sea or air, estate duty in respect of property other than agricultural land, duties in respect of succession to property other than agricultural land etc.

4. Taxes levied and collected by the Union but necessarily shared between the Centre and States: It includes taxes on income other than agricultural income.

5. Taxes which are levied and collected by the Union but may be shared between the Union and the States: It includes excise duties other than those on medical and toilet preparations mentioned in the Union list and collected by the Government of India.

Self Check Exercise -2

- How is power divided between different branches of government in the Indian Constitution?
- Explain the significance of the separation of powers.

2.5 Parliamentary Democracy

The constitution of India has adopted a parliamentary form of government on the British model but its republican character necessitated the creation of the office of the President who acts as the constitutional head of the State. The real executive power of the union of central government is vested in the Council of ministers headed by the Prime Minister. The responsibility of the executive to the legislature has been called the essence of parliamentary democracy, accordingly, the Council of Ministers is collectively responsible to the Union Parliament (Sansad), particularly its lower house, called House of the People or the Lok Sabha which consists of members, elected directly by the people on the basis of universal adult franchise. The union government thus consists of three main organs-the President the Council of Ministers and the Parliament.

In the parliamentary form of government there are two executives one real and the other nominal. In India, while the President is the nominal executive, the Council of ministers headed by the Prime Minister is the real executive. It means that formally all executive power: of the

Union are vested in the President of India ("Articles 53) but in reality he does not exercise these powers himself. Rather he exercises them on the advice of the Cabinet or more precisely the cabinet exercises them on his behalf and in his name. Article 74 ? (1) of the constitution provides that there shall be a council of ministers, headed by the prime minister to aid and advise the President in the exercise of his powers and performance of his function. In 1976 the Forty-second Amendment Act made it binding on the President to accept the advice of the Cabinet: After this amendment, the President, could not even ask the Cabinet to reconsider its advice to him. Thus he became totally a rubber stamp in the hands of the Cabinet. However, when Janta Party came to power this position was changed by the Forty-Fourth Amendment Act (1978). This amendment allows the President to refer back a matter to the Cabinet and ask it to reconsider its advice, but if the Cabinet again sends its advice to him after such reconsideration, either in the original but to accept the advice of the Cabinet. Thus in ultimate analysis the President is only a nominal executive and the real executive is the Union Cabinet. The second important feature of the parliamentary government as it obtains in India is that theoretically the council of Ministers holds office during the pleasure of the President but in reality, it is responsible to the union Parliament.

Under the constitution, a bi-classical legislature, called Parliament, has been established at the Union level. It has two houses, the Rajya Sabha and the Lok Sabha.

direct representation of people and the representation of units as such, by setting up two Houses, one representing the people as a whole and the other, the feeding Units. The two houses of Parliament are the Council of States (the Rajya Sabha) and the House fairly reflect the nature of their composition. The Lok Sabha is composed of directly elected representatives on the basis of adult franchise. The Rajya Sabha is composed mainly of representatives of the States, elected by the legislative Assemblies of the states.

Under Article 79 of the Constitution Parliament consists of the President and the two houses viz. the Rajya Sabha and Lok Sabha. Making the President 'integral part of Parliament is in conformity with the principles and traditions of a parliamentary system of government. (In Great Britain, Parliament consists of the Queen, the House of Lords and the House of Commons). Although the President himself is not a member of the legislature, his participation in the legislative process is ensured by making him a part of Parliament. The fact that he is the chief executive authority and that the executive power is co-extensive with the legislative power also makes it necessary that he should become an integral part of legislature.

However, in practice the Parliament has not been as effective as it is supposed to be because of the increasing influence of the Council of ministers.

Self Check Exercise 3

- What are the main features of parliamentary democracy in India?
- How does parliamentary democracy function in the Indian political system?

2.6 Planning

Planning substitutes order for chaos and introduces rationality into decision making process. It reduces random and haphazard activity. Planning makes personnel conscious of the objectives of the enterprise and thus encourages their involvement and participation. Planning promotes internal, coordination and thus helps in making possible the integrated and coordinated effort. It facilitates control as the top executives can compare the performance with the standards of targets laid down the process of planning. Planning generation economy and effective has rightly stated that "Planning is the foundation of most successful action of an enterprise."

In, 1934, Sir V. Visvesvaya, published his book "Planning Economy in India" in which he formulated a 10 years Plans to the economic development of the country. In 1938, after the popular rule in a number of provinces, a National Planning Committee was set up in 1938 under

the chairman-ship of Pt. Jawahar Lai Nehru with Prof. K.T. Sah as its General Secretary. In 1944 eight leading industrialists of India prepared a plan of economic development of India. An interim Govt., appointed in August 24, 1946 appointed an Advisory Planning Board with Mr. K. C. Neogy as its Chairman.

Immediately after gaining independence, the government established the Planning Commission in 1950 to assess the country's needs in terms of material resources and human capital, with the aim of creating a plan for their more balanced and effective utilization. The First Five-Year Plan began in 1950-51 and was followed by a series of subsequent Five-Year Plans.

The Directive Principles in our Constitution stipulate that the State shall, in particular, direct its policy towards securing: (a) that all citizens, both men and women, have the right to an adequate means of livelihood; (b) that the ownership and control of the community's resources are distributed in a way that serves the common good; (c) that the functioning of the economic system does not lead to the concentration of wealth and means of production to the detriment of the public.

The long-term objectives outlined by the planners in India were as follows:

1. To maximize production in order to achieve higher levels of national and per capita income.
2. To ensure full employment.
3. To reduce income and wealth inequalities.
4. To establish a socialist society based on equality, justice, and the absence of exploitation.

The First Five-Year Plan expressed clearly the long-term objectives or goals of economic planning in India as follows: "Maximum production and full employment the attainment of economic equality or social justice which constitute the accepted objectives of planning under present day conditions are not really so many different ideas but a series of related aims which the country must work for. None of these objectives can be pursued to the exclusion of a plan of development must place balanced emphasis on all these". B.

S. Minhas states; 'securing rapid economic growth and expansion of employment, education of disparities in income and wealth, prevention of concentration of economic power, and creation of the values and attitudes of a free equal society have been among the objectives "of all our plan.

Planning machinery at the national and state level consists of a network of agencies and institutions which are concerned with the various aspects of the planning process-plan formulations; plan implementations, plan appraisal and evaluation, plan financing etc. Thus viewed, planning machinery at the national and state level include the following.

- (i) The Planning Commission and the Planning Boards;

- (ii) The Central Ministries and the State Government
- (iii) The National Development Council and
- (iv) The Commission's associated bodies and its 'Liaison Agencies.'

Let us now discuss in brief the role of Planning Commission in the formulation of plan in India.

India has perhaps the largest tradition of planning in any non-socialist country. The nearest parallel to it in Western Europe is the French System of Planning. The main difference, however, is that, India has a federal structure of government and the achievement of socialistic pattern of society is her a vowed objective. The Planning Commission was established in March, 1950. The Commission was required;

- (a) To make an assessment of material, capital and human resources as well as to formulate development plans for the most effective utilization of these resources for improvement of social, human and economic conditions in the country.
- (b) To indicate the obstacles in the way of planned economic and social development in the country and suggest ways- and any means to the Government to deal with them.
- (c) To suggest any changes or additions to the administrative system, for effective implementation of development plans proposed by to and approved by the government.
- (d) To carry out appraisals, from time to time, or the progress achieved in implementation of the development plans by the administrative agencies or departments concerned and to suggest ways and means for improving the scale and quality of thus implementation.

Composition of Planning Commission

The Commission consists of a leadership team, alongside a group of experts, administrators, and support staff who form its secretariat. Some members are full-time, while others serve part-time. The number of members is not fixed, so it can vary depending on various factors.

The Secretariat is organized into three main divisions: (1) General Divisions, (2) Subject Divisions, and (3) Housekeeping Divisions.

Currently, there are twelve General Divisions, each focusing on studies related to the Plan as a whole. These divisions include:

a) Perspective Planning b) Statistics and Surveys c) Economic Research d) Socio-economic Research e) Plan Coordination f) Programme Administration g) Multi-level Planning h) Project Appraisal i) Employment and Manpower, Health and Family Welfare j) Housing and Urban Development k) Industry and Minerals l) Village and Small Scale Industries m) Social Planning n) Social Welfare

These divisions maintain close communication with relevant departments in both the Central Ministries and State Government, gathering, processing, and analyzing data, as well as sponsoring research to aid in the formulation of sector-specific plans and programs. The Housekeeping Divisions manage records, accounting, and day-to-day administrative tasks. The Subject Divisions conduct the majority of planning activities. Each division works with specialized or expert groups, with representation from the concerned ministries.

Composition of State Planning Boards

Many State Planning Boards have been established across India. These boards are tasked with drafting state plans by consulting experts, ministers, decision-makers, and by gathering input from district administrations and other organizations. However, except in a few states, the role of these boards remains underdeveloped. They often lack sufficient expertise and innovation. Their intended role as the government's central body for addressing social and economic issues has yet to be fully realized. The Tribune has correctly pointed out: "In most states, the planning boards, like several 'autonomous corporations', have become refuges for disgruntled or problematic politicians, who treat plan funds as discretionary grants. Sinecures are often provided to secure the political support of such individuals in the fight for ministerial positions amidst constant power struggles. Unfortunately, this political maneuvering has minimized the involvement of economic experts, who should be the core of the state planning boards." It is important that political interference in planning is addressed. Programme advisers are responsible for ensuring coordination and collaboration between Union ministers, state-level planning boards, and planning bureaus of state departments, particularly regarding resource allocation and prioritization in the five-year plans. Various groups involved in the planning process often have differing interests, and it is the job of the programme advisers to mediate these conflicts with minimal disruption. The Planning Commission then submits the finalized plans.

Self- Check Exercise 4

- Describe the role of planning in the Indian government.
- How has planning evolved in India since independence?

2.7 NITI Aayog

The Planning Commission which was established in 1950 was scrapped by the government on 13th of August, 2014 and it was announced to have a new body in place of planning commission. Consequently, on January 1, 2015, the NITI Aayog (National Institution for Transforming India) was established as the successor to the planning commission. The NITI Aayog, like the Planning Commission, was also created by an executive resolution of the Government of India (i.e., Union Cabinet). So, it is also neither a constitutional body nor a statutory body. In other words, it is a non-constitutional or extra-constitutional body (i.e., not created by the Constitution) and a non-statutory body (not created by an Act of the Parliament). NITI Aayog is the major policy 'Think Tank' of the Government of India which is given the task of providing both directional and policy inputs. NITI Aayog also provides relevant technical advice to the Centre and States for strategic and long-term policies and programmes. NITI Aayog's own policy thinking is shaped by a 'bottom-up' approach rather than a 'top-down' model which was a feature of Planning Commission.

The main reasons for replacing the Planning Commission with the NITI Aayog, as observed by Government of India,

- "India has undergone a paradigm shift over the past six decades—politically, economically, socially, technologically as well as demographically. The role of Government in national development has seen a parallel evolution. Keeping with these changing times, the Government of India has decided to set up NITI Aayog (National Institution for Transforming India), in place of the erstwhile Planning Commission, as a means to better serve the needs and aspirations of the people of India."
- The new institution will be a catalyst to the developmental process; nurturing an overall enabling environment, through a holistic approach to development going beyond the limited sphere of the Public Sector and Government of India.
- Then Union Finance Minister Arun Jaitley said: "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.”

- The Resolution observed: “Perhaps most importantly, the institution must adhere to the tenet that while incorporating positive influences from the world, no single model can be transplanted from outside into the Indian scenario. We need to find our own strategy for growth. The new institution has to zero in on what will work in and for India. It will be a Bharatiya approach to development.”

COMPOSITION of NITI Aayog

The NITI Aayog is structured as follows:

- **Chairperson:** The Prime Minister of India.
- **Governing Council:** This includes the Chief Ministers of all states, Chief Ministers of Union Territories with legislatures (such as Delhi, Puducherry, and Jammu & Kashmir), and the Lieutenant Governors of other Union Territories.
- **Regional Councils:** These councils are established to address specific issues affecting multiple states or regions. They are formed for a defined period and are convened by the Prime Minister, involving the Chief Ministers and Lieutenant Governors from the affected states and Union Territories. These councils are chaired by the NITI Aayog Chairperson or their nominee.
- **Special Invitees:** These include experts, specialists, and practitioners with relevant domain knowledge, nominated by the Prime Minister.
- **Full-time Organizational Framework:** In addition to the Chairperson (the Prime Minister), the NITI Aayog includes:
 - **Vice-Chairperson:** Appointed by the Prime Minister, holding the rank of a Cabinet Minister.
 - **Full-time Members:** They are appointed full-time and hold the rank of Minister of State.
 - **Part-time Members:** Up to two members from prominent universities, research institutions, and other relevant bodies, serving in an ex-officio capacity on a rotational basis.
 - **Ex-Officio Members:** A maximum of four members from the Union Council of Ministers, nominated by the Prime Minister.
 - **Chief Executive Officer:** Appointed by the Prime Minister for a fixed term, holding the rank of Secretary to the Government of India.
 - **Secretariat:** Established as necessary.

Specialized Wings of NITI Aayog

- **Research Wing:** This wing functions as a think tank, developing in-house expertise in various sectors with contributions from top domain experts, specialists, and scholars.
- **Consultancy Wing:** Designed to offer a marketplace for expert panels and funding, facilitating collaboration between the Central and State Governments and public or private solution providers, both nationally and internationally.
- **Team India Wing:** This wing comprises representatives from every state and ministry, serving as a permanent platform for national collaboration. It ensures:
 - Continuous representation and involvement of each state/ministries in the NITI Aayog.
 - A direct communication channel between states/ministries and NITI Aayog for development-related matters.

Objectives of NITI Aayog

The NITI Aayog aims to:

1. Develop a shared vision of national development priorities, strategies, and sectors with active involvement from states.
2. Promote cooperative federalism through continuous support and mechanisms, recognizing that strong states contribute to a strong nation.
3. Create mechanisms for formulating credible plans at the village level, progressively aggregating them at higher levels of government.
4. Ensure that national security interests are incorporated into economic strategies and policies.
5. Focus on the sections of society at risk of not benefiting adequately from economic progress.
6. Design and monitor strategic, long-term policy frameworks and programs, with continuous feedback to allow necessary adjustments.
7. Encourage partnerships between key stakeholders and national/international think tanks, as well as educational and research institutions.
8. Build a system for knowledge, innovation, and entrepreneurship through collaboration among national and international experts and practitioners.
9. Provide a platform to resolve inter-sectoral and inter-departmental issues to accelerate development.
10. Maintain a Resource Centre that houses research on good governance and best practices in sustainable development and makes these available to stakeholders.
11. Monitor and evaluate the implementation of programs, identifying required resources to enhance the probability of success.
12. Focus on technology upgradation and capacity building for better program implementation.
13. Engage in other necessary activities to support the execution of the national development agenda.

Guiding Principles of NITI Aayog

1. **Antyodaya:** Prioritize service to and upliftment of the poor, marginalized, and downtrodden, in line with Pandit Deendayal Upadhyay's concept of 'Antyodaya.'
2. **Inclusion:** Empower vulnerable and marginalized sections of society by addressing inequalities based on gender, region, religion, caste, or class.

3. **Village Development:** Integrate villages into the development process, harnessing their vitality and cultural significance.
4. **Demographic Dividend:** Leverage India's human resources by focusing on education, skills development, and empowering individuals through productive livelihood opportunities.
5. **People's Participation:** Make the developmental process citizen-driven, ensuring an awakened and participative populace as the driver of good governance.
6. **Governance:** Foster open, transparent, accountable, and proactive governance, shifting the focus from outlay to output to outcome.
7. **Sustainability:** Incorporate sustainability at the core of planning and development, in line with India's ancient respect for the environment.

Seven Pillars of Effective Governance by NITI Aayog

1. A pro-people agenda that meets both societal and individual aspirations.
2. Proactive response to anticipate and meet citizen needs.
3. A participative approach, involving citizens in decision-making processes.
4. Empowerment of women across all aspects of life.
5. Inclusion of all groups, with special attention to SCs, STs, OBCs, and minorities.
6. Ensuring equality of opportunity for youth.
7. Transparency through the use of technology, making government actions visible and responsive.

Self Check Exercise-5

- What is NITI Aayog, and when was it established?

2.7 Discuss the main functions and objectives of NITI Aayog. National Development Council

National Development Council. This Council comprises of Prime Minister as the Chairman and the Chief Minister of Planning Commission are its ex-officio members. Several Minister of the Central Government are also invited by the Chairman to attend the meetings as non-members in order to put forward their viewpoint on matters within their respective ministerial jurisdiction. The Council may set up a committee for various subjects or fields of planning. The main function of the Council may be summarized as:

- (a) To formulate and prescribe guidelines for the preparation of the National Plan as well as to suggest ways and means for mobilization of resources for the Plan.
- (b) To discuss and scrutinize the Draft National Plan as prepared by the Planning Commission.
- (c) To examine policy questions arising in regard to the Plan.
- (d) To review relevant questions relating to the implementation of the plan.

Self Check Exercises 6

- What is the National Development Council (NDC)?
- Explain the role of the NDC in India's planning process.

2.8 Summary

The decisions of the National Development Council along with the Draft National Plan are sent to the cabinets and legislatures of all the governments in the country for discussion. These high powered organs of the government have thus the final voice in regard to the nature and scope of plan as well as for the Strategy and resources for its implementation.

2.9 Glossary

(a) N.D.C. : “National Development Council Comprises Prime Minister is its chairman and all the C.M. of State as its members.

(b) Sir V. Visvesvaraya: Published the Book “Planned Economy in India. In which he has formulated a 10 year plans to the economic development of the country.

(c) Parliamentary Democracy: The constitution of India has adopted a Parliamentary form of government on the British model both for centre as well as for the state.

2.10 Answer to Self Check Exercises

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

2.3

Self-check Exercise-2

Refer to section

2.4

Self-check Exercise-3

Refer to section

2.5

Self-check Exercise-4

Refer to section

2.6

Self-check Exercise-5

Refer to section

2.7

Self-check Exercise-6

Refer to section

2.8

2.11 References/Suggested Readings

(i) S.R. Maheshwari, “Indian Administration.”

(ii) K.K. Puri, “Indian Administration.”

2.12 Terminal Questions

(1) Discuss in detail the division of powers between centre and the state.

(2) Discuss the Role of NDC in the economic development of the country.

Unit-3

PARLIAMENTARY DEMOCRACY

Structure

- 3.1 Introduction
- 3.2 Learning Objectives
- 3.3 Parliamentary Democracy
 - Self Check Exercise-1
- 3.4 Unitary Features of Constitution
 - Self Check Exercise-2
- 3.5 Federal Features of Constitution
 - Self Check Exercise-3
- 3.6 Cooperative and Competitive Federalism
 - Self Check Exercise-4
- 3.7 Summary
- 3.8 Glossary
- 3.9 Answer to Self Check Exercises
- 3.10 References/Suggested Readings
- 3.11 Terminal Questions

3.1 INTRODUCTION

- people of India and there is no subordination to any external authority.

As a form of government, the democracy which is envisaged is, of course a representative democracy and there are in our constitution no agencies of direct control by the people, such as referendum or 'initiative' The people of India are to exercise their sovereignty thorough a Parliament at the Centre and a Legislature in each state, which is to be elected on adult franchise. Thus, Indian Administration operates within the framework of the constitution which has been in operation since 1950.

- **Main Features of the Constitution**

The main features of the constitution which condition its functioning are :

- (1) Parliamentary type of democracy, both at the centre and in the states, in which the Executive is held responsible to be elected legislature.
- (2) Federal nature of the constitution in which functions have been constitutionally divided between the Union Government and the States the former playing a more important role and in times of emergency, its authority extending even to taking over of administration of individual states in its own hands.
- (3) The constitutional of India grants a number of fundamental rights to the citizens of India. The presence of these rights in the constitution guarantees the liberties of the people against any government excessiveness. Even he slightest encroachment by the Government on the citizen's right can be remedied through independent courts.
- (4) By the 42nd amendment of the constitution adopted in 1976, fundamental duties of the citizens have been enumerated. These enjoin upon a citizen, among other things to abide by the constitution.
- (5) One of the most novel features of the constitution of India is the provision of Directive Principles of State Policy. The main object of this part is to provide guidelines to the Government while implementing their policies,
- (6) To help the backward classes and communities provision was made to help them for bringing them at the level of advanced classes. It was done by reservation of seats for 10 years but this period has been extended from time to time.
- (7) The minorities communities have been provided equal rights with the majority community in religious, cultural, economic and political spheres.

In this part of lesson, attempt has been made to study the some of important features of the

constitution of India which condition the functioning.

3.2 Learning Objectives

After learning through this lesson the students will be able to understand

- Parliamentary Democracy
- Unitary Feature of the Constitution
- Federal Feature of the Constitution
- Cooperative Federalism

3.3 PARLIAMENTARY DEMOCRACY

The Constitution establishes the parliamentary form of Government in India. The applies to the states as well as the Union. The President of the Indian Union and the Governors of the States are constitutional rulers with nominal powers. Real executive authority is exercised by the Council of Ministers which is responsible to the Parliament and holds the reins of power only so long as it enjoys the confidence of the latter.

The parliamentary democracy which is enshrined in the Indian Constitution has numerous implications but the following have direct relevance to the public administration of the country.

1. The supremacy of Parliament over the executive and the right of Parliament to review the wording of administrative machinery.
2. The collective responsibility of council of Ministers to Parliament and the determination of major policies by the cabinet
3. The individual responsibility (as a part of the collective responsibility) of each minister holding a portfolio for formulating policies to oversee their implementation and to ensure efficient working of the administrative machinery under this charge.
4. The obligation of ministers as well as of civil servants to uphold the constitution and the rule of law.
5. The colligation of every civil servant to implement faithfully all policies and decisions of the ministers, even if these be contrary to the advice tendered by him.
6. The freedom of civil servants to express themselves frankly in tendering advice to their superiors including ministers, and
7. The observance by civil servants of the principles of political neutrality, impartially and

anonymity. Let us now examine some of the problems of parliamentary democracy.

One of the major problem of parliamentary democracy at present is the decay of political institutions which has arisen during the past few years. Political parties are losing their organizational strength and the gap between the electorate and the elected representative is increasing. Defections are conducive to indiscipline in parties which leads to decay all the more.

In the second place, the constitution creates a very strong centre. In the three-fold distribution of power the most important subjects are placed in the Union List which is the longest of the three lists. Besides, there is concurrent list over which the C.G. can exercise legislative and administrative jurisdiction if it deems necessary.

Self Check Exercise 1

- What are the core principles of parliamentary democracy as practiced in India?
- How does parliamentary democracy influence the legislative process in India?

3.4 Unitary Features of Constitution

The executive, legislative, and judicial branches of the Indian government derive their authority from the Constitution and must adhere to its provisions. India operates under a parliamentary system of government, with the executive being directly accountable to the legislature, as guided by the Constitution.

- **Article 52 and 53:** The President of India serves as the head of the executive branch.
- **Article 60:** The President has the duty to preserve, protect, and defend the Constitution and the law.
- **Article 74:** The Prime Minister heads the Council of Ministers, which assists and advises the President in fulfilling constitutional duties.
- **Article 75(3):** The Council of Ministers is accountable to the Lok Sabha (lower house of Parliament).

India's Constitution is described as federal in structure but unitary in spirit. It includes federal features such as a written, supreme Constitution; a three-tier government (central, state, and local); division of powers; a bicameral legislature; and an independent judiciary. At the same time, it includes unitary elements such as a single Constitution, single citizenship, an integrated judiciary, a flexible Constitution, a strong central government, the appointment of state governors by the central government, All India Services (IAS, IFS, IPS), and emergency provisions. This combination gives the Constitution a quasi-federal form.

Each state and union territory in India has its own government. Similar to the roles of the President and Prime Minister at the central level, each state has a Governor (or Lieutenant Governor in union

territories) and a Chief Minister. Article 356 allows the President to dismiss a state government and assume direct control if the state government cannot function in accordance with the Constitution. This is referred to as President's Rule. However, following the *S. R. Bommai v. Union of India* case, such actions have become more difficult, as the courts have asserted their authority to review such decisions. The 73rd and 74th Constitutional Amendments established the system of Panchayati Raj in rural areas and Nagar Palikas in urban areas. Article 370 granted special status to the state of Jammu and Kashmir.

Article 368 outlines the procedure for amending the Constitution. Amendments involve additions, changes, or the repeal of parts of the Constitution by Parliament. To pass an amendment, both Houses of Parliament must approve the bill with a two-thirds majority of the total membership, provided that at least two-thirds of the members are present and voting. Some amendments, particularly those affecting the federal nature of the Constitution, also require ratification by a majority of state legislatures. Unlike regular bills (except money bills as per Article 245), there is no provision for a joint session of the Lok Sabha and Rajya Sabha to pass a constitutional amendment. During a parliamentary recess, the President cannot promulgate ordinances under their legislative powers as stated in Article 123, Chapter III.

Despite the supermajority requirement for amendments, the Indian Constitution is the most frequently amended national governing document in the world. The Constitution is so detailed in outlining governmental powers that many amendments address matters typically handled by legislation in other democracies. In 2000, the Justice Manepalli Narayana Rao Venkatachaliah Commission was set up to suggest updates to the Constitution. The commission submitted its report on March 31, 2002, but its recommendations have not been accepted by successive governments. The Government of India also establishes law commissions, which are tasked with recommending legal reforms and strengthening the rule of law.

Limitations: Basic Structure Doctrine

In the landmark case *Kesavananda Bharati v. State of Kerala*, the Supreme Court ruled that an amendment to the Constitution cannot alter or destroy its basic structure or framework. If an amendment attempts to do so, it will be declared invalid. However, no provision of the Constitution is completely immune from amendment; the basic structure doctrine does not protect individual provisions of the Constitution. The "basic features" of the Constitution, when considered as a whole, cannot be abridged or abolished. These basic features have not been fully defined, and whether a specific provision qualifies as a "basic feature" is ultimately decided by the courts. The *Kesavananda Bharati v. State of Kerala* decision laid down the constitution's basic structure:

1. Supremacy of the constitution
2. Republican, democratic form of government
3. Its secular nature
4. Separation of powers
5. Its federal character

This means that Parliament can amend the Constitution only as long as it does not alter its basic structure. If an amendment violates this principle, the Supreme Court or a High Court can declare it invalid through judicial review. This reflects a key feature of parliamentary systems, where the judiciary acts as a check on legislative power. In the 1967 *Golak Nath v. State of Punjab* case, the Supreme Court ruled that the state of Punjab could not impose restrictions on fundamental rights safeguarded by the basic structure doctrine. In this case, land ownership rights and the right to practice a profession were recognized as fundamental rights. However, this ruling was overturned with the passage of the 24th Constitutional Amendment in 1971, which reaffirmed Parliament's authority to amend fundamental rights.

Self-Check Exercise 2

- What are the unitary features of the Indian Constitution?
- How do these unitary features impact the relationship between the central and state governments?

3.5 FEDERAL FEATURES OF THE INDIAN CONSTITUTION.

It possesses the following distinctive feature of a federation :

(1) There must be two levels of government- the Central Government and the State Government. Both being autonomous in its own sphere of functioning.

(2) The powers and functions of the C. G. and the State Government must be defined in a written Constitution. Hence, there is the constitutional distribution of functions between the two levels of government. The C. G. has jurisdiction over 97 subjects : Strictly, speaking there are 96 subjects, the last one being any other matter not enumerated I in list II and III including any tax not mentioned in either of those lists. This is really the residuary power. The state list includes 66 subjects, which are within the exclusive legislative jurisdiction of the state legislature. Also, there is a concurrent list consisting of 47 items over which both the governments have concurrent jurisdiction subject, of course, to the superiority of C.G..

(3) The disputes regarding the power and functions of the C. G. and the S. G. are decided by the Supreme Court which is an independent body under the constitution.

(4) The strength of the centre can be immensely increased in times of war and other national emergencies when the constitution can be converted into a unitary one without the need of constitutional amendments. By issuing a Proclamation of Emergency, the President of India can assume extra ordinary powers which may amount to the suspension of autonomy of states. While a Proclamation of Emergency is in operation, the executive power of the Union shall extend to

the states in all matter and Parliament shall be empowered to frame laws even on those subjects which are included in the state list. Similar effects will follow if the Governor of a state declares that the government of a state cannot be carried in accordance with the provisions of the constitution and the President by Proclamation, assumes to himself all or any of the functions of the government of the state, the administration of the state shall be exercisable by or under the authority of Parliament. The President can also modify the provisions of the constitution relating to the distribution of powers between the Union and the State. This is an unparalleled features of the Indian Constitution which is at once unitary and federal according to the circumstances, Normally, it is meant to be federal, but in an emergency it can assume a unitary character.

(5) In the fifth place, the territories of the units of the Indian Union are not treated as inviolable. The Union Parliament can (a) form a new state by separation of territory from any state or by uniting two or more states (b) increase or diminish the area of any state, and (c) alter the boundaries or name of any state. Article 3 of the constitution provide that these changes can be made by passing a Bill introduced in Parliament on the recommendation of the President provided that the views of the legislature of the state or states concerned have been ascertained by the President.

Self-Check-Exercise-3

What are the federal features of the Indian Constitution?

How do these federal features promote the distribution of power in India?

3.6 Cooperative and Competitive Federalism

Corporate federalism is a system of federalism not based on the common federalist idea of relative land area or nearest spheres of influence for governance, but on fiduciary jurisdiction to corporate personhood in which groups that are considered incorporated members of their own prerogative structure by willed agreement can delegate their individual effective legislature within the overall government.

The Austro-Hungarian Empire had a version of corporative federalism and gave its number of different ethnicities their own individual rights within their own assemblies instead of by relation to the territory of the empire.^[1]

Part of corporative federalism's philosophical underpinnings as a form of jurisdiction rests within the auspices of demographics as polities as much as they are constituencies of a federative structure. Theories adding philosophic backing to its own conceptualizations from such ideas as diplomatic recognition and the sovereign state's right to exist as if it extended beyond territorial nation-state in an international structure, to an intranational structure of the voluntary association of those with similar social world views being codified legal frameworks to themselves, within their own sphere of interaction, under a federal government of a particular nation state and relying on infrastructural power for implementation.

Federalism in India

Federalism in India refers to the division of powers between the Central Government and State Governments. The Constitution of India lays down the framework for this system. Part XI of the Constitution defines how legislative, administrative, and executive powers are distributed between the Union Government and the States. These powers are categorized into:

- **Union List** – Subjects under the Central Government
- **State List** – Subjects under the State Governments
- **Concurrent List** – Subjects where both the Central and State Governments can make laws

Indian federalism follows a symmetrical model, where all states are granted equal powers. However, Jammu and Kashmir earlier had a special status under Article 370, which was revoked in 2019. Union Territories, on the other hand, are directly governed by the Central Government. Article 1(1) of the Constitution establishes a two-tier governance structure, with an additional layer of local self-government. Delhi and Puducherry have legislatures under Articles 239AA and 239A, respectively.

Union List

The Union List includes 100 subjects (earlier 97) on which only Parliament can make laws. These include:

- **National security** (defense, armed forces, atomic energy)
- **Foreign affairs** (diplomacy, war, peace, citizenship)
- **Economic and financial matters** (banking, insurance, foreign trade, taxation)
- **Infrastructure and services** (railways, airways, telecommunication, broadcasting)
- **Judiciary and governance** (Supreme Court, High Courts, audits, public service commissions)

State List

The State List consists of 61 subjects (earlier 66), allowing State Legislatures to make laws. These include:

- **Public order and safety** (law and order, police)
- **Health and welfare** (public health, hospitals, sanitation)
- **Infrastructure and resources** (electricity, land policies, transport)
- **Local governance** (village administration)

Although States have exclusive power over these subjects, Parliament can intervene under certain conditions (Articles 249, 250, 252, and 253). For instance, if the Rajya Sabha passes a resolution with a two-thirds majority, Parliament can legislate on a State subject in the national interest.

Concurrent List

The Concurrent List includes 52 subjects (earlier 47) where both Parliament and State Legislatures can make laws. These subjects include:

- **Civil and criminal laws** (marriage, divorce, transfer of property, civil procedures)
- **Economic and social matters** (labour welfare, education, trade unions, social planning)
- **Media and communication** (newspapers, books, printing press)

If a State law conflicts with a Central law, the Central law prevails, unless the State law has received the President's approval.

Residuary Powers

Subjects not mentioned in any of the three lists are called residuary subjects. These are handled exclusively by Parliament under Article 248. If Parliament wants to expand or amend the lists, it must do so through a constitutional amendment under Article 368, with the approval of a majority of State Legislatures.

Federalism is considered a basic structure of the Indian Constitution and cannot be altered by Parliament without judicial review by the Supreme Court.

Executive Powers

Both the **Union** and **States** have separate executive structures managed by their respective governments. However, the Union Government cannot interfere with the State's constitutional rights, except in cases where President's Rule is imposed under Article 356.

- **Article 355:** The Union must ensure that each State functions according to the Constitution.
- **Article 256:** States must comply with Central laws.
- **Article 356:** If a State fails to govern per the Constitution, the President can assume direct control over the State government (President's Rule), subject to Parliament's approval under Article 357.

Financial Powers

- **Article 282:** States have financial autonomy to use resources for public purposes.
- **Article 293:** States can borrow money without limits, but if they owe debt to the Central Government, they must follow its financial terms.
- The President appoints a Finance Commission every five years to recommend how Union revenues should be distributed among States.

Financial Emergency (Article 360)

The President can declare a financial emergency if the financial stability or credit of the country is at risk. However:

- Parliament must approve it within two months by a simple majority.
- It remains in force indefinitely until revoked.
- The President can reduce the salaries of government officials, judges, and state employees.
- All State money bills require Presidential approval.

So far, no financial emergency has ever been declared in India.

Self Check Exercise-4

- Define cooperative federalism and competitive federalism.
- Provide examples of how cooperative and competitive federalism function in India.

3.7 Summary

States can make agreements among themselves. When a dispute arises with other states or union territory or the union government, the Supreme Court adjudicates per Article 131. However, Article 262 excludes Supreme Court jurisdiction with respect to the adjudication of disputes in the use, distribution or control of interstate river waters.

Under Article 263 the President can establish an interstate council to coordinate/resolve disputes between states and the Union. States have their own jurisdiction.

The recent experience of the successful implementation of indirect tax reforms in India shows that a dominant ruling party can adopt a concessionary approach to resolve disputes amicably, rather than attempting to over-awe the states or impose its will on the units. This has been called concessionary federalism.

3.8 Glossary

(a) Art 249 of Indian Constitution: Power of Parliament

(b) Art 248 of Indian Constitution: Union and state list

3.9 Answer to Self Check Exercise

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

3.3

Self-check Exercise-2

Refer to section

3.4

Self-check Exercise-3

Refer to section

3.5

Self-check Exercise-4

Refer to section

3.6

3.10 References/Suggested Readings

(1) S.R. Maheshwari, "The Indian Administration."

(2) K.K. Puri, “Indian Administration.”

3.11 Terminal Questions

Discuss the federal and unitary features of Indian constitution

What is parliamentary democracy, discuss

Unit-4

POLITICAL EXECUTIVES AT UNION LEVEL

Structure

4.1 Introduction

4.2 Learning Objectives

4.3 The President

Self-Check Exercise-1

4.4 Election of the President

Self-Check Exercise-2

4.5 Impeachment Procedure

Self-Check Exercise-3

4.6 Power of the Indian President

Self-Check Exercise-4

4.7 Aid and Advice

Self-Check Exercise-5

4.8 Vice President

Self-Check Exercise-6

4.9 Summary

4.10 Glossary

4.11 Answer to Self Check Exercises

4.12 References/Suggested Readings

4.13 Terminal Questions

4.1 Introduction

After years of subjugation, on the eve of independence, democracy shone like a dazzling dream. The theory of parliamentary democracy, with the public electing its rulers, seemed an exciting proposition. Yet, as the present is built on the past, the Constitution makers did not rend as under all the ties between the past and the present. We adopted and adapted institutions, which had already been worked on-and developed in the British environment. A case in this context is the office of the Indian President. Its counterpart in Britain is the King or the Queen. Though the office there is hereditary, we molded it in our own way to suit the context of parliamentary democracy and cabinet government. The office fulfills the first essential of such a government and that is the presence of a titular head of government, be it the King or the President, and the Prime Minister as well as his council of ministers, who is the real executive. The President is the “head of the state” in the sense that he represents the nation and is a symbol of its unity. All actions of the government are taken in his name but he is not the deciding, directing or determining factor. The real power is exercised by political leaders who belong to the majority party in the Parliament.

4.2 Learning Objectives

After learning through this lesson the students will be able to understand

- The President of India.
- Power and function performed by the President.
- Election of the President.
- Vice President and their role.

4.3 President

Article 52 of the Indian Constitution states: “There shall be a President of India.” Article 53(1) vests in the President the executive powers of the Union which are exercised by him either directly or through officers subordinate to him in accordance with the Constitution. For the highest executive post of the country, the qualifications prescribed are relatively simple. Article 58 provides a list of these qualifications: He should be a citizen of India, above 35 years of age,

should be qualified for election as a member of the House of the People, should not be a member of the Union or state legislatures and should not be holding any office of profit under the Union or state governments. As regards the qualifications, the Constitution makers have left certain gaps. For instance, no rationale is given for fixing the age at 35 and it is not specified whether he should be a natural born citizen or naturalized one, In reality, the first five Presidents of India were double the prescribed age when they joined office? The President is even free housing facility. The Vice Regal Lodge, built in 1911, was named the Rashtrapati Bhawan in 1947 and this building houses the Indian President.

In case of the inability of the President to continue in office or of his death, the Vice-President takes over the presidency. If he too is unable to take over, the Chief Justice of the Supreme Court acts as the President. If that too is not possible, the Parliament will decide as to whose to be given this responsibility. Here, it would be interesting to note that the American Constitution provides a list of 11 successors to the American Presidency? However, in India so far, only conventions have been followed in this respect.

Self-Check Exercise-1:

1. What are the qualifications required to become the President of India?
2. Discuss the primary responsibilities of the President of India.

4.4 ELECTION OF THE PRESIDENT

Article 55 of the Constitution explains the mode of the election of the President. The elections are indirect. He is elected by an electoral college comprising (i) the elected members of the Parliament, and (ii) the elected members of the state legislative assemblies. He is not popularly elected, but is elected by members of popularly elected bodies. The Electoral College is thus not only broad-based but substantially large in size? In order to establish uniformity or near uniformity in the scale of representation and to establish parity between the states as a whole and the Union, the value of the votes of the elected MPS and MLAs is worked out in the following manner:

- (i) Members of the State Legislative Assemblies

Total population of the state (1971 base) ÷ 1000

Total number of elected members in the
Assembly of the State

(ii) Members of the Parliament

Total value of the votes of all the
MLAs Toted number of the elected,
members of both the Houses of
Parliament

Then, the quota of votes a candidate needs to win the election is determined in the following manner:

Number of votes
polled Number of + 1 = Quota
members to be
returned plus one

Elections are to be held on the principle of proportional representation, single transferable vote and secret ballot? Nehru had moved and also got passed the 11th Amendment Act, according to which the elections of the President and the Vice-President could not be challenged on the ground that the electoral college was incomplete.

Self-Check Exercise-2:

1. Explain the process of electing the President of India.
2. What is the role of the Electoral College in the election of the President?

4.5 IMPEACHMENT PROCEDURE

Articles 56 (1) (b) and 61 provide for the impeachment of the President. Keeping in mind the dignity of the office, deliberate provisions were inserted to make the removal difficult. An impeachment is not like a no-confidence resolution which implies no disgrace or imputation of moral turpitude but only disapproval of the government's policy. The motion may be introduced in either of the two chambers. The House in which the motion is introduced will frame the charges. These charges will have to be signed by one-fourth members of that House and a 14 days' notice will be sent to the President. Then, it will have to be passed by a two-third majority in that House. The work of the second House is to investigate these 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.

Self-Check Exercise-3:

1. Describe the procedure for impeaching the President of India.
2. What are the grounds for impeachment of the President?

4.6 POWERS OF THE INDIAN PRESIDENT

The post of the President is vested with substantial powers in various fields. Despite the wide array of powers, it must be remembered that the post is a constitutional formality in a parliamentary set-up. The President has to function according to the advice of the Prime Minister and his council of ministers. Therefore, his role is that of a ceremonial head in whose name the

decisions of the government are carried out.

Executive Powers

“The executive function comprises both the determination of the policy as well as carrying it into execution, the initiation of legislation, the maintenance of order, the promotion of social and economic welfare, the direction of foreign policy, in fact, the carrying on or suppression of the general administration of the state.” This interpretation, given by D.O. Basu, implies that the President has an important role to play both at home and in foreign affairs. He also makes several important appointments. To begin with, he invites the leader of the majority party in the Lok-Sabha to act as the Prime Minister and, on his advice, appoints all the other Union ministers. Defeat of the government on the floor of the lower House entitles the President to call the leader of the opposition to form the government. “In case a Prime Minister dies in office or resigns and no party is able to form the government for lack of majority support, the President, like the British Monarch, may exercise his personal judgement in choosing the successor to the outgoing Prime Minister.” Article 75(2) of the Constitution says that “The ministers shall hold office during the pleasure of the President.” In the same breath Article 75(3) states that “The Council of Ministers shall be collectively responsible to the House of the People. “Though there is nothing in the Constitution to restrain the President from exercising this power of removal, the term, “pleasure of the President” has to be read together with the words “confidence of the Lok Sabha.” The term “pleasure of the President,” in substance, means the “pleasure of the Prime Minister.” It is actually the prerogative of the P.M. Dismissal of individual ministers is possible only on the advice of the P.M. and that of the entire council or the will of the Lok Sabha.

This raises another question of great importance. Can the P.M. be removed from office by the President as he is also a minister under Article 75(2)? The views of J. R. Siwach are pertinent in this regard. He gives certain grounds on which the President can withdraw his pleasure from the P.M. This makes it difficult to agree with B. C. Das who says that the P.M. cannot be removed by the President. Siwach says that pleasure may be withdrawn when the President has reasonable grounds to believe that the P.M. has lost the confidence of the House and, on one pretext or the other, is not ready to face the House, when the P.M. tries to maintain his majority in the Lower House by practicing corruption, if he tries to subvert the Constitution and the ruling party becomes a minority party due to defections in its ranks. The President can ask the P.M. in these circumstances to face the House as demanded by the opposition within a reasonable time. If the P.M. is not able to muster a majority, he can be dismissed and the views of the other parties can be ascertained by the President on the appointment of a fresh P.M.

The President also appoints the Chief Justice and the other judges of the Supreme Court, all judges of High Courts, the Attorney General, the Comptroller and Auditor General, the Governors, the Chief Commissioners of Union Territories, the chairman and members of the Union Public Service Commission, the Election Commission, Finance Commission, Planning Commission and the Language Commission. He is also empowered to set up an Inter-State Council charged with the duty of investigating into and advising on disputes between states. He also bestows titles and awards. Besides, the President appoints the heads of the Army, Navy and Air Force and is chairman of the National Security Committee. All important decisions pertaining to war and peace are taken in this committee. However, it is the P.M.'s presence in this committee which is more important. It is the P.M. who makes all the crucial decisions which, eventually, are endorsed by the President. The President also appoints ambassadors and diplomatic representatives of India to foreign countries and missions and receives the credentials of foreign diplomats. He also has the right to negotiate treaties and conventions with other countries without the intervention of the Union Parliament, except in cases where the expectation of a treaty requires legislation of any kind.

The President has a right to obtain information from the Prime Minister. Article 78 of the Constitution states that it is the duty of the P.M. to communicate to the President all decisions of the council of ministers, relating to the administration of the affairs of the Union and proposals for legislation and to furnish information to the President as called for by the latter.

Article 72 also empowers the President to grant pardons. Pylee says that this power of the President is often characterized as a judicial power. A more reasonable view would be that “granting of pardon is a prerogative of the executive and, as such, an executive power.” This power is given to lessen the severity of the criminal law of the land. He can grant pardons reprieves and respites, suspend, remit or commute the sentence of any person who has violated a Union law and of all those persons who have been sentenced by a court martial. Pardons may be absolute, limited or conditioned. Reprieve is a temporary suspension of the punishment. Respite means awarding a lesser sentence than actually given. Remission means only reduction of the sentence, without changing its character. Commutation is a change from a heavier to a lighter penalty? However, there are a few limitations on these powers: (1) The President does not have the exclusive right of pardon in a death sentence - he shares this power with the Governors of the states. If a Governor has rejected the mercy petition, then, a final appeal can be made to the President. (2) He can use the prerogative of mercy when the offence has been proved by the court and a sentence has been given. (3) The right can be exercised only in cases of violation of any subject of the Union List. As regards the Continent List, this power can be exercised by the President after a specific authorization by the Parliament to that effect. The power cannot be used to enhance the sentence. It is intended to afford relief from undue harshness or evident mistake.”

Once again, it is emphasized that all these powers have to be exercised by the President on the advice of the P.M. and his ministers. Article 361(1) states: - “The President... shall not be answerable to any court for the exercise and performance of those powers and duties of his office or for any other act done or purporting to be done by him in the exercise and performance of those powers and duties.” This is so because acts done in the President’s name are in reality the actions of the council of ministers and therefore in respect of his official actions, legal remedy can be obtained, not against the President but against the government?

Legislative Powers

The President can make two nominations of the Anglo-Indian Community to the Lok Sabha, if the community has failed to get adequate representation. Besides, he nominates 12 members to the Rajya Sabha from amongst persons who have made a valuable contribution in the field of science, arts or social service.

The President summons the sessions of the Parliament. He ensures that a period of more than six months should not elapse between two sessions. In case of an emergency, he can extend

the life of the Lok Sabha by one year. He is authorised to convene a joint session of both true chambers. Besides, if both the Houses disagree for a bill, and the President feels that the bill is not needed to be passed, he can refuse to call a joint session, thereby killing the bill. Joint sessions cannot, however, be convened for money bills.

After the general elections, the President addresses the inaugural session of the Lok Sabha as well as the budget session. He can address the Houses separately or jointly. Under Article 86, he can also send messages to either one or both the chambers. At the first glance, this appears to be a needless imitation of the American Constitution but, in effect, it is an important discretionary power. While sending messages, he may or may not consult the P.M. or his cabinet. Through such messages, he can draw the attention of the Parliament to any urgent issue or to an issue over which he disagrees with the P.M. and his cabinet.

The President is also given the right to pass ordinances by Article 123. These can be issued only when the President feels that some compelling circumstances require urgent action and the Parliament is not in session and, hence, unable to deal with such an agency. They have the same effect as an Act of the Parliament, but have to be ratified within six weeks of the assembling of the Parliament. These ordinances can be withdrawn any time by the President. Such ordinances can be issued only on subjects over whom the Parliament is competent to make laws.

There are certain categories of bills which require the prior consent of the President before their introduction. They are: (a) money bills; (b) bills to reorganize states; (c) bills affecting taxes in which the states are interested; and (d) bills affecting international trade.

Article 111 of the Constitution gives details regarding the President's role in law making. It says that every bill needs the President's assent to become a law. The Constitution also does not prescribe any time-limit within which the bill has to be returned. So, an unscrupulous President can cause havoc by

blocking the legislative process. As regards a money bill, he has to send the bill back to the house with his signature as early as possible. As far as a non-money bill is concerned, he can send it back to the House for reconsideration. But, if it is passed again by that chamber, he has to sign the bill. Hence, it is not an absolute but only a suspense veto. The President has absolute veto in relation to certain categories of bills passed by the state legislatures. They are the bills which influence the High Courts, compulsory acquisition of property, or the violation of a Union law. The President can summarily refuse to sign such a bill or send it back for reconsideration. Even after reconsideration by the state legislature, if he does not approve of the bill, he can outrightly refuse to sign it.

The powers regarding legislation appear formidable, but, were given with the intention and hope that they would not be misused. The Indian Presidents have not belied the hopes of the Constitution-makers so far.

As regards amendment bills, the Constitution makes it imperative for the President to give his assent to such bills. When an amendment bill has been signed by both the Houses of the Parliament, it shall be presented to the President who shall give his assent to the bill and, thereupon, "the Constitution shall stand amended in accordance with the terms of the bill." The President has a role to play in connection with the Concurrent List also. If the President is adamant in limiting the scope of the Central legislation with respect to the matters mentioned in the Concurrent List, he can do so by giving an assent to the state legislation in spite of an existing parliamentary legislation on that subject.

The powers in the above matters are to be exercised by the President in accordance with the advice of the council of ministers. Not only is he bound by this advice, but all his actions taken in his official capacity, are also subject to judicial review. His actions or decisions can be struck down by a court, if they are unreasonable, arbitrary, mala fide or violate the Constitution or public interest.

Here it may be mentioned that like other heads of state, the Indian President also enjoys protection from criminal proceedings against him in courts of law. This privilege is covered under Article 361 of the Constitution, which does not restrict the instrumentality of Article 61. Under Article 361, the President cannot be arrested and produced before any court. Besides, a warrant for his arrest cannot be issued. No criminal proceedings can be instituted nor can a writ be filed against his actions. For instance, if he does not call the session of the Parliament, a writ

of *mandamus* (which commands a person to do his duty) cannot be issued against him. However, a civil suit can be filed against him, under Article 361(4), for an action that he has performed in his personal capacity before or after joining service. For this, a two months written notice has to be given to him explaining the charges and other related details.

The last important category of the presidential powers are his emergency powers.

Emergency Powers of the President

Although the emergency provisions are not in consonance with the democratic ideals scattered all over the Constitution, there was very little opposition to them in the Constituent Assembly. The members were, however, skeptical about their intensity and scope. Yet, there was a general agreement that the fragile Union needed a protective ring around it and, hence, the presence of these provisions was considered appropriate. With the aim of protecting the peace, security and unity of the country, the President can declare three types of emergencies. Viewed from the constitutional angle alone, these powers alone “are enough to turn the President into an unabashed autocrat, but, in practice, he exercises this power also with the consent of the P.M.

Emergency Due to War or Internal Disturbance (Article 352)

This article states that if the President is satisfied that a grave emergency exists due to which the security of India or any part thereof is threatened, whether by war or internal disturbance, he may proclaim an emergency. Its duration, in the first instance, is two months. Within two months, it has to be ratified by the Parliament. If the Lok Sabha stands dissolved, the consent of the Rajya Sabha has to be sought within two months. If the Rajya Sabha does not pass it, the emergency becomes void. If it gets passed, then too, it should be approved by the newly constituted Lok Sabha within one month. After it has been passed by both the chambers, it will continue as long as the President desires. However, the period cannot exceed more than six months at a time.

In India, emergency under this article has been declared three times: In 1962 and 1971 due to external aggression, and in 1975 due to internal disturbances. The first was the longest, because it continued up till 1968, covering the Chinese as well as the Pakistani aggressions and a period following even these.

This type of emergency has the following implications:

1. The term “if the President is satisfied” could mean that he does not have to consult the cabinet but, in reality, the P.M. and his cabinet are behind this decision.
2. It is not necessary that an external aggression must be actual; potential threat or anticipation of danger is enough.
3. The life of the Lok Sabha can be extended by one year at a time by the president. The word “at a time” keeps the possibility of indefinite renewal open.
4. The Parliament is empowered to frame laws on the subjects mentioned in the State List.
5. The President can issue directives to the state executives.
6. The President has the right to alter, vary or amend the distribution pattern of financial resources between the Centre and the States.
7. The fundamental rights can be suspended.

Emergency due to failure of Constitutional Machinery in States (Article 356)

Under this article, the President can proclaim emergency if he is satisfied, on receipt of a report from the Governor or otherwise, that a situation, has arisen in which the government of a

state cannot be carried on in accordance with the provisions of the Constitution. The proclamation has to be approved by both the Houses in the same manner as the first kind of emergency, but by a simple majority. The proclamation, in the first instance, is applicable for two months and, after ratification by the Parliament, for a period of six months, unless revoked earlier. It can be extended again and again for six months each time but should not exceed more than three years. Emergency under this heading can have the following applications and consequences:

1. The word 'otherwise' could be interpreted that the consent of the Governor is not imperative.
2. If he declares it 'otherwise', it means that the President has no trust in his own nominee.
3. The Governor's report, if sent, is a confidential document, and therefore is not open to public inspection. The fundamental rights guaranteed under Article 19 can be suspended.
4. The President can dissolve the state legislature. He can also put the state legislature in a state of suspended animation. This is known as "quasi emergency" and the state legislature can be revived again by a Presidential order.
5. The state cabinet can be dissolved.
6. The laws of the state and the budget will be passed by the Parliament. The President can delegate this power to any suitable authority, if the Parliament is unable to handle the additional workload.
7. The Parliament can authorize the President to sanction expenditure from the Consolidated Fund of the state.
8. The President cannot interfere with the jurisdiction of the state High Court.

Financial Emergency (Article 360)

According to Article 360 if the President is satisfied that a situation has arisen whereby the financial stability or credit of India or any part of it is threatened, he may proclaim a financial emergency. This emergency should also be approved by the Parliament, as in the case of the earlier two types. This is also applicable for two months in the first instance but, the Parliament, by simple majority, can increase this term.

Such an emergency can have the following effects:

1. The President can issue directions to the state governments to observe such canons of financial propriety as may be specified in the directions.
2. The President may order reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of a state.
3. A provision can be made requiring all money bills to be reserved for the consideration of the President after they are passed by the legislative assembly of the state.

Such an emergency has never been imposed on the nation for the reason probably that it would lower the morale of the public and the dignity of the country in the eyes of the world. But, S.S. Khera points out an obvious advantage that such a type of emergency would have. He observes: "It might be asked perhaps whether a threat to use this power might have enabled the central executive to discipline states which have blithely indulged in taking large sums in unauthorized overdrafts from the Reserve Bank and other banks instead of... raising the requisite resources from within the state by greater production, economy and self-denial.

Amendments relating to the Emergency Powers of the President, The most important amendments in this regard are the 38th, 42nd, 44th and the 59th amendments. The 38th Amendment Bill which was passed in 1975, made it clear that the President could issue different proclamations of emergency on different grounds, whether, or not there was a proclamation already in existence and in operation. It also made the satisfaction of the President in the matter of issuing a proclamation of emergency final and conclusive and not challengeable on any ground. By the 42nd Amendment, the period of six months in relation, to Article 356 was raised to one year. These amendments were reflections of Mrs. Gandhi's autocratic rule during the infamous emergency of 1975-77. Mrs. Gandhi had advised the President to issue a proclamation without consulting any of her cabinet colleagues. Therefore, when the Janata government came to power in 1977, as a reaction to the drastic consequences of this emergency (1975-1977), it passed the 44th Amendment Act.

There was an opinion that the term “internal disturbance” of Article 352 had been used in an unscrupulous manner, both before and during the emergency, leading to political victimization of the states. To obviate the pernicious potential of this phrase, the words “armed rebellion” were substituted in place of Internal disturbance’ vide the 44th Amendment. The term “internal disturbance” is “a weak expression easy to be misread by a hypertensive, hypersensitive- executive. “It could be the actual breakdown of state machinery or an attempt by the ruling party at the centre to prevent the formation of government by opposition parties or to overthrow opposition governments. Therefore, the insertion of the words “armed rebellion” by this amendment was considered appropriate. Emergency can be declared not only when war or armed rebellion has actually ensued but also when there is an imminent danger of it. Giving the peace and security of the nation topmost priority, it provided that different proclamations of emergency could be made on different grounds, even when a proclamation on another ground is subsisting. It may extend to the whole or part of the country. An important addition was that the “personal satisfaction” of the President alone would not be enough. He can issue a proclamation only if the unanimous decision of the cabinet in this regard has been communicated to him in writing. Lastly, the Presidential order cannot suspend the fundamental rights conferred by Articles 20 and 21. Article 21 gives an arrested person the right to move a court and Article 20 ensures that an individual cannot be deprived of his immunity from ex-post-facto penal law.

The 59th Amendment was; introduced in 1988 to deal with the uncontrolled escalation of terrorism in Punjab. It has a limited application in the sense that it deals only with Punjab. Under this article, if the President is satisfied that a grave emergency exists whereby the integrity of the nation is threatened by “internal disturbances” in the whole or any part of Punjab, he can issue a proclamation under Article 356. The mere satisfaction of the President is sufficient in this case. Accordingly, under the provisions, all fundamental rights, melding those under Article 21, can be suspended and the press can be “controlled.” Reports on Punjab could be censored, not just in the publications from that state, but from all over the country. Some observers felt that the police had been given power without adequate accountability. Even if the satisfaction’ of the President was considered unreasonable, no judicial authority could call this ‘satisfaction’ in question.

A Review of the Emergency Powers

To begin with, the term “satisfaction of the President” is a mere constitutional euphemism. In reality, it means the will of the P.M. and, if the will is false or bad, then the total

eclipse of all human rights would be nothing short of a catastrophe. The prospects of human life and liberties that would be frozen are too awesome to contemplate. The police could go on a rampage without fear of challenge in any court. The press is gagged and an iron curtain descends between the public and their government. At the same time, it presumes that a sober state is ineffective and that, unless it adopts a stand of “killer extremism”, it cannot deal effectively with problems.

Despite the utility of emergency provisions in a volatile society “a living link must exist between the justification for the limited suppression of human rights and the character of the chaos and the nature of the victims so affected. It may also be noted that, even during the Constituent Assembly debates, what troubled the members most was the possibility of suppression of human rights and liberties. K. T. Shah remarks that, “it was a chapter of reaction and retrogression.” B. Das pointed out that these provisions would make the President “a new Frankenstein.” H. V. Kamath had observed: “We are laying the foundation of a totalitarian state, a police state.” And, H. N. Kunjru predicted that “we would have nothing but chaos as a result of this article.”

Looking back to our past experiences, it may be pertinent to note that these fears have, at times, been proved right and at other times, imaginary. Going back to the time when the Constitution was being framed and when it was in its infancy, a strong Union was an urgent necessity. A well-known maxim is: “self-preservation is the law of any nation and there must necessarily exist the competence to meet exigencies which may arise.” War cannot be carried out under the principles of the Magna Carta or under the principle of individual freedom. Moreover, the President does not suspend fundamental rights on his own discretion. He cannot proceed without the advice of the P.M. and his ministers even in this respect. “To think of the President and the ministers combining in a conspiracy to flout the Constitution by maintaining a perpetual emergency... is a fear arising more out of a basic mistrust in the strength of democracy and its institutions than an understanding of the working of democratic governments.” Besides, since the ratification of emergency by the Parliament is necessary, a vigilant Parliament can prevent the abuse of this power. Yet, the question of abrogation of fundamental rights is a very sensitive one and therefore great care and restraint must be exercised in its exercise.

As regards the most controversial provision of Article 356, it may be stated without exaggeration that the intentions of the framers of the Constitution were not mala fide when they

agreed that the Centre could take over the administration of any state. At times, it has helped the Centre in restoring stability in the states. Yet, it is more famous for its misuse than its use. More often than not, it has been used to topple those state governments which were making the Centre uncomfortable. D. D. Basu points out this danger when he says that the function exercised by the President under Article 356 is a 'political one,' since he acts on the advice of the P.M. and his Council and is supported by those members of the Parliament who belong to or are in alliance with the party of that council of ministers. It can be used for political purposes against a state government which does not belong to the party in power at the Union. S. R. Maheshwari says that, in this regard, Article 356 acts "very much like the proverbial bolt from the blue... without giving them an opportunity or notice of correcting their alleged shortcomings."^ Besides, the problems that arise after the exercise of this power are so severe that at times it leads to making the motives of the President suspect. For instance. President V. V. Giri promulgated Presidents' rule in Uttar Pradesh in 1970. Since he had signed the proclamation in the USSR, it certainly meant that his satisfaction had no, role to play in this declaration and it was done only on the advice of the P.M. and his Council. Madhu Limaye had circulated among the opposition a resolution proposing the impeachment of the President for this lapse', but for want of the requisite majority, he gave it up. In such cases, when the President acts or is forced to act as a rubber-stamp, the attack should legitimately be against the council of ministers of the Central government. Can the President refuse to accede to the advice of his ministers which proposes to introduce emergency? "Probably he could have been validly impeached for refusing to sign the proclamation." To prove his point, V. K. Vardachari gives the example of the acting President, B. D. Jatti. When he did not instantaneously sign the proclamation dissolving the Assemblies in nine 'Congress-ruled states as advised by the Jana to Party in power at the Centre in 1978 and asked the P.M. to reconsider his decision, then too, the President's

motives were suspect. This proves that the article can be misused and, either way, the President has to take the blame. Despite the disadvantages pointed out, the article has a few merits too. Law and order is on a firmer footing, there is greater efficiency, corruption is reduced and “in a calculated bid to brighten the image of the President’s rule, New Delhi makes a conscious effort to give more finds to the States.

Lastly, as regards Article 360, it has never been used and hence, only time can tell, what its actual consequences could be.

Self-Check Exercise-4:

1. List the executive powers of the President of India.
2. How do the legislative powers of the President influence the functioning of the Parliament?

4.7 AID AND ADVICE

Much controversy has been generated in modern times regarding Article 74 relating to the ‘aid and advice’ of the P.M. to the President.

Is the Aid and Advice of the P.M. and his Ministers Binding on the President? (Article 74)

Article 74 of the Constitution says that “There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President.” The Forty-second and Forty-fourth Amendments have made a substantial change in the content of this article. The Constitution (42nd Amendment) Act, 1976, was essentially the handiwork of Mrs. Gandhi, who wanted greater autonomy in her decision making role. The words, “Who shall, in the exercise of his functions, act in accordance with such advice” were added to Article 74. The word “shall” made it imperative for the President to abide by the advice. The 44th Amendment Act, passed by the Janata Government in 1978, attempted to restore the dignity of the President. The attempt was a feeble one. Following this change, Article 74 together with the Forty-second Amendment Act makes the following provision:” Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration,” Clause (2) of Article 74 reads thus: “The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.

The words ‘aid and advice’ is by far the most controversial constitutional phraseology. It

was invented for the first time in the Constitution of, Canada in the British North American Act, 1867. The phrase 'aid and ad vice' is, a matter of urgent debate and jurists and constitutional experts differ on whether it is binding or not. But, let us first see what the word 'aid' means. The views of L.M. Singhvi appear to be pertinent in this regard. He says:

There is virtually no point in an aid being binding. Aid is just assistance, be it of a political, personal or intellectual nature and a thing which is characteristically assistance cannot be regarded as an admonition. At the same time, it is not so superfluous as to amount merely to an adulation.

Singhvi's interpretation is that an aid or advice is not an order and, therefore, is not mandatory in the simple sense. Yet, the wording of Article 74 makes it clear that the P.M. and his ministers alone are responsible to advise the President on all matters. Since the Constitution does not assign any other specific role to the P.M. and his ministers, tendering aid and tendering advice becomes a very important task. Therefore, the advice is not superfluous and cannot be ignored. Explaining the point further, he says that aid is "a functional manifestation of advice"? Besides, "advice, as a term, is to be taken as general of aid and has to fulfill a purpose as done by aid: The advice must be of an assistance nature [rather] than an obstructing nature.

Why and When the Aid and Advice is not Binding ?

The aid and advice may not be binding because there is no provision in the Constitution which says that the President can be impeached for violating this advice. In fact, the Constitution does not give any grounds for impeachment. Besides, a look at the impeachment procedure is enough to tell us how difficult it. The advice is also not binding when it leads to an “absurdly? There may be exceptional circumstances when the aid and advice are not available. This could happen when the P.M. dies or resigns. Obviously, in such a contingency, in the selection and appointment of a new P.M., the President does not have the advice available and therefore, acts on his own discretion. In such a case, he may select another member of the House who, in his estimation, can command a majority and, even if the latter is unable to prove his majority on the floor of the House, the President may ask him to continue till new general elections are held. Similarly, when a P.M. suggests dissolution of the House, the President can refuse to accept the advice, if an alternative government can be formed or when there is a general feeling that fresh elections could be detrimental to the national economy.

Apart from this, the Constitution makes a provision that the President must consult certain other authorities in certain cases. For instance, he has to consult the Chief Justice of India in the matter of determination of the age of a High Court Judge under Article 217(3). In the matter of a disqualification of a member of Parliament, he must consult the Election Commission- under Article 103(2). The Forty-fourth Amendment Act in this regard says: “The President shall obtain the opinion of the Election Commission and shall act according to such opinion.” The point here is that, in such cases, he does not have to obtain the aid and advice of the P.M. and his ministers before exercising his powers under Article 217(3) or 103(2). However, these are exceptional cases and the President is legally and politically bound by the aid and advice.

Why is the President Bound by the Aid and Advice?

The 44th Amendment makes sure that the President abides by the aid and advice of the council of ministers, although, it does not mean immediate acceptance of the ministry’s first thought and instantaneous compliance with such advice. He can state his objections to any proposed action and ask the ministry to reconsider such advice in the first instance. However, if the ministry sticks by its decision, the President has to sign it in the second instance. ‘Several

articles of the Constitution also point to the reality that the advice is binding. For, instance. Article 78(a), demands that the P.M. communicate .all decisions of the council of ministers to the President. This implies that the P.M. and his Council are not merely advisory but decision making bodies. So, what advice they give has to be binding. All elements of presidential discretion have deliberately been avoided. A comparison between Article 74 and Article 63(1), dealing with the Governor, shows that the Governors explicitly have the right to act on their discretion. The Governor is bound by the advice of the Chief Minister and his council of ministers “except in-so-far as he is, by or under the Constitution, required to exercise his functions or any of them in his discretion.” The President, sadly, has no amass of discretionary author. Besides, as Siwach points out, if the President does not heed the advice, he can be impeached because, by not taking the advice, he would be violating Article 74 of the Constitution. Sometimes, the indirect election of the President is also quoted in support of the argument that he is bound to accept the advice of the council of ministers. Article 361(1) states that the President shall not be answerable to any court for the exercise and performance of the powers and duties of his office, “Since the President would never act on his own but always on the advice of the Council of Ministers, it follows that he can commit no wrong and hence the provision that he shall not be answerable to any court for the exercise and performance of the powers and duties of his office,” If the data, information and advice supplied to the President is wrong, it will not be the President but the P.M. and his ministers who will be responsible before the Parliament. Further, Clause (2) of Article 74 provides that the question as to what ad vice was tendered cannot be enquired into by courts. So, no legal relief can be obtained against the President if he refuses to abide by the advice because the courts are barred by the Constitution from compelling production of the advice. If, however, the government produces the papers showing what evidence was in fact, tendered by the Council to the President, where malafide is alleged, there is no bar to- the court looking into such papers. This would lead to a constitutional and political deadlock which is why the President, almost always, abides by the advice of the P.M.

These arguments mean that the advice is binding. At the same time, there are embarrassing questions to which the Constitution provides no answer. Since the President is always performing duties on someone else’s advice, can he be impeached for something he has not done individually? Does he always have to obey any unconstitutional advice? Does he have a

personal responsibility to the nation, if not a legal one?

Can he be allowed to go scotfree even for deeds done in his official-capacity? Is he not upholding the Constitution by not yielding to unconstitutional advice? Does he, as a thinking human being, have a right to judge the propriety of the advice tendered to him? Why cannot he address the Parliament without the advice of the P.M. and his Council? These questions and many more remain unanswered. Yet, it should not give rise to a pessimistic approach regarding the incumbent of the highest post in the land. In all parliamentary governments, it is the practice that the titular head abides by the advice of the real executive and the Constitution-makers were quite aware of this phenomenon.

Self-Check Exercise-5:

1. What is the significance of the President acting on the aid and advice of the Council of Ministers?
2. Can the President act independently of the aid and advice of the Council of Ministers? Explain with examples.

4.8 VICE-PRESIDENT

Article 63 of the Indian Constitution provides for a Vice-President of India. Qualifications for the posture laid down in Article 66(3). He should be a citizen of India, should have completed the age of 35 years and should be qualified for election as a member of Council of States. Article 66(4) states: "A person should not be eligible for election as Vice-President, if he holds any office of profit under the Government of India or the government of any state or under any local or other authority subject to the control of any of the said governments." The tenure of the Vice-President is five years. Article 66(1) describes the method of his election. It states that "the Vice-President shall be elected by the members of an electoral college consisting of the members of both houses of Parliament... in accordance with the system of proportional representation by means of single transferable vote and the voting at such election shall be by secret ballot." The original Clause (1) of Article 66 provides for the election of the Vice-President by the members of the Parliament in a "joint sitting." By the 11th Amendment, the provision for a joint sitting is no longer a necessity and members can cast their votes individually. Both the elected and the nominated members participate in the elections. The members of the state legislative assemblies do not participate in

the elections. All doubts and disputes arising out of or in connection with the election of the Vice-President shall be inquired into and decided by the Supreme Court whose decision is final. Article 67(b) describes the method of removal of the Vice-President. A prior notice of fourteen days has to be served on him regarding the intention to move the resolution for his removal. He can be removed from his office by a resolution of the Rajya Sabha passed by a majority of all the existing members of the House and agreed to by the Lok Sabha. Whereas, in the appointment, both the Houses participate, during the removal, only the members of the Council of States participate. This is because the Vice-President is the ex-officio chairman of this House. The method of removal remains the same even if the Vice-President is acting as the President. An election to fill a vacancy in the office of the Vice-President occurring by reason of his death, resignation, removal or otherwise shall be held as soon as possible after the occurrence of the vacancy and the person elected to fill the vacancy will be entitled to hold office for the full term of five years from the date on which he enters upon his office. The Parliament enacted the “President (Discharge of Functions) Act, 1969” which provides that, in the event of occurrence of vacancy in the office of both the President and the Vice-President, the Chief Justice of India or, in his absence, the senior most judge of the Supreme Court available shall discharge the functions until a new President is elected.

The position of the Vice-President, though one of great dignity and prestige, was created chiefly with the intention of filling a political, vacuum caused by the removal, resignation, illness, death or inability of the President to discharge the duties of his office. The Constitution mentions only one specific function of the Vice-President in Article 64. It states that the Vice-President shall be the ex-officio Chairman of the Council of States. His chief function is to preside over the meetings of this House. The Vice-President can act as the President for a maximum period of six months. Article 62(2) provides: “An election to fill a vacancy in the office of the President, occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after and in no case not later than six months from the date of occurrence of the vacancy ” The time of six months is kept as the maximum limit because the Vice-President, due to the method of his election, represents only the Union Parliament and not the states. Besides, the Constitution says that not more than six months should elapse between the two sessions of the Parliament and that of the state legislatures too. Hence, elections for a new President should

possibly be held within six months.

The role of the Vice-President is clearly that of a “political standby”. But, the question arises, as it had in America, whether only the powers and duties devolve on the Vice-President or the office also. In India, the office as well as the powers devolve on the Vice-President. At present, under Article 55(1), in case of a vacancy in the office of the President, the Vice-President shall act as the President until the date on which a new President is elected. Clause (2) of the same Article states that, in case the President is unable to discharge his functions, the Vice-President shall discharge his functions. This means that the authority, powers and role of the President are taken over by the Vice- President. This is further substantiated by Article 71(2) which reads; “If the election of a person as President and Vice-President is declared void by the Supreme Court, acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of decision of the Supreme Court, shall not be invalidated by reason of that declaration.” This can safely be taken to mean that;- even if the election of the Vice-President acting as the President is invalidated, acts done by him in the capacity of the President will not be declared void. The office also devolves on the Vice-President, as Article 65(3) says that, while acting as the President, he will have all the immunities of the President. The Second Schedule to the Constitution also provides that, while discharging the duties of the President, the Vice- President will draw the same emoluments, allowances and privileges as the President. However, while he acts as the President, he will not draw the salary of the Chairman of the Council of States.

It seems clear that the Constitution intended to permit the Vice-President to act as President temporarily in certain cases when the office of the President fell vacant, the actual President resuming his post when the emergency was terminated or a new one elected. It is political expediency alone on which this office is based. The absence of such a provision in the constitution of the USA created serious

problems when President Eisenhower had three serious illnesses in two years. He had to enter into an agreement in 1958 with Vice-President Nixon to serve as the acting President until his inability had ended. President Kennedy entered into a similar agreement with Vice-President Johnson in 1961. Later on a list of 11 successors was provided to the American Presidency.

Self-Check Exercise-6:

1. What are the roles and responsibilities of the Vice President of India?
2. How is the Vice President of India elected?

4.9 Summary

The post and position of the President raises questions of grave importance. What exactly is he supposed to do? Law gives him immense powers but conventions force him to function as a nominal head. Should he exercise these rights? Can he have a mind of his own? Or should he content merely at being the first citizen? These questions do not have positive or negative responses even in the Constitution. However, a harmonious correlation between the related Articles of the Constitution has led to a successful working of parliamentary democracy in India. To call the President a rubber stamp would be a mistake, because that would mean that he is totally under the influence of the ruling clique. What is therefore expected of him is that he stands above or at least apart from partisan politics. He can certainly have a “mind of his own free of all political trammels and without any urge or ambition to take an active hand in governmental decision making... or towards changing the provisions of the existing Constitution relating to his position and powers.

As regards the Vice-President, even though the post is one of great authority and prestige, the Vice-President, at best, remains his “superfluous highness” remembered only in case of vacancy in, the President’s office.

4.10 Glossary

(c) Art 52 of Indian Constitution: There shall be a President of India.

(d) Art 53 of Indian Constitution: All the executive powers are vested with President of India.

(e) Art 55 of Indian Constitution: The Election of President.

(f) Art 56 and 61 of Indian Constitution: The Impeachment Procedures of the President.

4.11 Answer to Self-Check Exercise

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

4.3

Self-check Exercise-2

Refer to section

4.4

Self-check Exercise-3

Refer to section

4.5

Self-check Exercise-4

Refer to section

4.6

Self-check Exercise-5

Refer to section

4.7

Self-check Exercise-6

Refer to section

4.8

4.12 References/Suggested Readings

(3) S.R.Maheshwari, "The Indian Administration."

(4) K.K.Puri, "Indian Administration."

4.13 Terminal Questions

4.0.1 Discuss the Procedure of Election of the President of India.

4.0.2 What are the Powers and Functions of the President of India Union?

Unit-5

CENTRAL SECRETARIAT AND CABINET SECRETARIAT

Structure

5.1 Introduction

5.2 Learning Objectives

5.3 Central Secretariat

Self- Check Exercise 1

5.4 Cabinet Secretariat

Self- Check Exercise 2

5.5 Main Secretariat

Self- Check Exercise 3

5.6 Role of Cabinet Secretariat

Self- Check Exercise 4

5.7 ARC Suggestion 1966

Self- Check Exercise 5

5.8 Summary

5.9 Glossary

5.10 Answer to Self Check Exercises

5.11 References/Suggested Readings

5.12 Terminal Questions

5.1 Introduction

Indian system of government and administration is largely a legacy of British colonial rule. Our

constitution has borrowed abundantly from the various constitutions of the world, particularly. It has modeled itself on the lines on British Constitution. Indian constitution established neither a purely federal polity nor exactly a unitary system.

However, the opening article of the Indian constitution says that (1) India, that is Bharat shall be union of states (2) the states and the territories thereof shall be as specified in the first schedule (3) the territories of India shall comprise the territories of the States, the union territories as specified in the first schedule and such other territories as may be acquired article 2 says that parliament may by law admit into the union, or establish new states on such terms and conditions as it thinks fit. Thus India is a Union of States with some central administered territories and having flexibility in regard to changes in the political map or the territories. As regards the system of governments, Indian constitution has adopted the west minister model of government with separate constitutional and real heads. The executive power of the union government is vested in the President and his council of ministers, headed by a Prime Minister. Although in theory, the President does not possess vast legislative, emergency, executive and judicial powers, in practice he is a mere figure head and the power in reality is exercised by the Prime Minister and his cabinet, For all their administrative and legislative actions, they in turn are responsible to the Parliament. The council of ministers is a body for referred to include all the ministers i.e. cabinet ministers, ministers of state and Deputy Ministers. It is the cabinet which actually meets supervises the whole of the administrative machinery. Each cabinet minister is not only the coordinator of all executive policies and actions, but is also the leader of the cabinet; and in reality a leader of the nation. The number of ministers changes from time to time and generally around twenty. The work of various ministers is coordinated by the cabinet secretariat headed by a cabinet secretary., Some coordinating work is also done by the Prime Minister's Secretariat, These two offices serve as the staff agencies of the entire administration. At the apex of the hierarchy of administrative organisation there is central secretariat which occupies a key position regarding the policy making, programming and their implementation. Apart from this we have certain independent bodies which are not directly controlled by the ministries. The most important of these are : The Planning Commission, the Union Public Service Commission, the Election Commission the Finance Commission, the office of Comptroller and Auditor General of India. Besides these agencies, there has been a growth of a large number of public enterprises- Departmental Undertakings. Public Corporation and Government and joint Stock Companies. As

regards personnel management, there is a provision of three kinds of services in the constitution: the All- India Services, the Central Services and the state services.

The Central legislature of Parliament consists of the President and two Houses-the Rajya Sabha (Council of States and the Lok Sabha (House of the people): The Lok Sabha consists of the people collected representatives, whereas the Rajya Sabha consists of members-mostly elected by the state legislative and a few nominated members by the President. The President summons each House from time to time to meet. The parliament has been conferred powers by the constitution to make laws. However, these laws are subject to judicial review i.e. the High Courts and the Supreme Court have the power to declare an act of parliament un-constitutional and void on the ground that it violates the provisions of the constitution.

Broadly speaking the pattern of the government in states is the same as that for the union, namely the parliamentary system. The executive head being a constitutional ruler who is to act according to the advice of the ministers is responsible to the popular house of the state legislature. As the head of the executive power of the state the Governor just as the President stands as the head of the executive power of the union. The Governor of a state is not elected but is appointed by the President. Actually it is the Prime Minister who, recommends a person to be appointed as Governor. The Governor is bound to act on the advice of his council of ministers. The council of ministers in the state is organized on the same pattern and practically in the same manner as is done at the centre. Leader of the majority party in the state legislature is invited by the governor to be appointed as Chief Minister. There is a cabinet as the head of the state executive, the functions and powers of which are similar to that of union Cabinet. Each, minister (including the chief minister) is in charge of a department. Each of the Departments is controlled by a permanent official called the Secretary. State administration is further sub-divided into Districts, which is the smallest unit of administration in the country. The district chief is known as a commissioner Deputy Commissioner or Collector depending upon the status of the district and pattern in a particular state. Every district has some field offices of the central or state government.

At the local level we have a system of local self government or democratic decentralization. There are two separate sets of local government in urban and rural areas. In urban areas, depending upon the size, population and level of development there may be Municipal Corporation, municipal committee, notified area committee or town area, committee. In the areas occupied by the Defence Ministry or military there are cantonment boards as the local government. Most important of all

these are the first two. All these urban local bodies function independently and have no organic link with each other. In the rural areas we have a system of panchayati raj-started in the sixties on the recommendations of Balwant Raj Mehta Committee. The committee recommended a three tier structure i.e. gram panchayat at the village level, Panchayat Samiti at the block level (comprising of about 80-1000 villages with a population of around one lakh) and zilla parishad at the district level. However variations in pattern exist in different states in terms of nomenclature, organizational structure, constitutional framework, system of elections, provisions of finances, delegation of powers and so on. But in most of cases there is a support for effective decentralization of powers, in fact the most important difference among various models of Panchayati Raj is regarding the assignment of the pivotal powers to one tier out of zila parishad and panchayat samiti. Most of the local bodies both rural and urban, have elected members as well as a permanent official and look after some of the local services-civic as well as developmental. Although the institutions of local government have presented a lot of problems in respect of coordination of work multiplicity of authority and the like, but in general they have found to be very useful in the political and administrative set up of both developed and developing countries. It is an admitted fact system of local government is essential not only to educate people and to train them in the set of self-government but also to check the centralizing tendencies.

5.2 Learning Objectives:

After learning this lesson the student will be able to know:

- * Structure of Administration at the central level
- * About central Secretariat
- * Cabinet Secretariat
- * Role and function of central secretariat
- * ARC on central secretariat

5.3 Central Secretariat:

The Secretariat consists of the council of ministers, the Secretaries and the staff. It functions as the nerve centre of government. It is here that all policies and programmes get formulated and executive orders originate.

It also provided over all supervision, guidance and leadership. It sets the pattern of efficiency for every branch of administration. The efficiency of the central administration as a whole depends largely on its working.

Functions of Secretariat:

The Secretariat plays a key role in assisting and advising the Council of ministers in the shaping of government policies and programmes. It has to collect necessary materials for the formulation of government policies analyses and present them to the council of ministers setting out the merits and demerits of the different aspects problems so as to enable the council for ministers to take appropriate decisions. The secretariat provides guidelines to the executive agencies for the speedy and efficient implementation of government programmes and assists them in all possible manners, include removal of difficulties. The secretariat also keeps a watch over the implementation and presents a correct appraisal of progress made in it to government from time to time. At the state level the state secretariat has been set in each state. Assisting the minister in policy making and in modifying policies from time to time, as and when necessary.

1. Framing legislation and rules and regulations.
2. Sectoral planning and programme formulation.
3. (a) Budgetise and control of expenditure in respect of activities of the ministry and
(b) According of securing administrative and financial approval to operational programmes and pine and their subsequent modifications of policies and programmes by the executive departments of semiautonomous field agencies and evaluation of the results.
4. Coordination and interpretation of policies assisting other branches of government and maintaining contact with state governments.
5. Initiating measures to develop greater personnel and organizational competence both in the ministry and its executive agencies.
6. Assisting the minister in the discharge of his parliamentary responsibilities.

The Administrative Reforms considered the secretariat to be an essential ingredient in our system of government. "The secretariat system of work has lent balance, consistency and continuity to the administrator, and served as a nucleus for the total machinery of a ministry. It

has facilitated inter ministry coordination and accountability to parliament at the ministerial level. As an institutionalized system it is indispensable for the proper functioning of government.” Notwithstanding its indispensability, the secretariat is an overgrown, ponderous and show-moving organisation. “The secretariat at the centre is thus today encumbered with non-essential work and has for a large part become an unwieldy and overstaffed organisation. This leads to occasional blurring of responsibilities, and choking of the administrative machinery, which thus finds excuse for dilatoriness and delay. Further, the overgrowth of personnel had resulted in deterioration in quality. Thus has inevitably meant increased burden for officers at the higher levels.”

This has happened because it has also taken up work which falls within the states jurisdiction under our constitutional or which legitimately belongs to the domain of its attached offices. “It is necessary in the interest of economic development itself to rearrange the centre-state relationship in a manner that will enable the centre to manage more efficiently the tasks which clearly fall within its jurisdiction and encourage the states to take over from its progressively the responsibilities in areas which undoubtedly belong to them. “The central ministries have the following legitimate relation to the subject falling within the sphere of the states :

1. Providing initiative and leadership to the states, and in particular serving as a clearing house of information intimating details and data about good programmes and methods adopted in our part of the country to the rest of the country.
2. Undertaking the responsibility for drawing up the national plan for the development sector in question in close collaboration with the states, and developing for this purpose well, manned planning and statistical units.
3. Undertaking research at a national level confirming attention to matters which are beyond the research resources of states.

4. Undertaking training programmes, of foundational nature e.g. training of planners and administrators and training of trainers.
5. Taking the initiative in evaluation of programmes with the object of checking progress, locating bottlenecks, taking remedial measures, making adjustment etc.
6. Providing a forum and meeting ground for state representatives for the exchange of ideas on different subjects and for the evaluation of guidelines.
7. Attending to functions of the nature of coordination which can only be handled at the centre.
8. Maintaining relations with foreign and international organisations.

At present while the secretariat bears the responsibility for formulating, policies, their execution as a norm, rests with separate organisation called attached and subordinate offices. The arrangement reflects a commitment to policy administration dichotomy.

The present style of decision-making in the secretariat seeks indiscriminate participation of too many level in the hierarchy and what is more, the business methods in vogue leave initiative in the hands of the clerical personnel. These two features conspire to reader the secretariat as a bewilderingly slow-moving machine. "There are, at present, as many as six levels of proceeding and decision-making namely, the dealing hand, section officer, under secretary, 'deputy secretary, join secretary/secretary and minister. Broadly speaking, at least four of five levels are generally involved in the disposal of any substantive case. A serious defect which has developed in the system during the inst four decade is concerns the rise in the level of financial decision making. There has been a marked tendency to send up cases for decision to higher levels even through these can be decided at a lower one. As a result, the senior officers have often too heavy a burden to bear in the area of decision making. It is being felt that the present system under which each paper has to travel down to dealing assistant and then level back through a number of levels till the final decision in taken is highly unsatisfactory. It leads to excessive nothing, causes delay and diffuses responsibility. Above all, it undermines initiative and sense of responsibility at senior levels. Every paper has to be first noted upon by the officers. "This excessive dependence on the office promotes a file- during approach. As result many of the senior officers do not received it as their role to initiate action or reflect upon the complex problems on their own." The commission was etuphatic in its view that as a rule, there should be

only two levels of consideration and decision below the minister. At the lower level of consideration a case may be handled by an undersecretary or a deputy secretary and at the higher level by the joint or additional secretary or the secretary.

Self-Check Exercise 1:

1. Describe the structure and functions of the Central Secretariat in India.
2. How does the Central Secretariat support the functioning of the government?

5.4 Cabinet Secretariat

The union cabinet, being the chief political and executive body in India, formulates all major national policies makes all major -appointments, coordinates the various activities of government and bodies various other tasks, of executive. To handle the burdensome and muluferious tasks the cabinet requires adequate staff and secretarial assistance. The cabinet secretariat falls this role. It serves ministers collectively in the conduct of cabinet business. Cabinet Secretariat in India has played an important role to bring about efficiency and coordination in the working at the cabinet. Such an office is therefore indispensable for the chief executive. In English there is cabinet office for this purpose which comprises the cabinet secretariat, in central statistical office, the historical section and the central policy review staff. The cabinet office is headed by the cabinet secretary and work under the overall direction of the Prime Minister. In addition there is the Prime Minister a own staff to assist him. In India, there is also a separate office of the Prime Minister known as Prime Minister' Secretariat. The cabinet secretariat has an important coordinating role in the process of decision making at the highest level and operates under the direction of the Prime Minister. It submits the cases to the cabinet and its committees prepare the records of decision taken and follow up action on their implementation.

The political leadership of the cabinet secretariat rests with the Prime Minister, and the administrative head of the secretariat is the cabinet secretary, who is a *very* senior civil servant and plays the role as the pivot of the cabinet system. The cabinet secretariat is organised into departments, wings and units. There is a permanent department i.e. Department of Cabinet Affairs. Besides this department from time to time a few other departments have also been working under the cabinet secretariat, these are Department of Statistics and Department of

Personnel and Administrative Reforms.

As on 1.1.1987, the following was the overall setup of the cabinet secretariat:

- 6 Main Secretariat
- 7 Advisory Board of Energy
- 8 Office of Scientific Advisor to Prime Minister
- 9 Advisor to Prime Minister on heritage on Cultural Resources.
- 10 Implementation Committee for celebration of the centenary of Shri Jawahar Lai Nehru.
- 11 Commission on Economic Efficiency, Productivity and Exports.

Self-Check Exercise 2:

1. What is the role of the Cabinet Secretariat in India?
2. How does the Cabinet Secretariat facilitate coordination among government departments?

5.5 The Mains Secretariat

The main secretariate is headed by the cabinet secretary, below him there are three secretaries including one secretary (coordination). One Additional Secretary; Joint Secretaries and one Secretary and Ex-office Joint Secretary and six deputy secretaries.

The main secretariat also accommodates the officer of the Security Advisor to Prime Minister and the office of Scientific Commission which is headed by a chairman.

The work of the main secretariat is divided into different wings. The civil wing responsible for secretariat work connected with the meetings of the cabinet and its committees standing as well as adhoc committees and also the committees of secretaries which meet periodically under the chairmanship of the cabinet secretary to consider and advice on problems requiring inter-ministerial consolation and co-ordination. The civil wing in also concerned with the formulation of the Rules of Business of the union government and the allocation of the business of the government to the ministers and departments under the direction of the Prime Minister and with the approval of the President. The civil wing? divided into four sections, namely-(i) coordination section (ii) cabinet section (iii)' general' section (iv) administrative section.' The military wing is responsible for all, secretariat work connected with the meetings of

the Defence Committee National Defence Council Military Affairs Committee and other committees concerned with defence matters. The economic wing is responsible for the secretarial matters contented with the joint Intelligence committee of the cabinet.

Self-Check Exercise 3:

1. Discuss the significance of the Main Secretariat in the administrative setup of India.
2. How does the Main Secretariat interact with other governmental bodies?

5.6 Role of Cabinet Secretariat

The cabinet secretariat plays an important role in securing the coordination among different ministers and in the working of the cabinet, It provides full secretarial assistance to the cabinet and its committee and keep the records- concerning their meetings. The main area of activities of the cabinet secretariat becomes clear from the list of subjects with which the cabinet has to deal. Cases involving legislation including the issue of ordinances.

- (a) Cases concerning negotiations with foreign countries on treaties and governments.
- (b) Addresses and messages of the President to Parliament.
- (e) Proposal to summon or prorogue Parliament.
- (e) Appointment of Public enquiry committees and consideration of reports of such committees.
- (f) Cases of disagreement between ministries of issues which an individual minister may like to discuss in cabinet meetings.
- (g) Recognition of any previous decision taken by the cabinet; and
- (h) Appointment of delegations of withdrawal of prosecution instituted by the government.

The cabinet Secretariat helps the cabinet in all ways to perform these activities. However, there are many other functions which are not obvious but which a cabinet secretariat has to perform during varied situations. The role of the cabinet secretariat towards the success of a cabinet is quite significant, which can be discussed under the following headings.

- (i) ***As The Secretariat of the Cabinet:*** The obvious role of the cabinet secretariat in the first instance is provide full secretariat assistance to cabinet and its committees. A number of

files and papers are to be presented, to the cabinet or its committees during their meeting and there are a number of other papers which are circulated to the president, the Vice President the member of the cabinet/cabinet committees council of ministers for information. A list of such papers is given in the fourth schedule to the Transaction of Business Rules, 1961, The papers which are at present circulated by the cabinet secretariat are an economic review, fortnightly political reports from state governments and centrally administered territorial administrations, monthly summaries from the ministries/departments giving a brief account of their activities and decision, monthly notes from missions abroad, quarterly reports on the economic situation reports on prices of food articles, review of the five year plans reports on agricultural production, reports of the union public service commission, reports on administrative reforms reports of the union public service commission reports on the working of industrial and commercial undertaking of the central government brief notes on important matters from ministries, trade agreements/arrangements in pursuance of the general directions/decisions of the cabinet, white papers on various topics, and any other paper which the Prime Minister may wish to circulate to the ministers.

- (ii) ***As an Originating Office:*** Whenever a new government is formed it becomes a smooth affair to complete all the formalities only due to the handling by the cabinet secretariat. The first item of work relates to the appointment of ministers, minister of state, deputy ministers and parliamentary secretaries and the allotment of portfolios to the ministers. Once the recommendation of the Prime Minister on the appointment of a minister is accepted by the president matters like the swearing in ceremony assumption of office, and so on is handled by it. Likewise work relating to resignation relinquishment of charge portfolios, and so on, of ministers falls in the charge of cabinet secretariat.

There are certain rules of business which the President makes under article 77 (3) and allocates the business among the ministries. Work relating to the drafting of such rules is handled in the cabinet office. In accordance with rule 4 of such rules, the President on the advice of the Prime Minister allots ministries/ departments to the charge of ministers from time to time. Ministries are merged or reorganized and the subjects dealt with by them are reallocated or readjusted or transferred from one ministry to another according to administrative needs from time to time. This is more or less a continuing process and the proposals which arise or are received in this connection are processed by the cabinet secretariat.

The third original item of work relates to certain aspects of coordination and expenditure in the implementation of the policies of government. In this matter the cabinet secretariat does not supersede other ministries nor does it relieve them of their responsibilities. It is the duty of the cabinet secretariat.

- (a) to assist in resolving difficulties or delays which may arise in any field of activity between the ministers and departments;
- (b) to watch the progress of important administrative measures of the government of India which affect more than one ministry;
- (c) to assist in co-ordinating the major administrative activities and policies of the government of India; and
- (d) to watch the implementation of decisions in which the cabinet as a whole or prime minister is interested.

In performing the duties mentioned above the cabinet secretariat issues circulars and for the guidance of ministers. It also conveys the directives of the cabinet of the prime minister on administrative and allied matters, to various functionaries and agencies.

(vi) Role in Coordination ; A highly significant role is played by the cabinet secretariat in achieving inter-departmental coordination which is a basic requirement towards the success of any administrative system and which becomes more important when it is closely linked with the task of policy formulation and implementation. Over the years, various types of mechanism have been evolved for the purpose of having quick and efficient inter-departmental consultations and of securing coordination of activities of different ministers and departmental consultations and of securing coordination of

activities of different ministers and departments. In 1945, a coordination committees of the executive council of the viceroy was established to perform the following duties:

- (a) To assist in coordinating the major administrative and policies of government.
- (b) To assist in resolving difficulties on, delays which arise in the administrative field whether between ministries of the government of India and provincial governments.
- (c) To watch the progress of important administrative measures of the government of India which affected more than one ministry.

(d) To submit to the coordination committee of the council such matters at required its decision instructions. The ministries or administrative agencies of the government were never superseded by the coordination committee's secretary or the secretariat not they were relieved of their duties by the later. The secretary served all ministers and was at the disposal of ministers for consolation on any matter in which his assistance has required.

The work of coordination previously done by the coordination committee's is now undertaken by the cabinet and its committees. At the official level a number of standing committees of secretaries with the cabinet secretary as chairman have been set up. Specific functions have been assigned to these committees. Some of them viz. the committee of Economic Secretaries, the secretaries Committee on Foreign Affairs and the Scientific Advisory Committee to the cabinet assist and advise the cabinet/on matters which fan within the scope of their functions. In case where there is a difference of opinion among various ministries, the cabinet secretary assists in resolving such differences and in arriving at agreed in resolving such differences and in arriving at agreed or acceptable decisions. As head of the cabinet secretariat he is estimated with the positive functions of securing coordination as well as timely and effective action by all ministries/department of the government of India in all matters in which the cabinet as whole or the prime minister is interested. For this purpose apart from the meetings of regular committees of secretaries he convenes meetings of secretaries and senior officials, whenever necessary. Rule 4 of the transaction of business rules lays down that when the subject of a case concerns more than one departments, no order shall be issued until a such departments have concurred, or falling such concurrence, a decision thereon has been taken by a under the authority of the cabinet In accordance with thus rue, for consideration of complicated questions concerning more than one department, inter departmental consolations are held or meetings of

the representatives of ministries are convened. This results in faster disposal of disputed matters and eliminates elaborate Correspondence.

(iv) **Role in Implementation:** The cabinet decisions are communicated to all the concerned ministries or other agencies by the cabinet secretariat which also keeps a watch on the progress of the implementation of the same. In accordance with the instructions issued by the cabinet secretariat, a monthly statement showing the progress on the cases relating to each ministry is sent to the cabinet secretariat. These statements are scrutinized in the context of the decision taken. If in any case it is noticed that the ministries are not making substantial progress in the implementation of the decision, the matter is taken up with them at a higher level with a view to expediting implementation of action. Records of such cases are kept by the cabinet secretariat.

(v) **Role as a Staff Agency :** The role played by the cabinet secretariat is truly of a staff agency. It is a walking stick for the cabinet, as a staff agency. It ensures that the cabinet, which is the chief executive in India, is adequately and correctly informed. It assists and even advises the cabinet in seeing problems and planning future programmes. For this purpose there are experienced administrators, experts and advisers working in the cabinet secretariat. Besides this, the cabinet secretariat ensures that matters for cabinet's decisions are dealt with promptly so that no decisions are taken in haste and without proper information or judgment. At the same time, the precious time of the cabinet is saved. In conformity with L.D. White's list of the functions of a staff agency, compliance by the departments with established policy and executive direction.

Self-Check Exercise 4:

1. Identify and explain three key roles performed by the Cabinet Secretariat.
2. How does the Cabinet Secretariat contribute to decision-making at the highest levels of government?

5.7 Suggestions of ARC (1966)

The Administrative Reforms Commission (1966) suggested re-organisation of the cabinet secretariat so as to have cells specializing in broad areas of government functioning. The main functions of such cells of the cabinet secretariat would be:

- (a) To keep the Prime Minister posted with happenings in ministers;
- (b) To receive memorandum of major decisions from ministers and put them up to the Prime Minister;
- (c) To serve cabinet committees, if any relating to the group of ministers assigned to them.
- (d) To act as the aids of the Prime minister, the cabinet and the cabinet committees in giving shape to new policies in supra-ministry fields, and.
- (e) To keep in touch with follow up of the Prime Minister's suggestions or the decisions of the Cabinet and its committees.

It was also suggested by the ARC that the cabinet secretary should act as the principal staff advisor of the Prime Minister, the cabinet and the cabinet committees on important policy matters.

Self-Check Exercise 5:

1. What were the main recommendations of the Administrative Reforms Commission (ARC) in 1966?
2. How have these recommendations influenced administrative practices in India?

5.8 Summary

As has been noted earlier, the cabinet secretariat is performing the functions as suggested by the ARC. In fact the role of the cabinet secretariat (as well as that of PM's Secretariat) depends a great deal on the personal style of the Prime Minister and the political strength of the party in power and the balance of force in party system. On the other hand, the administrative out-put or the efficiency of the cabinet secretariat depends" much on the leadership of the cabinet secretary.

5.9 Glossary

- (a) **Central Secretariat:** It consists of council of minister, the secretaries, and the staff. This is the agency where all the policies and programme are being formulated.
- (b) **Cabinet Secretariat:** This has a important coordinating role in the process of decision making at higher level is concerned.

5.10 Answer to self check exercises

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

5.3

Self-check Exercise-2

Refer to section

5.4

Self-check Exercise-3

Refer to section

5.5

Self-check Exercise-4

Refer to section

5.6

Self-check Exercise-5

Refer to section

5.7

5.11 References/Suggested Readings

1. S.R. Maheshwari, "Indian Administration".
2. K.K. Puri, "Indian Administration".

5.12 Terminal Question

1. Discuss the role of cabinet secretariat what are its functions.
2. What are the ARC recommendation relating to cabinet and central secretariat in India.

Unit-6

Council of Ministers

Structure

6.1 Introduction

6.2 Learning Objectives

6.3 Council of Ministers

Self-Check Exercise 1

6.4 Summary

6.5 Glossary

6.6 Answer to

6.7 Self Check Exercises

6.8 References/Suggested Readings

6.9 Terminal Questions

6.1 Introduction

The Council of Ministers in India is the executive authority responsible for administering the government and implementing policies. It operates under the leadership of the Prime Minister and comprises Cabinet Ministers, Ministers of State (Independent Charge), and Ministers of State. This body plays a pivotal role in policy formulation, administration, legislation, and budget preparation, ensuring the smooth functioning of government operations. Appointed by the President of India based on the Prime Minister's recommendations, the Council remains in power as long as it retains the confidence of the Lok Sabha, the lower house of Parliament. The principle of collective responsibility governs its functioning, making all ministers accountable for the decisions made by the Cabinet.

The Council of Ministers' influence extends to every aspect of governance. It is instrumental in shaping national policies that affect various sectors such as defense, finance, foreign affairs, health, and education. Cabinet Ministers, who handle the most critical portfolios, play a central role in these processes, while Ministers of State (Independent Charge) manage specific departments autonomously. Ministers of State assist in the execution of policies within their assigned ministries, working under the direction of Cabinet Ministers. This hierarchical structure ensures that decisions are implemented efficiently across different levels of government.

Moreover, the Council of Ministers is central to the legislative process. It drafts and introduces bills in Parliament, engages in debates, and works to secure the passage of laws that reflect the government's agenda. In terms of fiscal responsibility, the Council is tasked with preparing the national budget, allocating resources, and overseeing public expenditure. This involves meticulous planning and coordination to balance developmental needs with financial sustainability.

The tenure of the Council of Ministers is contingent on the Lok Sabha's support, reflecting the democratic principle that the executive must have the legislature's backing. This interdependence ensures that the government remains responsive to the elected representatives of the people. The doctrine of collective responsibility further reinforces this accountability, as it mandates that all ministers publicly support Cabinet decisions. Any dissent must be addressed internally, preserving the unity and coherence of the government's executive branch. Through these mechanisms, the Council of Ministers upholds the integrity and effectiveness of India's democratic governance system.

6.2 Learning Objectives

After learning through this lesson the students will be able to understand

- Prime Minister and Council of Ministers
- Significance and Role of Council of Ministers

6.3 THE COUNCIL OF MINISTERS

The Indian Constitution establishes a Parliamentary System of Government modeled after the British framework, where the Prime Minister-led Council of Ministers serves as the true executive authority.

Composition:

The Council of Ministers is composed of three categories: Cabinet Ministers, Ministers of State, and Deputy Ministers. Their distinction is based on hierarchy, remuneration, and political significance. At the helm of this structure is the Prime Minister, who holds the highest governing position in the country.

Cabinet Ministers: These individuals oversee crucial ministries of the Central Government, such as Home Affairs, Defence, Finance, and External Affairs. As members of the Cabinet, they actively participate in its meetings and contribute significantly to policy-making decisions. Consequently, their jurisdiction extends across the entire Central Government.

Ministers of State: They may either be entrusted with independent charge of ministries or departments or work in association with Cabinet Ministers. When working under Cabinet Ministers, they may be assigned responsibility for particular departments within the ministry or specific tasks related to it. Essentially, they function under the supervision and overall authority of the Cabinet Ministers. In cases where they hold independent charge, they discharge duties and wield authority over their respective ministries in the same manner as Cabinet Ministers. However, unlike Cabinet Ministers, they are not permanent members of the Cabinet and only attend its meetings when summoned to discuss matters relevant to their ministries.

Deputy Ministers: They do not have independent charge of any ministry or department. Instead, they assist Cabinet Ministers or Ministers of State in managing administrative, political, and parliamentary responsibilities. Since they are not Cabinet members, they do not participate in Cabinet meetings.

The Council of Ministers can also include a Deputy Prime Minister. Some notable figures who have held this position include Sardar Patel in Nehru's Cabinet, Morarji Desai under Indira Gandhi, Charan Singh under Morarji Desai, Jagjivan Ram in Charan Singh's Cabinet, Devi Lal in V.P. Singh's ministry, and L.K. Advani under A.B. Vajpayee. The appointment of a Deputy Prime Minister is generally driven by political considerations.

Characteristics of the Council of Ministers and the Cabinet:

Council of Ministers:

- It is an extensive body, comprising approximately 60 to 70 ministers.
- It includes all three ranks: Cabinet Ministers, Ministers of State, and Deputy Ministers.
- Unlike the Cabinet, it does not convene as a body to conduct government affairs and lacks collective functions.
- It possesses theoretical authority over governance.
- Its roles and responsibilities are determined by the Cabinet.
- It is a constitutional entity governed by Articles 74 and 75 of the Constitution.
- It bears collective responsibility to the lower house of Parliament.

Cabinet:

- It is a more compact body, typically consisting of 15 to 20 ministers.
- It exclusively comprises Cabinet Ministers and is thus a subset of the Council of Ministers.
- It convenes regularly, usually once a week, to deliberate on government affairs and make collective decisions.
- It exercises actual power over governance, functioning as the primary decision-making body on behalf of the Council of Ministers.
- It formulates and enforces policy decisions that are binding on all ministers.
- The term "Cabinet" was formally included in Article 352 of the Constitution through the 44th Constitutional Amendment Act of 1978.

Functions of the Cabinet

1. It serves as the highest decision-making body within the country's political and administrative framework.
2. It is the principal authority responsible for formulating policies at the central government level.
3. It holds the supreme executive power within the central government.
4. It acts as the primary coordinating entity for central administration.
5. It functions as an advisory council to the President, whose decisions are bound by its recommendations.
6. It plays a crucial role as the chief crisis manager, handling all emergency situations.
7. It oversees significant legislative and financial matters.
8. It exercises authority over key appointments, including constitutional positions and senior officials in the Secretariat.
9. It manages all aspects of foreign policy and international relations.

Some statements by various scholars

Ramsay Muir: "The Cabinet is the steering wheel of the ship of the State."

Lowell: "The Cabinet is the keystone of the political arch".

Sir John Marriott: "The Cabinet is the pivot round which the whole political machinery revolves".

Gladstone: "The Cabinet is the solar orb around which the other bodies revolve".

Barker: "The Cabinet is the magnet of Policy".

Bagehot: "The Cabinet is a hyphen that joins, the buckle that binds the executive and legislative departments together".

Sir Ivor Jennings: "The Cabinet is the core of the British Constitutional System. It provides unity to the British System of Government".

L.S. Amery: "The Cabinet is the Central directing instrument of Government."

Ramsay Muir has referred to cabinet as the 'Dictatorship of the Cabinet'. In his book *How Britain is Governed*, he writes "A body which wields such powers as these may fairly be described as 'omnipotent' in theory, however, incapable it may be of using its omnipotence. Its position, whenever it commands a majority, is a dictatorship only qualified by publicity. This dictatorship is far more absolute than it was two generations ago".

▪ **Kitchen Cabinet**

The Cabinet is a compact body led by the Prime Minister and composed of approximately 15 to 20 key ministers. It is the highest formal decision-making authority within the government. However, in practice, an even smaller and more influential group known as the 'inner cabinet' or 'kitchen cabinet' often serves as the real center of power.

The Kitchen Cabinet is an informal advisory body that includes the Prime Minister and a select group of two to four of their most trusted and influential associates. This exclusive group provides counsel on critical political and administrative matters, assisting the Prime Minister in making key decisions. Unlike the official Cabinet, it may also include individuals outside the government, such as personal friends and family members.

Every Indian Prime Minister has had an ‘inner cabinet’ or Kitchen Cabinet. For instance, Jawaharlal Nehru’s inner circle included Patel, Azad, Ayyangar, and Kidwai. Lal Bahadur Shastri relied on Y.B. Chavan, Swaran Singh, and G.L. Nanda. Indira Gandhi’s Kitchen Cabinet, which gained significant influence, included Y.B. Chavan, Uma Shankar Dixit, Fakhruddin Ali Ahmed, Dr. Karan Singh, and others. Similarly, A.B. Vajpayee’s inner circle comprised L.K. Advani, George Fernandes, Murli Manohar Joshi, Pramod Mahajan, and others.

Advantages of the Kitchen Cabinet

1. Due to its smaller size, it functions as a more efficient decision-making body compared to the larger Cabinet.
2. It can convene more frequently and handle matters more swiftly.
3. It aids the Prime Minister in maintaining confidentiality on crucial political issues.

Drawbacks of the Kitchen Cabinet

1. It diminishes the authority and stature of the official Cabinet as the supreme decision-making body.
2. It bypasses formal legal and institutional processes by allowing non-governmental individuals to exert substantial influence over governance.

Self-Check Exercise-1

1. What is the main role of the Cabinet Secretariat?
2. Who heads the Cabinet Secretariat?
3. What role does the Cabinet Secretariat play in crisis management?

6.4 Summary

The role of PMO is different from prime minister to prime minister. Over the time, it has grown very big and powerful and began functioning on a scale that was not anticipated at the time of its inception in 1947. At the time of the prime minister-ship of Jawaharlal Nehru, the PMO was small in the size and played a limited role, but Lal Bahadur Shastri, who succeeded Nehru, strengthened the PMO and made it a powerful organ. The same trend was continued by the next PMs as well. As truly observed by Ajay K. Mehra, “Constitutional practice recognises the Cabinet Secretariat, not the PMO, as the supporting institution for the apex executive body. The critics have described the PMO variously as ‘Super Cabinet’, ‘Micro Cabinet’, ‘Super Ministry’,

Super Secretariat', 'Supra-authority', 'the Government of India', 'the Government of the Government of India' etc.

6.5 Glossary

- (a) **Central Secretariat:** It consists of council of minister, the secretaries, and the staff. This is the agency where all the policies and programme are being formulated.
- (b) **Cabinet Secretariat:** This has an important coordinating role in the process of decision making at higher level is concerned.

6.6 Answer to self-check Exercise

Self-check Exercise-1

Refer to section

6.3

6.7 References/Suggested Readings

1. S.R. Maheshwari, "Indian Administration".
2. K.K. Puri, "Indian Administration".

6.8 Terminal Question

1. Discuss the role of cabinet secretariat and what are its functions.

Unit -7

POLICE ADMINISTRATION

Structure

7.1 Features of Police Administration in India

7.2 Learning Objectives

7.3 Central Level Police Administration

Self-Check Exercise 1

7.4 Staff Units

Self-Check Exercise 2

7.5 Staff Level Police as Staff Agency

Self-Check Exercise 3

7.6 Factors for in effective Police Organization

Self-Check Exercise 4

7.7 Summary

7.8 Glossary

7.9 Answer to Self Check Exercises

7.10References/Suggested Readings

7.11Terminal Questions

7.1 Features of Police Administration in India

The significant features of the Indian Police administration are as follows:- First, it is supported, added and guided by the Central Government.

- Second, the recruitment, training and cadre management of the Indian Police Service is with the Central Government.
- Third, it is State based. It is a subject of State list in the constitution. Police as an

instrument of law and order had remained with the Provincial Governments, because of large size of the country and the primitive nature of the means of communication. The control at the State level is vested in the office of the Inspector General of Police, who is accountable to the political authority in the State through the Civil Secretariat, At the district level the head of the police force is the superintendent of Police, who is expected to work under the general guidance and Supervision of the district officer so far as maintenance of law and order in the district is concerned. Superintendent of police performs his duties as management and discipline of the police force and prevention and control of crime in the district.

- Fourth, the State system of police administration in India has separate organizational set up at the district level, which is linked with the administration of revenue of districts in a State. Hence, there are officer of the district superintendent of police, and of the sub-inspector of police, who have the collector and the Tehsildar as their counter parts in the civil administration of the district. The various law codes and procedures of work relating to police, compel to constitute the district orientation of police organisation. Fifth, the organization set up of Police administration in India is based on bureaucratic model. It has three main hierarchical levels-Centre, State, and District-to maintain law and order, First two levels, centre and State have political in charge of their police administration. Police administration at both levels is under the charge of their Home Affairs, Chief Minister of Home Deptt. of States are political bosses. Central Home Secretary, State Home Secretary and the District Collector/District. Magistrate are bureaucratic bosses of the Police Administration.

7.2 Learning Objectives:

After going through this lesson the students will be able to know

- Working of Police Administration in India and the problem facing by the Police Administration.
- To Understand the state Police Level Organization in India.

7.3 The Central Level Police Administration

The importance of the role of the central Govt. In police administration lies in its importing a uniform pattern to the police organization in the States Indian

constitution provides for centralization in police administration is the country. Practically, there is no independent department of police at the Central level. The Union Ministry of Home Affairs performs numerous police functions, though it shall be called a ministry for police affairs. The Union Parliament, does not directly legislate on police affairs, but constitution of India admits of a large amount of legislative discretion and executive accountability with regard to police administration both at the Union and State levels, to the sovereign parliament of the country.

Hence, Role of the Union Government can be seen in two ways through parliament, and through Ministry of Home affairs.

Parliament makes law as subject on Union list and concurrent list. Parliament commends basic police acts parliament also have power of special measures during emergencies.

Self-Check Exercise 1:

1. Describe the structure and functions of central level police administration in India.
2. What are the main responsibilities of central agencies in policing?

7.4 Staff Units

1. Central Forensic Institutes:

Institute is responsible to conduct research and service as clearing houses for various kinds of scientific aids necessary to detect criminals.

Some of institutes have specialized functions and assist the state police force in prevailing organized crime such as forging of documents, counter-feiting of currency and manufacture of explosive. The organization has its three major units at Calcutta.

(1) The Central Forensic Science Laboratory

(2) The Central Detective Training School.

(3) The Central Finger Print Bureau.

2. Scrologist to Govt. of India.

Specialized laboratory working in conjunction with the forensic laboratory.

3. Examiner of Questioned Documents.

Located at Shimla forms part of the CIB. Its services are technically in sense all kind of questioned documents. The Masters of the Mints:

Govt. of India has two specialized agencies at Calcutta and Bombay the function of the agency is to furnish expert opinion on suspected coins. The crime of manufacturing counterfeit currency needs this specialized office not only to detect and take currency but also to conduct research and explore way and means to stop this highly skilled industry

4. The Master India Security Printing :

Security Printing Press Nasik is responsible for the Printing of One Rupee, Govt., of India, Reserve Bank notes, the postage and the court stamps printing of fake currency or postage is a grave crime which requires technical assistance in its detection. The specialized knowledge on currency matters helps the police to detect some of the special equipments involved in taking currency.

5. The Inspector of Explosives :

Head Quarters situated at Calcutta Bombay, Madras, Agra, Gwalior.

Inspector is the head of the organization and his main function is to provide report on the explosives involved in various kinds of criminal offences. The office has the technical knowhow to examine the components, nature and the sensitivity of the explosives. The structure of the central agencies engaged in pure police work or quasi police function, makes it obvious that the country political and administrative. System ordains upon the Central Gove, play a significant role in terms of any ordination special responsibilities and staff aids of professional nature.

Self-Check Exercise 2:

1. Discuss the role and functions of staff units in police administration.
2. How do staff units support operational policing activities?

7.5 At the State Level Police as Staff Agency

At State level, police is performing staff functions as a line agency it is primarily district based and district oriented. The state level officials are not in the line of activity to matter. They

are effective as line offices in the police department. At the state level the role of the police officers even in the line hierarchy gets transformed into staff functions which they have to perform at three district levels as follows

- i) Staff functions in the Union Govt. and its auxiliary agencies.
- ii) Staff functions in relation to Home Deptt. of the State Govt., and
- iii) Staff cum line function in relation to the line officials in the districts

6. Sardar Vallabh Bhai Patel Academy

7. Directorate of Police Wireless

Central Govt. maintain a special directorate for the coordination of Police wireless communication throughout the country. It also responsible with the maintenance of wireless efficiency. M/s Bharat Electronics Ltd. get an allotted quota of foreign exchange from the Govt., of India to manufacture wireless sets to meet urgent requirements of the Indian Police list functions are as under :

- (1) Assistance to the State Police wireless organization is procuring equipments,
- (2) Conducting of initial and up graded courses in radio Telecommunication for wireless separators of the State Police.
- (3) Provision of immediate repair facilities for police wireless sets through regional workshops.
- (4) Co-ordination of wireless services and maintenance of efficient functioning.

At State Level Police Administration, Organization set has two separate wings-Civil wing and Professional Wing. Police Deptt. is under the charge of Home Deptt. Same pattern is applicable in all States of India. Home Deptt. in the State is headed by the Chief Minister or Senior Minister of the legislature. Home Minister of the State is responsible to the State legislature. He concerns with the Policy decisions of the Police, Administration only. Next to him there is Home Commissioner or Home Secretary. He is a highest Civil authority of the police administrative. He is a senior member of Indian administrative Service. He has coordinative controlling and supervisory duties of police administration. He works in accordance with the directives of the Union Government above and District police officials below; He advises the Home minister in Policy matters. He supervises the General Administration of the Police. He looks after the problems of police administration. He can initiate process of organizational reforms and can work for the development of police department. Below Home Secy., there is inspector General of Police. He is head of the State Police Office. I.C.P. advises the Police administration in a State is vested in the Deputy inspector General (DIGs) and the Assistant Inspector General (AIGs) as the State Government may deem fit.

Police Act 1861 makes the IGP responsible of the administration or the Police the State or place or any part of the State or place in which the act has been put into operation I.G.P. is chief of State Police. He has heavy responsibilities and perform functions and duties assigned to him under the police Act. His office is the highest and significant office in Police administration.

DIG serves as an assistant to his Chief I.G.P. may delegates some of his own duties to him. He may also discharge them independently. His line duties are maintenance of serviceability, calling of reports and returns and dispatch of instructions to his subordinates. He has under his control one battalion of the Provincial Armed Reserve. Which consists of six effective companies and one head quarters company and is armed with 303 magazine "rifles, born add stenguns and grenades the DIG can move the battalion or any part of it to any district within his range can transfer orders below the rank of a Dy. S.P. from one; district to another can pass orders of dismissal up to the rank of a S.I. He is an update authority for hit, ranks subordinates to that of a He instructs his Superintendent to take measures for the welfare activities of his cops. The SPs send him crime statistics and about grave offences such as dacoit to murder. He informs about it to his I.G.P. DIG securities and controls the disbursements of

police funds by the SPs.

DIG is in charge of specialised branches CID, Anti-corruption or the railways. There are a few specialized organizations under the direct charge of LO.P. e.g. M.O.P Anti Dacoity Squads. These agencies have independent hierarchies. The DIGs in charge of these branches are called by different names and designations lineup e.g. Addl. I.G.P or special I.G.P. or Assistant I.G.P. in different states.

In a nutshell, Police Administration is developed for the preservation of social order and protection of the State authority. The public image of the police is bad. The police man is viewed some sort of a gorilla in uniform one judge of a high Court went so far as to state that there is not a single lawless group in the whole of the country, whose record of crime comes anywhere near the record of that organized unit, which is known as the Indian Police.

Every crime wave, especially in the Urban centres, or a manifest breakdown of law and order in any large area brings in the demand of the maintenance of law and order would cease to important task of the administration would be development in all its aspects and welfare of the people. An attempt was made in certain states to relieve the district officer of his responsibilities for maintenance of law and order so that he could give his time to development work, but the actual functioning of the democratic system in the country has shown the maintenance of law and order will continue to be the primary responsibility of the district level administration. Order in the society is prime need of the development.

‘Prof. P.D. Sharma wrote in his book Indian police development Approach’ as follows. “There is a law ceases to be legitimately valid, disorder can be declared to be a healthy catalyst, if the political parties do riot peak laws enacted by parties of the opposite breed, there is very little which they can oppose to ore offer as an alternative programme. What needs to be understood is that as custodians of peace and order, the administrators should maintain a sense of proportion and allow the proves of democracy to separate freely in a manner that marginal disorders, consistent with social equilibrium, may permit and even force charges in the statute books. In the Woods of S.S. Dhanoa, “The politicization of the people and the resort to mass action by political parties in opposition has made the handbag of law and order by the administration an activity of vital importance, the fact that the political party in power can use the police to collect vital intelligence about their opponents in order to frustrate their efforts has further added to the attraction and the temptation that the police holds for the politician. Despite

observations off and on it cannot be denied that the dual control of the Police Machinery has permitted the democratic politics to function in the country, may be somewhat, imperfectly but it has successfully preserved the trust and the confidence of the people at large in the impartiality and fairness of the administration.” On the other hand police also claim and assert more and more independence. They have claimed that since they deal with law and order, they should neither be subordinate to the civil magistrates. The Dy. Inspector General has claimed independence from the Divisional Commissioner. They have argued that the magistrates are a hindrance to swift measures for the maintenance of law and order. Therefore, they want independent police authority. Prof. D. H. Baley has a very accurate comment to make in this regard.

It must first be acknowledged that law enforcement is a challenging concept to promote in any country. While people may accept the need for a regulatory authority in theory, they often resist its enforcement, especially when it affects them or those they relate to. Given the nature of their duties, the police cannot expect widespread enthusiasm, unwavering respect, or complete impartiality in a democratic society. Their role requires them to impose restrictions on the very individuals to whom they are accountable. It takes a high level of awareness for citizens to recognize the perspective of law enforcement, just as it demands significant understanding from police officers to acknowledge that, while they represent society’s authoritative voice, they remain ultimately answerable to that same society.

Self-Check Exercise 3:

1. Explain the concept of staff level police as a staff agency.
2. What are the advantages and challenges of this organizational structure?

7.6 Factor for ineffective police organization

Factors Contributing to the Perception of Police Ineffectiveness in India

Several factors contribute to the perception that the police force in India is ineffective, both within society and the police organization itself:

1. The public, particularly marginalized sections, often fears that the police may not respond effectively or may remain inactive in times of crisis. This perceived inaction, whether real or imagined, fosters a socio-psychological belief that the law favors the powerful and that justice serves the interests of the strong. As a result, police inefficiency is often interpreted as either an act of political appeasement or a sign of administrative weakness on the part of the government.
2. A significant portion of crimes, including major legal violations, go unreported and unregistered at police stations across the country. Apart from non-cognizable offences,

information regarding a substantial number of even cognizable crimes either fails to reach the authorities or is deliberately suppressed for various reasons.

3. The lingering perception of the police as a colonial-era force instills frustration and resentment within communities. Due to a loss of faith in law enforcement, ordinary citizens often choose to endure injustice rather than seek redress. As a result, victims of crime begin to doubt the efficiency of democratic institutions and, in desperation, turn to alternative means for protection. This includes relying on criminal groups or "hired enforcers" to safeguard their interests, which further exacerbates law and order issues in an already disorganized society.
4. The ineffectiveness of the police Organization is sensed by the leaders of four kinds or groups in India viz (i) the political leaders of opposition, (ii) the youth leaders on the campuses, (iii) the trade union leaders in the industrial sector, and (iv) the community leaders in the industrial sector, and (v) the community leaders in the minority pockets of the society. They immediately get provoked and pickup quarrels with the weak governments to which the ineffectiveness of the police and special and complex problems by way of communal, riot, campus vandalism, industrial recession and subversion or secularist processes and institutions of democracy. These four sectors viz, political, academic, economic, and natural, being quite vital to national life, get seriously affected by all those factors which go to make the police force ineffective in dealings with the aggressive designs of the leaders.

Self-Check Exercise 4:

1. Identify and discuss three factors that contribute to ineffective police organization.
2. How can these factors be addressed to improve police efficiency and effectiveness?

7.7 Summary

The police administration in India does not in Practice conform to this basic constitution scheme. The centre Plays a important role in state level the role has taken various forms. The centre has an important coordinate role. The centre has set up its own field agencies to perform police function is BSF, CRPF and CISF. Border security force and centre Reserve Police assists by state government. The centre government assists state government in modernization and development of their police force.

7.8 Glossary

(1) Central Level Police Administration: BSF, CRPF, central reserve force etc.

(2) Central Forensic Institutes: Institute is responsible to conduct research for various kinds of scientific and to detect criminals.

(3) 7.9 Answer to Self Check Exercises

Self-check Exercise-1

Refer to section

7.3

Self-check Exercise-2

Refer to section

7.4

Self-check Exercise-3

Refer to section

7.5

Self-check Exercise-4

Refer to section

7.6

7.10 Reference/Suggested Readings

3. S.R.Maheshwari, "Indian Administration".

4. K.K.Puri, "Indian Administration".

7.11 Terminal Questions

1. Describe the features of Police Administration in India.
2. What are the factors for ineffective Police Administration in India.

Unit-8

CENTRE-STATE RELATIONS IN INDIA

Structure

8.1 Introduction

8.2 Learning Objectives

8.3 Structural and functional Aspect to the Legislative Lists

Self-Check Exercise 1

8.4 Constitutional Provisions

Self-Check Exercise 2

8.5 Summary

8.6 Glossary

8.7 Answer to Self Check Exercisess

8.8References/Suggested Readings

8.9 Terminal Questions

8.1 Introduction

India follows a federal system with a strong centralizing inclination. While the country operates as a federation, it leans toward a unitary structure. The Constitution establishes a dual polity, with the Union Government at the center and the States at the periphery, each possessing sovereign authority within their designated domains, as outlined in the Constitution. The framers of the Constitution meticulously distributed governmental powers—legislative, administrative, and financial—while recognizing India's historical challenges with centrifugal forces that have often threatened national unity. To maintain cohesion, greater authority and significant powers were vested in the Union Government. Under Article 243, the distribution of powers follows the principle that matters of national importance fall under the jurisdiction of the Union Legislature, while issues of regional significance are assigned to the State Legislatures. The powers of both the Union and the States, categorized under three separate lists, are elaborately detailed in the Constitution. This tripartite classification of powers traces its origins to the Government of India Act, 1935, which introduced the federal framework to India. Within their respective spheres, both the Union and State Governments hold supreme and co-equal authority. In cases of jurisdictional conflicts between these two levels of government, the Supreme Court serves as the final arbiter, ensuring an independent judicial review. The following sections provide a more detailed analysis of the legislative, administrative, and financial relationships between the Centre and the States.

Legislative Relations

The Seventh Schedule of the Indian Constitution classifies legislative powers into three lists:

1. **Union List (List I)** – Covers subjects of national importance under the exclusive jurisdiction of the central government.

2. **State List (List II)** – Deals with matters of regional and local significance, under the purview of state legislatures.
3. **Concurrent List (List III)** – Contains subjects where both the Centre and the States have legislative authority, with federal law prevailing in case of conflict.

This structured allocation of legislative powers is a defining feature of India's federal Constitution.

Chapter I of Part XI (Articles 245 to 255) outlines the legislative relationship between the Union and the States. Among these, Articles 245, 246, 248, and 254 form the core of power distribution. Additionally, during a state of Emergency, Articles 352, 353, 358, 359, and 360 regulate legislative interactions between the Centre and the States. Similarly, Articles 356 and 357 govern Union-State relations during President's Rule. Furthermore, provisions such as Article 200 (reservation of Bills) and Article 201 (Union's authority over such Bills) directly impact legislative dynamics between the Centre and the States. Several other constitutional provisions-Articles 3, 4, 31A, 31C, 285, 286, 288, 289, 293, and 304(b)-also influence Centre-State legislative relations.

8.2 Learning Objectives

After going through this lesson the student will be able to know, the

- Concept of centre-state relation.
- Constitutional provision relating to centre-state relations.
- The ARC on centre-state Relationship.
- Sarkaria commission recommendations.

8.3 STRUCTURAL & FUNCTIONAL ASPECTS OF THE LEGISLATIVE LISTS

Originally there were 97 items in the Union List 66 in the State list and 47 in the Concurrent list. As a result of subsequent amendments of the Constitution, the number of Entries in the Union list and the Concurrent list has increased to 99 and 52, while the number of Entries in the State List has decreased to 62.

The Union Legislature of the Parliament, i.e. the two Houses, the Council of States (Rajya Sabha) and the House of the people (Lok Sabha) has the exclusive power to legislate in respects of matter in the union List. The matters of national concern are placed in the Union List and include matters such as, Defence, Foreign Affairs, Foreign Jurisdictions. Citizenship, Railways, Posts & Telegraphs, Telephones, Broadcasting and other like forms of communications. Airways, Banking Coinage, Currency, Union Duties, taxes etc.

State List.

The State list now containing 62 Entries Exclusive powers have been conferred on the State Legislature with respect to matters in the state list. The selection of the items on the State-list has been made on the basis of local interest and it envisages the possibility of diversity of treatment with respect to different items in the different States.

The State list Includes items such as Public Order, Police, Public Health, Local Government, Agriculture Land, Markets and Fairs, Preservation protection and Government of live stocks and prevention of animal diseases, etc. Though the Constitution confers exclusive jurisdiction upon the State Legislature to legislate on the state subjected enumerated in the State List, yet Article 249-53 empower the Parliament to legislate on the State Subjects. According to Article 249, if the Rajya Sabha passes a resolution supported

by majority of all and two third of the members present and voting that it is expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List, then Parliament is empowered to make laws on the matter for a whole or any part of India. Such a resolution normally lasts for a year. If, however, the situation under which such a resolution was passed perpetuates another resolution to the same effect may be passed. In the absence of such a resolution, the Parliament law passed in this connection will cease to operate within six months after the end of the year.

Though our Constitution creates a dual polity based on divided governmental powers, this division is not watertight. It is flexible. There is the concurrent list which own contains 52 co powered to make laws regarding concurrent matters in case of a conflict, however the Central law, to the extent of repugnancy, prevails over the State Law. If the law, passed by State Legislature on a concurrent subject has received the assent of the President of India, on being so reserved it will prevail over the Central Law unless the Parliament passes a new law overruling the provisions of the State law.

Residuary powers of legislation have been vested in Parliament under Article 248 of the Constitution. This was provided for as it was anticipated that situations might occur when parliament would have to introduce legislation on a matter not found in the Union List or Concurrent list.

Administrative Relations

The administrative power of the Union and the States are usually co-extensive with their legislative powers. However, with respect to matters in the Concurrent List, the executive power remains with the States unless the Constitution or Parliament-by law expressly provides otherwise.

The division of executive powers between the 'Union and the States even with reference to matters in List I and II, is not sharp, hard and fast. The limits of their executive powers indicated by Articles 73 and 162 are flexible and extensible. In certain matters or situations, for example under Articles 72 (1) (c) 253 and 356 (1)(a), the executive power of the union may project into the State field. Similarly, in some cases, as for instance in matter of any a grant for any public purpose under Article 282, the division/of powers with reference to the three lists in the Seventh Schedule loses significance.

The framers of the Indian Constitution intentionally bestowed a somewhat dominant role upon the Centre. The Centre exercises control over the States through different agencies and varied techniques some of which are:

- (a) The Governor
- (b) Directions to the State Government.
- (c) All India Services
- (d) Grants-in-aid
- (e) Planning Commission
- (f) Delegation of the Union's functions to the States, etc.

Financial Relations:

The most compelling problem of intergovernmental relations relates to the fiscal side. The problem has become important because of growing pressures for financial aid to the constituent units which have expanding functions, but more or less static financial resources and the heavy dependent on the Centre, which assumes a dominating role as it has rich revenue yielding and 'elastic resources.

Self-Check Exercise 1:

1. Describe the structure of the legislative lists in the Indian Constitution.
2. How do the legislative lists divide legislative powers between the Union and State governments?

8.4 Constitutional Provisions

Chapters I and II of Part XII of the Constitution contained the main provisions governing the Union-State financial arrangements. Of these, Articles 268 to 270 and 272 deal with taxes levied by the Union the proceeds of which are either assignable to the States, Or compulsorily or optionally sharable with the States. Article 275 provides for grants-in-aid of revenues made under a law by Parliament to States a need of assistance. Article 282 contains a provision for grants by the Union-or a State for any public purpose. Article 276 and 285 to 288 put certain limitations on the taxation powers of the States. Article 274 requires prior recommendation of the President to Bills affecting taxation in which the States are interested. Article 289 exempts the property and income of the States from Union taxation. Article 280 requires the constitution of a Finance Commission every five years or earlier. Clause Q) of the Article sets out the duties of the Finance Commission. Article 281 required the recommendations of the Finance Commission together with an explanatory memorandum about the action taken thereon to be placed before Parliament Articles 292 and 293 define the borrowing powers of the Union and the States.

The basic point of financial relations is the division of tax sources between the Centre and the States. To avoid overlapping of tax jurisdiction the framer's of the Indian Constitution have successfully attempted a logical division of power and functions between the Union and States. The Union List contains powers and functions of the Union. It enumerates the- taxes and levies which can be imposed by the Union Government. The State List enumerates the taxes and levies which can be imposed by the States. Concurrent List does not include any source of taxation, thus there is no overlapping of tax-jurisdiction.

History of reform of Centre-State Relations

Three Committees/Commissions have been set up to study the problem of Centre- State Relations since the inauguration of the Constitution viz-viz. The ARC, The Rajamannar Centre-State Relations Inquiry Committee and the Sarkaria Commission,

Administrative Reforms Commission (ARC)

Then problem of Centre-State relations become acute after the fourth general election (1967) as a result of a change of political complexion of the country as the Congress which had hitherto been the dominant and ruling party in the centre and in most of the states was defeated in

several states. However, just before the elections the Central Government had appointed-an Administrative Reforms Commission under the Chairmanship of Shri Morarji Desai and whose terms of reference included examination of Centre-State Relationship' viz-a-viz:

- (a) Centre-State relationship in the realm of planning and development, with particular reference to the growth of central agencies handling concurrent and state list subjects;
- (b) Centre-State relationships in other spheres, with particular reference to the needs of national integration and of maintaining efficient standards of administration throughout the country.

The ARC constituted a Study Team under M.C. Setalvad to carry out a comprehensive examination of the problem of Centre-State relations and it submitted its report in 1968.

Self-Check Exercise 2:

1. What constitutional provisions govern the distribution of legislative powers in India?
2. How do these provisions ensure a balance of power between the Union and State legislatures?

8.5 Summary

Center-state relations refer to the dynamic interaction between the central (or federal) government and the individual state governments within a country. This relationship is governed by constitutional provisions, legal frameworks, and political agreements that delineate the distribution of powers and responsibilities. Key areas of focus include legislative, administrative, and financial relations, which define the scope of authority and fiscal autonomy of states vis-à-vis the center. Effective center-state relations are crucial for maintaining a balanced federal structure, ensuring cooperative governance, addressing regional diversity, and fostering national unity while accommodating local governance needs.

8.6 Glossary

- (a) **Union List:** It include 97 subject to National interest.
- (b) **State List:** Includes 62 subject to state importance.
- (c) **ConcurrentList:**44subject where centre and state government, both can make the law on these subjects.

8.7 Answer to Self check Exercises

Self-check Exercise-1

Refer to section

8.3

Self-check Exercise-2

Refer to section

8.4

8.8 References/Suggested Readings

(1) S.R. Maheshwari, "Indian Administration".

(2) K.K. Puri, "Indian Administration".

8.9 Terminal Questions

1. Discuss in detail the Union State and Concurrent list relating to central and state relations in India.
2. Describe the overview of the Sarkaria Commission report relating the Centre state relation in India.

Unit-9

MACHINERY FOR PLANNING

Structure

9.1 Introduction

9.2 Learning Objectives

9.3 Framework

Self Check Exercise-1

9.4 Planning

Self Check Exercise-2

9.5 Niti Ayog

Self Check Exercise-3

9.6 National Development Council

Self Check Exercise-4

9.7 Summary

9.8 Glossary

9.9 Answer to Self Check Exercises

9.10 Reference/Suggesting Reading

9.11 Terminal Questions

9.1 Introduction

The NITI Aayog (short for National Institution for Transforming India and literally translated as Policy Commission) serves as the premier public policy think tank of the Government of India. It acts as the central coordinating body for accelerating economic development and promoting cooperative federalism by involving State Governments in the economic policy-making process through a bottom-up approach. NITI Aayog has introduced several key initiatives, including the "15-year road map," the "7-year vision, strategy, and action plan," as well as flagship programs like AMRUT, Digital India, and the Atal Innovation Mission. It has played a pivotal role in

medical education reform, agricultural policy improvements, and the formulation of the Model Land Leasing Law. Other significant contributions include the reform of the Agricultural Produce Marketing Committee (APMC) Act, the creation of the Agricultural Marketing and Farmer-Friendly Reforms Index (used for ranking states), and indices measuring state performance in health, education, and water management. Additionally, NITI Aayog has facilitated the Sub-Groups of Chief Ministers on Rationalization of Centrally Sponsored Schemes, Swachh Bharat Abhiyan, and Skill Development. It has also established Task Forces on Agriculture, Poverty Reduction, and the Transforming India Lecture Series, all aimed at driving policy reforms across multiple sectors.

NITI Aayog was established in 2015 by the NDA government as a replacement for the Planning Commission, which previously followed a top-down planning model. The NITI Aayog Council consists of the Chief Ministers of all Indian states, along with the Chief Ministers of Delhi and Puducherry, the Lieutenant Governors of all Union Territories, and a Vice-Chairman appointed by the Prime Minister. Additionally, temporary members are drawn from leading universities and research institutions. These members include a Chief Executive Officer (CEO), four ex-officio members, and three part-time members, ensuring a diverse and expert-driven policymaking approach.

9.2 Learning Objectives

After going through this lesson the student will be able to know, the

- Planning Framework
- Niti Ayog
- National Developmental Council

9.3 Framework

On 29 May 2014, **the** Independent Evaluation Office submitted an assessment report to the Prime Minister's Office (PMO), recommending the replacement of the Planning Commission with a "control commission." Subsequently, on 13 August 2014, the Union Cabinet decided to dissolve the Planning Commission and replace it with a modified version of the National Advisory Council (NAC), which had been established by the UPA government.

On 1 January 2015, a Cabinet resolution was passed to officially replace the Planning Commission with the newly constituted NITI Aayog (National Institution for Transforming India). The Union

Government of India formally announced the establishment of NITI Aayog on the same day, and its first meeting was chaired by the Prime Minister on 8 February 2015. Explaining the rationale behind the creation of NITI Aayog, the Finance Minister remarked: "The 65-year-old Planning Commission had become a redundant organization. It was relevant in a command economy structure but is no longer suited for India's economic landscape. India is a diverse country where states are at different stages of economic development, each with its unique strengths and challenges. In such a scenario, a 'one-size-fits-all' approach to economic planning is outdated and ineffective. It cannot make India competitive in today's global economy."

Self-Check Exercise-1:

1. Describe the framework of planning and development institutions in India.
2. How does this framework support national development goals?

9.4 Planning

The NITI Aayog (literally meaning 'Policy Commission'; an abbreviation for the National Institution for Transforming India) functions as the premier public policy think tank of the Government of India. It serves as the nodal agency responsible for accelerating economic development and promoting cooperative federalism by engaging State Governments in the economic policy-making process through a bottom-up approach. The institution has spearheaded several key initiatives, including the "15-year road map," the "7-year vision, strategy, and action plan," AMRUT, Digital India, Atal Innovation Mission, and Medical Education Reform. It has also played a crucial role in agricultural reforms, such as the Model Land Leasing Law, the Reforms of the Agricultural Produce Marketing Committee Act, and the Agricultural Marketing and Farmer Friendly Reforms Index for ranking states. Additionally, NITI Aayog has introduced indices measuring states' performance in health, education, and water management. Other significant initiatives include the Sub-Group of Chief Ministers on Rationalization of Centrally Sponsored Schemes, the Sub-Group of Chief Ministers on Swachh Bharat Abhiyan, the Sub-Group of Chief Ministers on Skill Development, the Task Forces on Agriculture and Poverty Alleviation, and the Transforming India Lecture Series. NITI Aayog was officially established in 2015 by the NDA government, replacing the Planning Commission, which operated under a top-down model. The NITI Aayog Council consists of the Chief Ministers of all States, along with the Chief Ministers of

Delhi and Puducherry, the Lieutenant Governors of all Union Territories, and a Vice-Chairman appointed by the Prime Minister. Additionally, temporary members are appointed from renowned universities and research institutions. These members include a Chief Executive Officer, along with four ex-officio members and three part-time members.

Self-Check Exercise-2:

1. Discuss the role of planning in India's governance structure.
2. How has planning evolved over the years in India?

9.5 Niti Ayog

10 The Planning Commission, which had been established in 1950, was officially dissolved by the government on August 13, 2014, with the announcement that a new institution would be created in its place. As a result, on January 1, 2015, the NITI Aayog (National Institution for Transforming India) was established as the successor to the Planning Commission. Similar to its predecessor, NITI Aayog was formed through an executive resolution passed by the Government of India (i.e., the Union Cabinet). Therefore, it is neither a constitutional body nor a statutory body. In other words, NITI Aayog is an extra-constitutional entity (not created by the Constitution) and a non-statutory organization (not established through an Act of Parliament). As the premier policy think tank of the Government of India, NITI Aayog is responsible for providing strategic direction and policy inputs. It plays a key role in offering technical advice to both the Central Government and the State Governments on matters concerning long-term planning and development programs. Unlike the Planning Commission, which functioned on a top-down approach, the policy framework of NITI Aayog is based on a bottom-up model, ensuring greater participation of states and local bodies in the decision-making process.

The main reasons for replacing the Planning Commission with the NITI Aayog, as observed by Government of India,

- “India has undergone a paradigm shift over the past six decades—politically, economically, socially, technologically as well as demographically. The role of Government in national development has seen a parallel evolution. Keeping with these changing times, the Government of India has decided to set up NITI Aayog (National Institution for

Transforming India), in place of the erstwhile Planning Commission, as a means to better serve the needs and aspirations of the people of India.”

- The new institution will be a catalyst to the developmental process; nurturing an overall enabling environment, through a holistic approach to development going beyond the limited sphere of the Public Sector and Government of India.
- Then Union Finance Minister Arun Jaitley said: “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.”
- The Resolution observed: “Perhaps most importantly, the institution must adhere to the tenet that while incorporating positive influences from the world, no single model can be transplanted from outside into the Indian scenario. We need to find our own strategy for growth. The new institution has to zero in on what will work in and for India. It will be a Bharatiya approach to development.”

COMPOSITION of NITI Ayog

The NITI Aayog is structured as follows:

- (a) Chairperson: The Prime Minister of India.
- (b) Governing Council: This council includes the Chief Ministers of all States, Chief Ministers of Union Territories with legislatures (Delhi, Puducherry, and Jammu & Kashmir), as well as the Lieutenant Governors of other Union Territories.
- (c) Regional Councils: These councils are set up to address specific issues impacting multiple states or a particular region. They are constituted for a fixed tenure and are convened by the Prime Minister. The Chief Ministers of states and Lieutenant Governors of UTs from the concerned region take part. These councils are chaired either by the Chairperson of NITI Aayog or a nominee appointed by the Chairperson.
- (d) Special Invitees: Experts, specialists, and domain professionals, nominated by the Prime Minister, who provide insights in their respective fields.

(e) Full-time Organizational Framework: Apart from the Prime Minister as Chairperson, the NITI Aayog consists of:

- Vice-Chairperson: Appointed by the Prime Minister, with a rank equivalent to that of a Cabinet Minister.
- Full-time Members: Hold the rank of Minister of State.
- Part-time Members: Up to two members selected from leading universities, research organizations, and other institutions on a rotational basis in an ex-officio capacity.
- Ex-Officio Members: Up to four Union Ministers, nominated by the Prime Minister.
- Chief Executive Officer (CEO): Appointed by the Prime Minister for a fixed tenure, holding the rank of Secretary to the Government of India.
- Secretariat: Structured as needed for smooth functioning.

Specialized Wings of NITI Aayog

1. Research Wing: Functions as a dedicated think tank, fostering in-house sectoral expertise through top-tier domain specialists, scholars, and researchers.
2. Consultancy Wing: Provides a marketplace of expert panels and funding to assist both Central and State Governments in matching their needs with the most suitable solutions, sourced from both public and private entities, at national and international levels.
3. Team India Wing: Comprising representatives from every State and Ministry, this wing ensures a collaborative national platform where:
 - Every State/Ministry has an ongoing voice and stake in NITI Aayog.
 - A direct channel of communication exists between States/Ministries and NITI Aayog for discussions on development-related matters.

Objectives of NITI Aayog

The NITI Aayog is designed to achieve the following objectives:

1. Develop a shared vision of national development priorities, sectors, and strategies with active participation from States.
2. Promote cooperative federalism through structured support mechanisms, recognizing that strong States build a strong nation.
3. Establish mechanisms for credible planning at the village level, progressively consolidating them at higher levels.
4. Ensure that national security interests are integrated into economic strategy and policy.

5. Pay special attention to marginalized sections of society to ensure equitable economic progress.
6. Formulate long-term policy and strategic frameworks, with regular monitoring to ensure effective implementation. The feedback mechanism enables mid-course corrections when necessary.
7. Provide advisory support and foster collaborations between key stakeholders, national and international think tanks, research institutions, and policymakers.
8. Create an ecosystem for knowledge, innovation, and entrepreneurship, by engaging national and international experts, practitioners, and partners.
9. Act as a platform to resolve inter-sectoral and inter-departmental issues, expediting the execution of the development agenda.
10. Establish a state-of-the-art Resource Centre, serving as a repository of best practices and research on sustainable and equitable development, facilitating knowledge dissemination.
11. Actively monitor and evaluate programs and initiatives, ensuring optimal resource allocation and effective execution.
12. Focus on technological advancement and capacity building to strengthen the implementation of initiatives.
13. Undertake other necessary activities to further national development goals and ensure effective policy execution.

Guiding Principles of NITI Aayog

NITI Aayog follows a set of core principles to drive its policies and initiatives:

1. Antyodaya: Prioritizing the upliftment of the poor, marginalized, and disadvantaged, as envisioned in Pandit Deendayal Upadhyay's philosophy of "Antyodaya."
2. Inclusion: Empowering vulnerable communities by addressing identity-based disparities related to gender, region, religion, caste, or class.
3. Village-Centric Development: Integrating villages into the national development framework, leveraging their inherent cultural and economic strengths.
4. Demographic Dividend: Harnessing India's human capital through education, skill development, and productive employment opportunities.
5. People's Participation: Encouraging active citizen engagement, making the development process participatory and people-driven.

6. Good Governance: Promoting a governance model that is transparent, accountable, proactive, and focused on measurable outcomes.
7. Sustainability: Embedding environmental sustainability into planning and development, drawing from India's longstanding respect for nature.

Seven Pillars of Effective Governance

The NITI Aayog's governance model is anchored on seven key pillars, ensuring efficient policy implementation:

1. Pro-People Approach: Aligning government actions with the aspirations of individuals and society.
2. Proactive Governance: Anticipating and responding swiftly to citizen needs.
3. Participative Decision-Making: Involving citizens at all levels in policy discussions and development initiatives.
4. Women Empowerment: Ensuring the inclusion of women across all sectors of development.
5. Social Inclusion: Focusing on the upliftment of Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), and minority communities.
6. Youth Empowerment: Ensuring equal opportunities for the younger generation in education, employment, and entrepreneurship.
7. Transparency and Technology: Using digital solutions to enhance government accountability and responsiveness.

Self-Check Exercise-3:

1. What is NITI Aayog and when was it established?
2. Explain the functions and objectives of NITI Aayog.

9.6 National Development Council

National Development Council (NDC)

The National Development Council (NDC), also known as Rashtriya Vikas Parishad, is India's highest decision-making body for discussions on development matters. The Prime Minister presides over it. It was established on August 6, 1952, to strengthen and mobilize national efforts and resources in support of the Five-Year Plans formulated by the Planning Commission. The council was created to ensure the balanced and rapid development of all regions and to promote common economic policies across key sectors. The NDC includes the Prime Minister, Union Cabinet

Ministers, Chief Ministers of all States (or their representatives), representatives from Union Territories, and members of NITI Aayog (formerly the Planning Commission). The abolition of NDC has been proposed, but no official decision has been taken yet. Since the creation of NITI Aayog's Governing Council, which has a similar composition and role as the NDC, the NDC has not been assigned any tasks or held any meetings. Former Prime Ministers Atal Bihari Vajpayee and Manmohan Singh had suggested that the Planning Commission needed reforms as it had become outdated. In 2014, Prime Minister Narendra Modi abolished the Planning Commission and replaced it with NITI Aayog through an executive resolution. The NDC is neither a constitutional body nor a statutory body.

Objectives of NDC

The National Development Council was set up with the following objectives:

1. To strengthen and mobilize national efforts and resources to support development plans.
2. To promote common economic policies in all important sectors.
3. To ensure balanced and rapid development across all regions of the country.
4. To provide essential social services such as education, healthcare, and social welfare to citizens.
5. To improve the living standards of people.
6. To work towards increasing per capita income.

Functions of NDC

The main functions of the National Development Council include:

1. Setting guidelines for the National Plan, including resource assessment.
2. Reviewing and considering the National Plan prepared by NITI Aayog.
3. Assessing the resources required to implement the plan and suggesting ways to increase funding.
4. Discussing important socio-economic policies affecting national development.
5. Reviewing the progress of the plan and recommending necessary changes to achieve its targets.
6. Suggesting measures to ensure the successful implementation of the National Plan.

Composition of NDC

The Prime Minister of India serves as the Chairperson of the National Development Council. Other members include:

- Union Cabinet Ministers
- Chief Ministers of all States
- Administrators of Union Territories
- Members of NITI Aayog
- Ministers of State (with independent charge) are invited to NDC meetings

Meetings of the NDC

57th Meeting of NDC

- Held on December 27, 2012, to discuss the 2012-2017 Five-Year Plan.

56th Meeting of NDC

- Held on October 22, 2011, under Dr. Manmohan Singh, then Prime Minister of India.
- Dr. Montek Singh Ahluwalia, Deputy Chairman of the Planning Commission, raised six key issues for consideration:
 1. State-level Five-Year Plans must be aligned with the national plan to set clear growth and social targets. A supportive economic environment is necessary to encourage farmers and entrepreneurs, ensuring growth in investment, output, and employment.
 2. Resource mobilization and allocation: Achieving inclusive growth requires investment in rural and urban infrastructure, healthcare, education, and skill development. The government must increase budgetary support for development while controlling the fiscal deficit. The introduction of GST would help generate more revenue and create a single national market.
 3. Agriculture needs higher priority at the State Government level, such as exempting horticultural products from the APMC Act to support farmers.
 4. Energy management: Rapid growth demands expansion of domestic energy supply and improved energy efficiency. The power sector faces financial losses, estimated at ₹70,000 crores, mainly due to inefficient electricity distribution. The plan aimed to reduce Aggregate Technical & Commercial (AT&C) losses to 15% by the end of the Twelfth Plan and introduce tariff reforms.
 5. Water resource management: The demand for water is growing rapidly, leading to severe shortages and overuse of groundwater. Agricultural water use is highly inefficient and can be cut by half with better techniques such as the System of Rice Intensification (SRI) instead of flood irrigation. Only 30% of sewage water is treated before entering freshwater sources,

leading to pollution. The plan suggested strengthening state water policies and creating water regulatory authorities to ensure fair distribution and sustainable use of water.

Self-Check Exercise-4:

1. What is the National Development Council (NDC)?
2. How does the NDC contribute to the planning and development process in India?

9.7 Summary

- 9 Over the years, there has been a significant increase in resources allocated to key flagship programs in areas such as health, education, clean drinking water, sanitation, and regional development. While these initiatives target important sectors, their implementation remains a major challenge. The Chaturvedi Committee Report highlighted the need to streamline centrally sponsored schemes and suggested various improvements. Key priorities include enhancing governance, encouraging innovation, expanding e-governance to the Panchayat level, ensuring transparency in government programs, and leveraging the Unique Identification (UID) system along with information technology (IT) benefits. The Aadhaar platform can help improve efficiency in many of these schemes. Additionally, the Central Plan Scheme Monitoring System will function as a management information and decision support system, allowing better tracking of Central Government disbursements under these schemes. There is also a need to monitor the flow of funds from State Governments through various administrative levels to ensure effective spending at the implementation stage.

9.8 Glossary

(c) **Niti Ayog:** Its Role, Function and Significance

(d) **National Developmental Council:** Its Role, Functions and Significance.

9.9 Answer to self check exercises

Self-check Exercise-1

Refer to section

9.3

Self-check Exercise-2

Refer to section

9.4

Answer Self-check Exercise-3

Refer to section

9.5

Self-check Exercise-4

Refer to section

9.6

9.10 References/Suggested Readings

- S.R.Maheshwari, “Indian Administration”.
- K.K.Puri, “Indian Administration”.

9.11 Terminal Questions

- Discuss the role of NITI AYOJ
- Discuss the role of NDC

Unit- 10

CONSTITUTIONAL AUTHORITIES- STRUCTURE

Structure

10.1 Introduction

10.2 Learning Objectives

10.3UPSC Functions and Role

Self Check Exercise-1

10.4Election Commission of India

Self Check Exercise-2

10.5 The Comptroller and Auditor General of India

Self Check Exercise-3

10.6Functions of and Auditor

Self Check Exercise-4

10.7 Summary

10.8 Glossary

10.9 Answer to Self Check Exercises

10.10References/Suggested Readings

10.11 Terminal Questions

10.1 Introduction

- 11 The Constitution of India is the supreme law of India. The document lays down the framework that demarcates fundamental political code, structure, procedures, powers, and duties of government institutions and sets out fundamental rights, directive principles, and the duties of citizens. It is the longest written national constitution in the world. It imparts constitutional supremacy (not parliamentary supremacy, since it was created by a constituent assembly rather than Parliament) and was adopted by its people with a declaration in its preamble. Parliament cannot override the constitution. B. R. Ambedkar and Constitution of India on a 2015 postage stamp of India. It was adopted by the Constituent Assembly of India on 26 November 1949 and became effective on 26 January 1950. The constitution replaced the Government of India Act 1935 as the country's fundamental governing document, and the Dominion of India became the Republic of India. To ensure constitutional autochthony, its framers repealed prior acts of the British parliament in Article 395. India celebrates its constitution on 26 January as Republic Day. The constitution declares India a sovereign, socialist, secular, and democratic republic, assures its citizens justice, equality, and liberty, and endeavours to promote fraternity. The original 1950 constitution is preserved in a nitrogen-filled case at the Parliament House in New Delhi. The words "secular" and "socialist" were added to the preamble by 42nd amendment act in 1976 during the Emergency.

10.2 Learning Objectives

After studying this lesson, this learner will be able:

- Union Public Service (UPSC)
- Election Commission of India (ECI)
- To understand the genesis of the office of CAG.
- To know about terms, conditions, power and functions of CAG.
- To analyze the relations of CAG and Public Accounts Committee.

10.3 UPSC Functions and Role

- **Union Public Service Commission**

Union Public Service Commission (UPSC)

The Union Public Service Commission (UPSC) is India's main central recruitment agency. It is an independent constitutional body, meaning it was directly established by the Constitution of India. Articles 315 to 323 in Part XIV of the Constitution outline details regarding its composition, appointment and removal of members, as well as its independence, powers, and functions.

Composition

The UPSC is made up of a chairman and other members appointed by the President of India. The Constitution does not specify the number of members, leaving it to the discretion of the President. Usually, the commission consists of nine to eleven members, including the chairman. There are no specific qualifications required for members, except that at least half of them must have held a government office for at least ten years, either under the Central Government or a State Government. The President also determines the service conditions of the chairman and members. They hold office for six years or until they reach 65 years of age, whichever is earlier. However, they can resign at any time by submitting their resignation to the President. They can also be removed by the President before their term ends, following the procedure laid down in the Constitution.

The President can appoint one of the members as an acting chairman in two situations:

- (a) If the chairman's position becomes vacant.
- (b) If the chairman is unable to perform duties due to absence or any other reason.

The acting chairman serves until a new chairman takes charge or until the existing chairman resumes duties.

Removal of Members

The President can remove the chairman or any member of UPSC in the following cases:

- (a) If they are declared insolvent (bankrupt).
- (b) If they take up paid employment outside their official duties.
- (c) If they are considered unfit to continue in office due to physical or mental incapacity.

Additionally, the President can remove them for misbehavior. However, in such cases, the President must refer the matter to the Supreme Court for an inquiry. If the Supreme Court, after the investigation, confirms the removal, the President is bound to act accordingly.

During the inquiry, the President has the power to suspend the chairman or member. The Constitution defines 'misbehavior' as:

- (a) Being involved in any contract or agreement with the Central or State Government.

(b) Earning profit from such contracts or agreements in any way other than as a shareholder in a company.

Independence of UPSC

To ensure that UPSC functions independently and impartially, the Constitution provides the following safeguards:

- (a) The chairman and members can only be removed in the manner and for the reasons stated in the Constitution, ensuring job security.
- (b) Once appointed, their service conditions cannot be changed to their disadvantage.
- (c) Their salaries, allowances, and pensions come from the Consolidated Fund of India, meaning they are not subject to Parliament's approval.
- (d) The chairman, after leaving office, cannot take up any government job at the Centre or in any state.
- (e) A UPSC member can be appointed as the chairman of UPSC or a State Public Service Commission (SPSC) but cannot take up any other government employment.
- (f) The chairman and members cannot be reappointed for a second term.

Functions of UPSC

UPSC performs the following key functions:

- (a) Conducting exams for recruitment to All India Services, Central Services, and services in Union Territories.
- (b) Assisting states in joint recruitment schemes if two or more states request it.
- (c) Serving any state government if requested by the Governor and approved by the President.

It is consulted on various personnel matters, including:

- Methods of recruitment to civil services and posts.
- Guidelines for appointments, promotions, and transfers in civil services.
- Evaluating candidates' suitability for appointments, promotions, and transfers.
- Disciplinary matters related to government employees, such as:
 - Censure (official disapproval)
 - Holding back salary increments
 - Withholding promotions
 - Recovering financial losses
 - Demotions

- Compulsory retirement
- Removal or dismissal from service

UPSC also advises on:

- Reimbursement of legal expenses for government employees facing court cases related to their official duties.
- Granting pensions for injuries sustained during government service.
- Approving temporary appointments that exceed one year.
- Extending service periods and re-employing retired government employees.

Self-Check Exercise 1

1. What is the Constitution of India, and when did it come into effect?
2. What are some key features of the Indian Constitution?
3. What is the significance of the preamble of the Indian Constitution?
4. How does the Indian Constitution ensure constitutional supremacy?
5. What is the role of the Union Public Service Commission (UPSC) in India?
6. How is the UPSC composed, and what are the qualifications for its members?
7. What are the grounds for removal of the chairman or members of the UPSC?
8. What measures are in place to ensure the independence of the UPSC?
9. What are the functions of the UPSC?
10. How does the UPSC assist the states in recruitment processes?

10.4 Election Commission of India

The Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country. Article 324 of the Constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission. Thus, the Election Commission is an all-India body in the sense that it is common to both the Central government and the state governments. It must be noted here that the election commission is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission

COMPOSITION

Article 324 of the Constitution has made the following provisions with regard to the composition of election commission:

1. The Election Commission shall consist of the chief election commissioner and such number

of other election commissioners, if any, as the president may from time-to-time fix.

2. The appointment of the chief election commissioner and other election commissioners shall be made by the president.
3. When any other election commissioner is so appointed, the chief election commissioner shall act as the chairman of the election commission.
4. The president may also appoint after consultation with the election commission such regional commissioners as he may consider necessary to assist the election commission.
5. The conditions of service and tenure of office of the election commissioners and the regional commissioners shall be determined by the president.

Since its inception in 1950 and till 15 October 1989, the election commission functioned as a single member body consisting of the Chief Election Commissioner. On 16 October 1989, the president appointed two more election commissioners to cope with the increased work of the election commission on account of lowering of the voting age from 21 to 18 years. 2 Thereafter, the Election Commission functioned as a multimember body consisting of three election commissioners. However, the two posts of election commissioners were abolished in January 1990 and the Election Commission was reverted to the earlier position. Again, in October 1993, the president appointed two more election commissioners. Since then and till today, the Election Commission has been functioning as a multi-member body consisting of three election commissioners. The chief election commissioner and the two other election commissioners have equal powers and receive equal salary, allowances and other perquisites, which are similar to those of a judge of the Supreme Court. 3 In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by majority. They hold office for a term of six years or until they attain the age of 65 years, whichever is earlier. They can resign at any time or can also be removed before the expiry of their term.

INDEPENDENCE

Article 324 of the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Election Commission:

The chief election commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court. In

other words, he can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity. Thus, he does not hold his office till the pleasure of the president, though he is appointed by him. The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment. Any other election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the chief election commissioner.

POWERS AND FUNCTIONS

The powers and functions of the Election Commission

1. To determine the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament.
2. To prepare and periodically revise electoral rolls and to register all eligible voters.
3. To notify the dates and schedules of elections and to scrutinise nomination papers.
4. To grant recognition to political parties and allot election symbols to them.
5. To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them.
6. To appoint officers for inquiring into disputes relating to electoral arrangements.
7. To determine the code of conduct to be observed by the parties and the candidates at the time of elections.
8. To prepare a roster for publicity of the policies of the political parties on radio and TV in times of elections.
9. To advise the president on matters relating to the disqualifications of the members of Parliament.
10. To advise the governor on matters relating to the disqualifications of the members of state legislature.
11. To cancel polls in the event of rigging, booth capturing, violence and other irregularities.
12. To request the president or the governor for requisitioning the staff necessary for conducting

elections.

13.To supervise the machinery of elections throughout the country to ensure free and fair elections.

14.To advise the president whether elections can be held in a state under president's rule in order to extend the period of emergency after one year.

15.To register political parties for the purpose of elections and grant them the status of national or state parties on the basis of their poll performance

VISION, MISSION AND PRINCIPLES 6 Guiding Principles

The Commission has laid down for itself guiding principles of good governance:

1. To uphold the values enshrined in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction and control over the electoral governance;
2. To conduct elections with highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism;
3. To ensure participation of all eligible citizens in the electoral process in an inclusive voter centric and voter friendly environment;
4. To engage with political parties and all stakeholders in the interest of electoral process;
5. To promote awareness about the electoral process and electoral governance amongst stakeholders namely, voters, political parties, election functionaries, candidates and people at large; and to enhance and strengthen confidence and trust in the electoral system of this country;
6. To develop the human resource for effective and professional delivery of electoral services;
7. To build quality infrastructure for smooth conduct of electoral process;
8. To adopt technology for improvement in all areas of electoral process;
9. To strive for adoption of innovative practices for achieving excellence and overall realization of the vision and mission;
- 10.To contribute towards the reinforcement of democratic values by maintaining and

reinforcing confidence and trust of the people in the electoral system of the country.

Self-Check Exercise 2

1. What is the Election Commission of India, and why was it established?
2. What does Article 324 of the Constitution of India specify about the Election Commission?
3. How is the Election Commission composed, and what changes have occurred in its composition over the years?
4. What provisions ensure the independence of the Election Commission?
5. What are the powers and functions of the Election Commission?
6. How does the Election Commission contribute to ensuring free and fair elections?
7. What principles guide the functioning of the Election Commission?
8. What role does the Election Commission play in delimitation of constituencies?
9. How does the Election Commission manage the registration and recognition of political parties?
10. What measures can the Election Commission take in case of irregularities or disruptions during elections?

10.5 The Comptroller and Auditor General of India

Financial oversight is a crucial aspect of parliamentary democracy, and for effective financial control, an independent audit agency is essential. The Comptroller and Auditor General of India (C&AG) serves as a constitutional mechanism to ensure accountability to Parliament, oversee federal financial operations, and provide expert administrative supervision over government expenditure. To fulfill this role, the Constitution of India mandates the appointment of the C&AG by the President. A fundamental principle of the parliamentary system of government is that the executive is accountable to the legislature for all its actions. However, the legislature can only enforce this accountability if it has the ability to examine and evaluate the activities of the executive in an informed manner. While some executive actions can be easily scrutinized by legislators, others—especially those related to financial transactions—require specialized expertise. Assessing the accuracy of accounts and determining the legitimacy of financial dealings is a technical task beyond the capacity of most legislators, who are generally laypersons in financial matters. Despite this limitation, it remains Parliament's duty to oversee government expenditures and ensure that public funds are used efficiently and appropriately. Since Parliament lacks the necessary expertise to conduct this scrutiny on its own, it requires the support of a financial expert. This is where the office of the Comptroller and Auditor General becomes indispensable. The C&AG, through professional and impartial assessment, enables Parliament to effectively oversee financial administration and hold the executive accountable. By fulfilling this critical role, the C&AG becomes a key instrument in ensuring the proper functioning of parliamentary governance. His office is considered one of the four pillars of India's democratic Constitution, alongside the Legislature, the Executive, and the Judiciary.

The C&AG is an independent constitutional authority, not a plaything appended to Parliament. When on May 30, 1949 the Draft Constitution was being discussed in the Constituent Assembly,

T. T. Krishnamachari 'moved a specific amendment adding 'Comptroller' to the title of the Auditor General for reasons which he believed to be 'fairly simple'. The C&AG's job was not merely audit but also to control the expenses of Government. It is for this reason that Ambedkar with his canny constitutional insights into financial accountability described 'this dignitary or officer (as) probably the most important officer in the Constitution of India..... If this functionary is to carry out his duties-and his duties, I submit, are more important than the duties even of the judiciary should certainly be as independent as the judiciary I feel he should have greater

- independence than the judiciary itself." He added that "..... We do not want a lot of legislators who might have been discontented or for some reason or other or because they may have some kind of fad for economy to interfere with the good and efficient administration of the Auditor General.
- Asoka Chanda observes, "The Constitution Act, 1950, redesignated the Auditor General as Comptroller and Auditor General, and made him, along with the judges of the Supreme Court, an officer of the Constitution. The change in designation envisaged a system of control over exchequer issues hitherto absent in the financial administration of India." To be little either the office, work, status or competence of the C&AG is to undermine the most important instrument through which political, public or financial accountability is achieved.
- When K. T. Shah suggested in the Constituent Assembly that the C&AG should be a registered accountant, it was rejected by T. T. Krishnamachari, and perforce the Assembly, because the C&AG's job was "not merely a question of arithmetic or accounting knowledge but a comprehensive knowledge of administration.

Self Check Exercise-3:

1. Discuss the role and functions of the Comptroller and Auditor General of India (CAG).
2. How does the CAG contribute to financial accountability in India?

10.6 Functions and Duties of the Comptroller and Auditor General

The Comptroller and Auditor General of India (CAG) serves as the head of the Indian Audit and Accounts Department (IA&AD) and holds a constitutional position as the auditor for both the Union and State Governments. The authority of the CAG is derived from Articles 149 to 151 of the

Indian Constitution. Additionally, the CAG's responsibilities, powers, and service conditions are outlined in the CAG's (Duties, Powers, and Conditions of Service) Act of 1971.

Audit Responsibilities of the CAG

The statutory responsibilities of the CAG encompass the audit of:

- Receipts and Expenditures of both the Union and State Governments, as recorded in their respective Consolidated Funds.
- Transactions related to Contingency Funds (reserved for emergencies) and Public Accounts (which primarily include loans, deposits, and remittances).
- Trading, manufacturing, profit and loss accounts, balance sheets, and other subsidiary accounts maintained by any government department.
- Stock and store accounts managed by government organizations, government-owned companies, and corporations whose governing laws mandate CAG audit.
- Authorities and entities that receive significant financial support from the Consolidated Funds of either the Union or State Governments.
- Other bodies or authorities that are not substantially financed by the government, if requested by the President or a State Governor.
- Organizations and entities that receive government loans and grants for specific purposes.

Audit of Government Companies

A distinct arrangement is in place for auditing government-owned companies where the government holds at least 51% equity participation. These companies are primarily audited by Chartered Accountants, who are appointed by the Union Government based on recommendations from the CAG. The CAG provides guidance on how the audit should be conducted and has the authority to comment on or supplement the findings of these auditors. Additionally, the CAG retains the right to directly audit such companies and submit reports to Parliament and State Legislatures.

Audit Boards for Public Sector Undertakings (PSUs)

A unique aspect of auditing government companies and Public Sector Undertakings (PSUs) is the periodic comprehensive evaluation of their operations. This is carried out by Audit Boards, which are constituted by the CAG and include experts from various relevant fields. These Audit Boards conduct detailed assessments in the form of Audit Reviews of selected PSUs each year. Their findings are incorporated into the CAG's Commercial Audit Reports. Similar Audit Boards have been established in some states to oversee and evaluate the performance of state-owned PSUs.

Accounts Duties

The Constitution provides that the format of the accounts of the Union and the State Governments is prescribed by the President on the advice of the CAG. The CAG's (DPC) Act, 1971 authorises the CAG to lay down for the guidance of Government departments, the general principles of Government accounting and broad principles applicable to audit of receipts and expenditure. The CAG also plays a fiduciary role in federal financial relations. Under Article 279 of the Constitution he ascertains and certifies the net proceeds of taxes levied and collected by the Union but assigned to the States or distributed between the Union and the States.

In addition to his audit responsibilities, the CAG continues to compile the accounts for the State Governments except Goa. The accounts of Union Territories of Chandigarh and Dadra & Nagar Haveli are also compiled by the Department. The CAG authorises the salary and allowances to officers of a few State Governments. He also authorises payment of pension and other retirement benefits to the employees of most of the State Governments and Union Territories and maintains their Provident Fund Accounts.

Audit Reports

Apart from the certification of Appropriation Accounts and Finance Accounts of the Union and the State Governments and submission of Separate Audit Reports of Statutory Corporations and other Autonomous Bodies for which the CAG is the sole Auditor, the CAG brings out a number of Audit Reports relating to Union Government and the State Governments. The broad categories of Reports being brought out by the CAG are as follows :

<i>State Government</i>	<i>Union Government</i>
Civil	Civil
Autonomous Bodies	Receipts
Scientific Departments	
	Commercial Post & Telecommunications
Defence	
Railways	
Indirect	
Taxes Direct	

Taxes

Commercial

The CAG communicates his major findings and observations in the above Audit Reports every year. These Reports and certified Finance and Appropriation Accounts are submitted to the President or Governors for being laid before the Parliament or the State Legislatures. Audit Reports on Public Sector Undertakings and Autonomous Bodies are sent to the concerned Ministries or Departments for being laid before the Parliament of the State Legislatures.

In the words of Asoka Chanda, “Audit by C&AG is not restricted by any limitations. He is free to bring to the notice of Parliament the impropriety of any executive action, even when its legality is not in question. Nor is his continuance in office dependent on the will or convenience of the administration. The special provisions incorporated in the Constitution do not merely underline his position as a servant of the people; they also endow him with appropriate authority in that conception to review the financial administration of the country as a whole.”

Some authorities have expressed the extreme view that ‘the Comptroller and Auditor General is the agent of- the Parliament. He is Parliament. Parliament only works through him? This only emphasizes the pivotal role of this office in a parliamentary democracy. His functions are not merely to ensure that the appropriations made by Parliament have not been exceeded without a supplementary vote or that the expenditure conforms to rules, but also to satisfy itself, on behalf of Parliament, as to its Wisdom, faithfulness and economy’.

An important responsibility of the Comptroller and Auditor General is to uphold the Constitution and the laws in the field of financial administration, and therefore to disallow any expenditure which in his opinion either violates the Constitution or infringes the laws. But a wider and more important responsibility is the examination of sanctions accorded by competent authorities, so as to satisfy himself that these are proper and fulfill the purpose for which the sanctions have been accorded or grants from the legislature obtained. The Comptroller and Auditor General are competent, therefore, to challenge any improper exercise of discretion and also to comment on the propriety of the sanctions and expenditure. His role is to maintain the dignity, independence, detachment of outlook and fearlessness necessary for a fair, impartial and dispassionate assessment of the actions of the executive in the financial field. Ambedkar has rightly observed, “As an auditor, the Comptroller and Auditor General’s functions and authority are wider and more comprehensive than those exercised by professional auditors.

Self Check Exercise-4:

1. Explain the functions of an auditor.
2. How do these functions apply to the role of the CAG in auditing government accounts?

10.7 Summary

- The service render by the C&AG is of inestimable value to safeguard the interests of the taxpayer. CAG is the supreme overseer of the Government's financial activities on behalf of Parliament. "Unlike Finance Ministry, the CAG of India does not control public expenditure. He only offers an objective-oriented mechanism which is conducive to popular control of public expenditure." The C&AG report on the Bofors issue created a storm and the Government in its turn attacked the report as well as the office of the C&AG. The Deputy leader of the Lok Sabha, N, K. P. Salve, advocated the rejection of the report as such and went to the extent of personalizing the issue in a speech in the Parliament by calling the incumbent C&AG, Mr. T.N. Chaturvedi, an outstanding civil servant, "that Charlie".
- It is even more appropriate to recall here Jawahar Lai Nehru, what he said about C&AG on November 19, 1952. "For the Comptroller and Auditor General to be criticized on the floor of the House would tend to undermine his special position under the Constitution and would make it difficult for him to discharge his duties without fear or favour.

- In a country like India where public expenditure is increasing at a fast pace year after year, there is scope both for the widening and for the intensifying, of the role of the Comptroller and Auditor General for the better realization of the democratic ideals embodied in the Constitution. However, the role of the CAG should be of watch dog and not of a blood-hound.

10.8 Glossary

- **Audit** : Examination of accounts with a view to determining their correctness.
- **Auditor** : Officer who are responsible for Audit.
- **Extravagance** : Over Expenditure

10.9 Answer to Self Check Exercises

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

10.3

Self-check Exercise-2

Refer to section

10.4

Answer Self-check Exercise-3

Refer to section

10.5

Self-check Exercise-4

Refer to section

10.6

10.10 References/Suggested Readings

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10.11 Terminal Questions

- Trace the genesis of office of CAG in India.
- Critically examine the role of Election Commission of India.
- Write a note on the Repot of CAG in India.

STATUTORY AUTHORITIES

Structure

- 11.1 Introduction
- 11.2 Learning Objectives
- 11.3 Central Vigilance Commission (CVC)
 - Self Check Exercise-1
- 11.4 National Commission for Women
 - Self Check Exercise-2
- 11.5 National Human Rights Commission
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- 11.8 Answer to Self Check Exercises
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11.1 Introduction

A statutory body or statutory authority is an organization created by law (statute) and granted the power to implement legislation on behalf of a nation or state. In some cases, these bodies are also given the authority to formulate rules and regulations within their respective domains, such as statutory instruments. Statutory bodies are most commonly found in nations following the British parliamentary system, including the United Kingdom, Australia, Canada, India, and New Zealand. They also exist in Israel and other countries. Some statutory authorities are also classified as statutory corporations if they have corporate status.

Statutory Authorities and Corporations

At the federal level, statutory authorities are established under the PGPA Act 2013. A statutory authority is broadly defined as a power granted by Parliament to an individual or a group to exercise **specific functions**. Such an authority may be classified as either a corporate Commonwealth entity or a non-corporate Commonwealth entity. In some cases, a statutory authority can also be an administrative unit within a larger Commonwealth entity, operating under Parliamentary authorization while remaining a part of the parent organization.

A statutory corporation, as defined in government terminology, is a statutory body with corporate status, which includes entities created under Section 87 of the PGPA Act. According to an earlier definition, a statutory corporation is essentially a statutory authority that operates as a corporate body. The New South Wales Government's Land Registry Services describes a state-owned corporation as a statutory authority with corporate status.

State and Territory-Level Statutory Authorities

At the State or Territory level, statutory authorities are created under respective State or Territory legislation. Each statutory body operates under its own foundational law, even if it was established before broader overarching legislation came into effect. For instance, the Commonwealth Scientific and Industrial Research Organization (CSIRO) was founded in 1949 under the Science and Industry Research Act. However, it was later incorporated under the Commonwealth Authorities and Companies Act 1997, following the evolution of legal provisions governing statutory authorities.

Regulations Made by Statutory Authorities

Laws enacted by statutory authorities are usually referred to as regulations. Unlike Acts of Parliament, these regulations are not cited in the same manner but are typically referenced using specific initials (corresponding to the authority) along with a unique identification number. Similar to laws passed by Parliament, all regulations created by statutory authorities must be officially published in the Government Gazette to ensure transparency and legal validity.

11.2 Learning Objectives

After going through this lesson the students will be able to know the

- Basic concept of Statutory Authorities
- Central Vigilance Commission
- National Commission For Women
- National Human Rights Commission

11.3 Central Vigilance Commission (CVC)

In pursuance to Santhanam recommendations of 1964, the Central Vigilance Commission was created. It is a one-man commission and the commissioner has one secretary, five directors, three under secretaries and a small office staff at Delhi. Eleven commissioners of departmental engineers (CDI) handle complaints from respective spheres. One chief technical examiner, eight technical examiners and six assistant technical examiners constitute the technical wing which probes the cases of maladministration. The protection of integrity in administration, being the

major task of the CVC, it performs the following functions:

- (1) Exercising a general check and supervision over vigilance and. anti-corruption work in ministries, public sector undertakings and call for reports/returns.
- (2) Conducting an independent technical examination from the vigilance angle of works undertaken by Central government organisations.
- (3) Undertaking inquiry into transactions in which a. public servant (in Central government, organisations) is suspected or alleged to have acted in a corrupt manner through the CBI or the CVOs of the respective organisations.
- (4) Tendering independent advice in disciplinary cases having a vigilance angle at different stages of investigation, inquiry appeal and review.
- (5) Advising the appropriate authorities to modify the existing procedures in the Central government to mitigate the scope for misconduct.

On receiving complaint, the CVC can entrust the matter for enquiry by ministry or department concerned. It may ask the CBI to probe the matter and furnish relevant records. The director, Central Bureau of Investigation will forward the final report of his investigation to the ministry of home affairs through the CVC, if sanction for such prosecution is required under any law to be issued in the name of the Parliament, Recently, the CBI has been accorded the status of a national police station.

The Commission has laid down procedures to be followed by the administrative ministries/ departments. The jurisdiction of the Commission extends to all employees of the Central government and its organisations. It advises on individual vigilance cases only in regard to senior higher-level personnel. The role of the Central Vigilance Commission is advisory, but as per the government resolution, the CVC enjoys the same measure of independence and autonomy as the UPSC of India. The ministers and Member of Parliament are outside the purview of the CVC's jurisdiction. The CVC sends its annual report to the ministry of personnel to be tabled on the floor of the both houses of Parliament.

The vigilance organisations in every ministry stays in touch with the CVC who coordinates the work with chief vigilance officers. While the primary responsibility for the maintenance of probity, integrity and efficiency in each organisation continues to rest in the secretary of the ministry or the head of the department, an officer in each ministry/department has been designated as chief vigilance officer and entrusted with vigilance work. The chief vigilance officer is responsible for coordinating and guiding the activities of other vigilance officers in the attached and subordinate offices and other organisations with which his ministry/department is concerned.

Self-Check Exercise-1:

1. What is the role of the Central Vigilance Commission (CVC) in India?
2. How does the CVC contribute to the fight against corruption?

11.4 National Commission for Women

In 1974, the Committee on the Status of Women in India, established by the Government of India, recommended the creation of a National Commission for Women. The purpose of this Commission was to monitor women's issues, address grievances, and accelerate socio-economic development. Over the years, several committees, commissions, and plans, including the National Perspective Plan for Women (1988), reiterated the need for such an apex body for women. Consequently, the National Commission for Women (NCW) was established in 1992 to protect, promote, and safeguard women's rights and interests.

The Commission functions as an autonomous statutory body, rather than a constitutional entity. It was constituted through legislation enacted by Parliament, specifically the National Commission for Women Act, 1990. The Ministry of Women and Child Development, Government of India, serves

as its nodal ministry. The Commission has a broad mandate that encompasses various aspects of women's empowerment and development.

Objectives of the Commission

The key objectives of the Commission include:

- Reviewing constitutional and legal safeguards available to women.
- Recommending legislative measures for women's welfare.
- Facilitating grievance redressal and addressing violations of women's rights.
- Providing advice to the government on policies affecting women.

Composition of the Commission

The Commission is a multi-member body comprising:

- A Chairperson, who must be a person committed to the cause of women.
- Five members, selected based on their expertise in law, trade unions, industry management, women's voluntary organizations, administration, health, education, economic development, and social welfare. At least one member each must be from the Scheduled Castes and Scheduled Tribes.
- A Member-Secretary, who must be:
 1. An expert in management, organizational structure, or sociological movements, or
 2. A civil servant belonging to an All India Service or holding a civil post under the Union.

The Chairperson, members, and Member-Secretary are all appointed by the Central Government through the Ministry of Women and Child Development. Their salaries, allowances, and service conditions are also determined by the Central Government.

Tenure and Removal of Members

The Chairperson and members serve a three-year term. However, they have the option to resign at any time by submitting a resignation to the Central Government.

Additionally, the Central Government holds the authority to remove the Chairperson or any member before their tenure ends under the following circumstances:

- If the individual is declared insolvent.
- If convicted and sentenced to imprisonment for an offense involving moral turpitude.
- If declared of unsound mind by a competent court.
- If they refuse or become incapable of performing duties.

- If absent from three consecutive Commission meetings.
- If they misuse their official position in a way deemed detrimental to the public interest.

However, before removal, the concerned individual must be given an opportunity to present their case.

Functions of the Commission

The Commission has a fourteen-point mandate, including the following responsibilities:

- Examining and investigating matters related to constitutional and legal safeguards for women.
- Submitting annual and special reports to the Central Government regarding the effectiveness of these safeguards.
- Proposing reforms for the better implementation of women-related laws and policies.
- Reviewing existing legal provisions and recommending amendments to address gaps.
- Taking up cases of legal violations related to women's rights with relevant authorities.
- Receiving complaints and acting suo moto in cases involving deprivation of rights, non-implementation of protective laws, gender inequality, and non-compliance with policy decisions.
- Conducting studies and investigations into discrimination and violence against women, identifying barriers, and proposing strategies for improvement.
- Promoting educational research to enhance women's representation across various sectors and identify challenges such as lack of housing, poor access to basic services, insufficient support systems, occupational hazards, and issues affecting productivity.
- Participating in the socio-economic planning process to ensure women's development.
- Evaluating the progress of women's development at the national and state levels.
- Inspecting jails, remand homes, women's institutions, or any place of custody where women are detained, and recommending remedial measures.
- Providing legal aid and financial assistance for litigation related to women's rights and welfare.
- Reporting periodically to the government on the challenges women face and the Commission's interventions.
- Examining any other matters referred by the Central Government concerning women's rights and development.

Reports of the Commission

The Commission submits an annual report to the Central Government and can provide special reports whenever necessary. The Central Government presents these reports before both Houses of Parliament, accompanied by a memorandum detailing actions taken on the Commission's recommendations. If any recommendation is not accepted, the memorandum must provide justifications.

If a report concerns a state government, the Commission forwards a copy to the respective state, which then presents it to the State Legislature along with an action-taken memorandum.

Powers of the Commission

The Commission is empowered to take various actions to fulfill its mandate:

- Constituting committees to address specific issues concerning women.
- Co-opting experts from outside the Commission into committees, who may participate in deliberations but do not have voting rights.
- Regulating its own procedures and the functioning of its committees.
- Exercising the powers of a civil court while conducting investigations or inquiries, including:
 - Summoning and enforcing attendance of individuals across India.
 - Examining individuals under oath.
 - Demanding the production of documents.
 - Receiving evidence through affidavits.
 - Requisitioning public records from courts or government offices.
 - Issuing summons for witness examinations and document verification.
 - Performing any other function prescribed by the Central Government.

Additionally, the Central Government must consult the Commission on all major policy matters affecting women.

Working of the Commission

The Commission processes verbal and written complaints and can take suo moto action in cases affecting women. These complaints typically involve crimes against women, including:

- Domestic violence
- Harassment and dowry-related issues
- Torture, murder, and abduction
- Bigamy and desertion

- Rape and sexual harassment at the workplace
- Cruelty by husband or in-laws
- Discrimination and deprivation of rights
- Police brutality and NRI marriage-related complaints

Handling Complaints

The Commission addresses complaints in the following ways:

- Cases of police negligence are referred to law enforcement, and progress is monitored.
- Family disputes are handled through counseling and mediation.
- Statistical data on complaints are provided to state authorities for necessary action.
- In cases of sexual harassment, concerned organizations are urged to expedite inquiries and resolutions.
- For serious crimes, the Commission forms Inquiry Committees to ensure swift justice and relief to victims.

By executing these responsibilities, the National Commission for Women plays a crucial role in ensuring gender justice, addressing grievances, and promoting women's empowerment in India.

Self-Check Exercise-2:

1. What are the main functions of the National Commission for Women (NCW)?
2. How does the NCW work towards protecting and promoting women's rights in India?

11.5 National Human Rights Commission

The National Human Rights Commission (NHRC) was established under the Human Rights Commission Act of 1993. Additionally, a human rights cell was created within the Ministry of Home Affairs. States were advised to set up human rights cells or commissions to oversee and follow up on cases of alleged human rights violations by law enforcement agencies. To facilitate this, the President of India promulgated an ordinance in 1993. According to the ordinance, human rights are defined as “the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution of India.” The Human Rights Act extends to the entire country, including Jammu and Kashmir, in matters relating to any entries listed under List I or List III of the Seventh Schedule of the Constitution.

The NHRC consists of eight members:

1. A Chairperson who has previously served as the Chief Justice of the Supreme Court.

2. One member who is or has been a Judge of the Supreme Court.
3. One member who is or has been the Chief Justice of a High Court.
4. Between two and five members selected from individuals with knowledge or practical experience in human rights-related matters.

The Chairpersons of the National Commission for Minorities, the National Commission for Scheduled Castes and Scheduled Tribes, and the National Commission for Women are deemed members of the NHRC in the discharge of its functions. The Secretary-General acts as the executive officer of the Commission. Members of the NHRC are appointed by the President of India based on the recommendations of a committee comprising the Prime Minister, the Speaker of the Lok Sabha, the Home Minister, the Leader of the Opposition in the Lok Sabha, and the Deputy Chairman of the Rajya Sabha.

A Chairperson or any other member may be removed from office if declared insolvent, found to be of unsound mind, convicted of an offense involving moral turpitude, or deemed incapable of performing their duties. The tenure of members, including the Chairperson, is five years or until they reach the age of 70, whichever comes earlier. They are eligible for reappointment.

The NHRC regulates its own procedures, and its actions and proceedings cannot be questioned. Furthermore, the terms and conditions of service cannot be altered to the detriment of its members. The NHRC includes a Secretary-General with the rank of Secretary to the Government and a Director-General of Police responsible for supervising investigative staff.

Under Section 12 of the Act, the NHRC is empowered to:

1. Intervene in any legal proceeding involving allegations of human rights violations, with the court's approval.
2. Visit jails and other institutions where individuals are detained or housed for treatment, reformation, or protection, and assess their living conditions.
3. Examine international treaties and instruments on human rights and suggest measures for their effective implementation.
4. Investigate complaints presented by victims or on their behalf regarding human rights violations or negligence by public servants in preventing such violations.
5. Review factors—including acts of terrorism—that hinder the enjoyment of human rights and propose corrective actions.

6. Assess safeguards for the protection of human rights and recommend measures to improve their effectiveness.
7. Promote human rights awareness and literacy through publications, media, seminars, and other means.
8. Encourage the efforts of non-governmental organizations (NGOs) and institutions working in the field of human rights.
9. Conduct and promote research on human rights.
10. Undertake any other functions it deems necessary for advancing human rights.

The NHRC has extensive jurisdiction, allowing it to conduct inquiries and investigations under the Code of Civil Procedure, 1908. This includes summoning and examining witnesses under oath, ordering the discovery and production of documents, and receiving evidence via affidavits. The Commission can also requisition public records from courts or government offices, issue summonses for witness examinations, and require individuals to provide information relevant to inquiries.

The NHRC is deemed a civil court, and any offense committed in its presence can be recorded and forwarded to a magistrate. Its proceedings are considered judicial in nature under Sections 193 and 228 of the Indian Penal Code (IPC), and for the purposes of Section 196 of the IPC. Evidence before the Commission is governed by Section 15 of the Indian Evidence Act. Reports submitted to the Commission undergo verification for credibility and accuracy.

Upon completing an inquiry, the NHRC may:

1. Recommend to the concerned government the initiation of legal proceedings against the accused persons.
2. Suggest immediate interim relief for the victim or their family.
3. Send a copy of its inquiry report, along with recommendations, to the relevant government, requiring an action report within a month.
4. Provide a copy of the inquiry report to the complainant or their representative.
5. Seek directives, orders, or writs from the Supreme Court or High Court as necessary.

A distinct procedure is followed when members of the armed forces are involved. In such cases, the NHRC may seek a report from the Central Government and decide whether to proceed with the complaint or make recommendations to the government. The Central Government must respond

within three months regarding the actions taken on the NHRC's recommendations. Additionally, the Commission provides the complainant with a copy of the report.

The NHRC submits an annual report to the Central Government and relevant State Governments. It can also submit special reports on urgent matters that cannot wait until the annual report submission. These reports are tabled before Parliament or the respective State Legislatures, along with a memorandum outlining the actions taken on the NHRC's recommendations. If any recommendation is not accepted, the memorandum must include the reasons for its rejection.

State-level Human Rights Commissions follow a framework similar to the NHRC. The State Government, in consultation with the Chief Justice of the High Court, may designate a Sessions Court in each district as a Human Rights Court to handle such cases.

The NHRC has expanded its scope to address broader socio-economic issues of national concern. It has recommended enacting legislation for compulsory primary education and allocating necessary resources. To make human rights enforcement more effective, the judiciary at lower levels must actively cooperate. Legal services must safeguard individuals against third-degree interrogation methods employed by the police. Additionally, the NHRC should promote a human rights culture among police officers and medical professionals.

There is an urgent need to emphasize professional integrity and repeal draconian laws that violate human rights. The NHRC should have its own prosecutors and legal teams to independently pursue violators without requiring prior government sanction.

Self-Check Exercise-3:

1. What are the key responsibilities of the National Human Rights Commission (NHRC)?
2. How does the NHRC address human rights violations in India?

11.6Summary

Democratic administration in its essence has to address itself to people's welfare. The common citizen does not have a feel of democratic governance unless the administration is responsive responsible and transparent. Even the most populist policies when they come to the cutting edge do not provide succor but harass and torture people as if they are being governed by native colonial masters. Sections or laws made by representatives of the people do not satisfy the citizen, but he accepts that administration should attend to his problems with a smile. Human rights and dignity of the individual are loud sounding euphuisms. The lay citizen "has his

grievances against the administration and even when these grievances are fake or money or even exaggerated be has a basic right of their redressed. The Baranbds Study of Delhi found that corruption enough a major grievance, is still much low as compared to apathy, embarrassment, delay and harassment, leading, to exploitation and abuse of office by the administrators. Corruption, indifference, insensitiveness in the part of public servants do frequently cause harm and hardship to lay, citizens. These grievances of citizens can be general “against the government its acts and policies and may be common to all or any section of the community. The Individual grievances are found where the citizens, as individuals, have complaints against the executive organs of government, i.e., the permanent services. The individual grievances in a democratic set up look widespread and poignant. The citizen is within his right to expect that the public servants are honest, responsive, and fair in the discharge of their duties in administration”.

The scope of administrative activity includes diverse functions such as issues of licences of public distribution of commodities, welfare services and social services like banking and insurance and registration of private property. These orders are passed by the officials at all levels. There is a vast field of administrative discretion in which administrative authority may act arbitrarily and the injured citizen may not obtain redressed.

The traditional instrument of control over executive power and discretion have been legislative overseeing and judicial review. Our Constitution has incorporated fundamental rights of the citizen which are justifiable. In addition, there exist institutions like Janta Darbar, complaint boxes and paper clipping for the ventilation and redress of grievances in the form of approach to administrative authorities at different levels in their original, appellate, provisional or supervisory jurisdiction. The legislative overseeing does not redress individual grievances arising in the course of day- to-day administration. Similarly, justice through courts is expensive and dilatory. The various administrative tiers and hierarchies have proved inadequate for the purpose.

To streamline the existing governmental machinery for redressed, a commissioner for public grievances was appointed in 1966. Complaint cells have also been set up in the ministries to handle grievances. At present, a separate Department of Administrative Reforms and Public Grievances exists in the Ministry of Personnel, Public Grievances and pensions to attend to citizen grievances.

11.7 Glossary

(d) **National Commission For Women**

(e) **Human Rights Commission**

(f) **CVC(Central Vigilance Commission).**

11.8 Answer to Self Check Exercises

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

11.3

Self-check Exercise-2

Refer to section

11.4

Answer Self-check Exercise-3

Refer to section

11.5

11.9References/Suggested Readings

(3) S.R.Maheshwari, "Indian Administration".

(4) K.K.Puri, "Indian Administration".

11.10 Terminal Questions

- Discuss in detail the executive control over Administration.
- What is the machinery for the redressal of the citizen grievances.
- Discuss the organization and function of Central Administrative Tribunal in India.

Unit-12

ADMINISTRATIVE REFORMS IN INDIA

Structure

- 12.1 Introduction
- 12.2 Learning Objectives
- 12.3 Administrative Reforms in India
 - Self Check Exercise-1
- 12.4 First ARC (Administrative Reforms Commission) 1966
 - Self Check Exercise-2
- 12.5 Second ARC (Administrative Reforms Commission) 2005
 - Self Check Exercise-3
- 12.6 Summary
- 12.7 Glossary
- 12.8 Answer to Self Check Exercises
- 12.9 References/Suggesting Reading
- 12.10 Terminal Questions

12.1 Introduction

The Department of Administrative Reforms and Public Grievances (DARPG) is the central agency of the Government of India responsible for administrative reforms and redressal of public grievances, including those related to the states and central government agencies. It aims to document and disseminate successful governance practices, undertake international exchange and cooperation for public service reforms, and manage the Centralized Public Grievance Redress and Monitoring System (CPGRAMS). CPGRAMS, established in 2007, is an online system for grievance redressal. It forwards public grievances received online from citizens to both central government ministries/departments/organizations and concerned state governments. The system handles grievances received in two forms: online registered grievances through CPGRAMS and offline grievances received through post. Offline grievances are digitized, uploaded to CPGRAMS, and forwarded online to the relevant authorities. Recently, an appeal mechanism was introduced in

CPGRAMS as per the recommendations of the Department Related Parliamentary Standing Committee. This mechanism allows for the redressal of dissatisfied grievances identified through mandatory feedback ratings given by citizens on the disposal of their grievances by Nodal Grievance Officers. Nodal Appellate Authorities in Ministries/Departments were operationalized for this purpose. CPGRAMS interlinks 86 Central Ministries/Departments/Organizations and 37 States/UTs, with over 51,000 subordinate users, including subordinate and field officers, listed on the platform.

12.2 Learning Objectives

After going through this lesson the students will be able to know the

- Administrative Reforms in India
- First Administrative Reforms(ARC)
- Second Administrative Reforms (ARC)

12.3 Administrative Reforms Commission in India (ARC)

The Administrative Reforms Commission (ARC) is a committee appointed by the Government of India to provide recommendations for reviewing and improving the public administration system of the country. The first ARC was established on 5 January 1966 to examine the administrative structure and suggest reforms for enhancing efficiency and effectiveness in governance. Initially, the Commission was chaired by Morarji Desai. However, when Desai was appointed as the Deputy Prime Minister of India, K. Hanumanthaiah took over as the chairman of the Commission. The Second Administrative Reforms Commission (ARC) was constituted on 31 August 2005 as a Commission of Inquiry under the leadership of Veerappa Moily. This Commission was tasked with preparing a comprehensive blueprint for restructuring and modernizing the public administrative system in India. The first ARC was established through a resolution issued by the Ministry of Home Affairs under the Government of India. The resolution, numbered 40/3/65-AR(P) and dated 5 January 1966, provided a detailed outline of the Commission's composition, its mandate, and the procedures it was required to follow. This resolution laid the foundation for the Commission's functioning and objectives, guiding its efforts to bring about administrative improvements in the country.

Self Check Exercise-1:

1. What are the key areas targeted by administrative reforms in India?
2. How do administrative reforms contribute to improving governance and public administration?

12.4 FIRST ADMINISTRATIVE REFORMS COMMISSION (ARC 1966)

The Commission was mandated to give consideration to the need for ensuring the highest standards of efficiency and integrity in the public services, and for making public administration a fit instrument for carrying out the social and economic policies of the Government and achieving social and economic goals of development, as also one which is responsive to the people. In particular, the Commission is to consider the following:

1. The machinery of the Government of India and its procedures of work
2. The machinery for planning at all levels
3. Center-State relationships
4. Financial administration
5. Personnel administration
6. Economic administration
7. Administration at the State level
8. District administration
9. Agricultural administration
10. Problems of redress of citizen's grievances.

▪ **Recommendations of Reports**

The Commission submitted the following 20 reports before winding up in mid-1970s

1. Problems of Redress of Citizens Grievances (Interim)
2. Machinery for Planning
3. Public Sector Undertakings
4. Finance, Accounts & Audit
5. Machinery for Planning (Final)
6. Economic Administration
7. The Machinery of GOI and its procedures of work
8. Life Insurance Administration
9. Central Direct Taxes Administration
10. Administration of UTs & NEFA
11. Personnel Administration

12. Delegation of Financial & Administrative Powers
13. Center-State Relationships
14. State Administration
15. Small Scale Sector
16. Railways
17. Treasuries
18. Reserve Bank of India
19. Posts and Telegraphs
20. Scientific Departments

The aforementioned 20 reports comprised a total of 537 major recommendations. Based on the feedback received from various administrative ministries, a comprehensive report detailing the implementation status of these recommendations was presented before Parliament in November 1977.

Sarkaria Commission

The Sarkaria Commission was established by the Central Government of India in 1983, primarily to review and assess the relationship between the Centre and the states across various domains. The Commission was tasked with recommending necessary modifications while ensuring that all suggested changes remained within the constitutional framework of India. It was named after Justice Ranjit Singh Sarkaria, a retired Supreme Court judge, who served as its Chairman. The other members of the Commission included Shri B. Sivaraman (former Cabinet Secretary), Dr. S.R. Sen (former Executive Director of the International Bank for Reconstruction and Development), and Rama Subramaniam, who acted as the Member Secretary. The final report of the Sarkaria Commission contained 247 specific recommendations. Despite the extensive nature of its reports, the Commission largely advocated maintaining the status quo concerning Centre-State relations, particularly in areas such as legislative powers, the role of Governors, and the application of Article 356.

It is widely acknowledged that although the Commission proposed certain changes, the government did not implement most of its recommendations. The report spanned 19 chapters and put forth various key suggestions. These included the requirement for the Centre to consult states before enacting legislation on matters listed under the Concurrent List, the binding nature of river water dispute tribunal awards on the parties involved three months after issuance, and the strategic use of Article 258 by the Centre to delegate powers to the states.

- Chapter I. Perspective
- Chapter II. Legislative Relations
- Chapter III. Administrative Relations

- Chapter IV. Role of the Governor
- Chapter V. Reservation of Bills by Governors for President's consideration and Promulgation of Ordinances
- Chapter VI. Emergency Provisions
- Chapter VII. Deployment of Union Armed Forces in States for Public Order Duties
- Chapter VIII. All India Services
- Chapter IX. Inter-Governmental Council
- Chapter X. Financial Relations
- Chapter XI. Economic and Social Planning
- Chapter XII. Industries
- Chapter XIII. Mines and Minerals
- Chapter XIV. Agriculture
- Chapter XV. Forests
- Chapter XVI. Food and Civil Supplies
- Chapter XVII. Inter-State River Water Disputes
- Chapter XVIII. Trade, Commerce and Inter-course within the Territory of India
- Chapter XIX. Mass Media
- Chapter XX. Miscellaneous Matters
- Chapter XXI. General Observations
- Chapter XXII. Appendices
- Chapter XXIII Conclusion

Recommendations on the Appointment of Governors

1. The individual selected should be a distinguished and eminent personality.
2. The appointed Governor must be from outside the state to ensure impartiality.
3. The individual should not have been actively involved in politics for a significant period before their appointment.
4. The Governor should remain neutral and must not have deep-rooted connections with the state's local political landscape.
5. The appointment should be made in consultation with the Chief Minister of the state, the Vice President of India, and the Speaker of the Lok Sabha.
6. The tenure of the Governor must be secure and should not be arbitrarily disrupted except in extremely compelling circumstances. If removal becomes necessary, the Governor must be given a fair opportunity to respond to the reasons for their dismissal. In cases of termination

or resignation, the government should submit a detailed statement before both Houses of Parliament, explaining the circumstances leading to such an action.

7. Upon completing their tenure, the individual should not be eligible for any other government position or office of profit at the Union or State level, except for a second term as Governor or election as Vice President or President of India.
8. At the conclusion of their tenure, the Governor should receive reasonable post-retirement benefits.

The Commission emphasized that the state government should have a significant role in the appointment of the Governor. It recommended that the selection should be made:

- From a panel prepared by the State Legislature; or
- From a panel formulated by the State Government, preferably by the Chief Minister.

The Commission also stressed the necessity of consulting the Chief Minister before the appointment of a Governor. In a parliamentary system, a functional and cooperative relationship between the Chief Minister and the Governor is essential. The primary objective of such consultation is to assess any objections the Chief Minister might have regarding the proposed appointment. However, the Commission observed that this practice has not been consistently followed in recent years. It found that, in most cases, the Union Government merely informs the Chief Minister of the appointment decision rather than seeking their input. In some instances, even this prior notification has not been provided.

To enhance the credibility of the selection process, the Commission recommended that the Prime Minister should consult both the Vice President of India and the Speaker of the Lok Sabha while selecting a Governor.

Some of these recommendations have already been implemented, such as the requirement that Governors should be appointed from outside the state. The Supreme Court has, on multiple occasions, underscored the urgent need to implement the Sarkaria Commission's recommendations on the selection and appointment of Governors.

Self Check Exercise-2:

1. What were the primary recommendations of the First Administrative Reforms Commission (ARC) established in 1966?
2. How have these recommendations influenced administrative practices in India?

12.5 SECOND ADMINISTRATIVE REFORM COMMISSION (ARC-2005)

The Administrative Reforms Commission (ARC) is a committee established by the Government of India with the objective of providing recommendations for the review and enhancement of the country's public administration system. The First Administrative Reforms Commission was constituted on 5 January 1966. Initially, the commission was chaired by Morarji Desai, but following his appointment as the Deputy Prime Minister of India, the chairmanship was transferred to K. Hanumanthaiah. The Second Administrative Reforms Commission (ARC) was established on

31 August 2005 as a Commission of Inquiry under the chairmanship of Veerappa Moily. The purpose of this commission was to draft a comprehensive blueprint for restructuring and modernizing the public administration system to make it more effective, transparent, and accountable. The mandate of the Commission was to examine and recommend measures to ensure the highest standards of efficiency and integrity in public services. Additionally, it was tasked with making public administration an effective tool for implementing the social and economic policies of the government, facilitating national development objectives, and ensuring that the administrative framework remains responsive and accessible to the people. In particular, the Commission is to consider the following:

1. The machinery of the Government of India and its procedures of work;
2. The machinery for planning at all levels;
3. Center-State relationships;
4. Financial administration;
5. Personnel administration;
6. Economic administration;
7. Administration at the State level;
8. District administration;
9. Agricultural administration; and
10. Problems of redress of citizen's grievances

Self Check Exercise-3:

1. What were the major recommendations of the Second Administrative Reforms Commission (ARC) established in 2005?
2. How did the recommendations of the Second ARC differ from those of the First ARC?

12.6 Summary

The Commission will devise its own procedure for the discharge of its functions, and the Commission may, if it deems it necessary so to do, have investigation or examination of such matters as it may deem fit to be made in such manner and by such persons as it may consider appropriate. The Ministries and Departments of the Government of India shall furnish such information and documents and provide assistance as may be required by the Commission from time to time. The Government of India trusts that the State Governments and the Union Territory

Administrations and others concerned will extend their fullest cooperation and assistance to the Commission.

12.7 Glossary

- (g) **Union List:** It include 97 subject to National interest.
- (h) **State List:** Includes 62 subject to state importance.
- (i) **Concurrent List:** 44 subject where centre and state government, both can make the law on these subjects.

12.8 Answer to Self Check Exercises

Self-check Exercise-1

Refer to section

12.3

Self-check Exercise-2

Refer to section

12.4

Answer Self-check Exercise-3

Refer to section

12.5

12.9 References/Suggested Readings

(5) S.R. Maheshwari, "Indian Administration".

(6) K.K. Puri, "Indian Administration".

12.10 Terminal Questions

- 3. Discuss in detail the Union State and Concurrent list relating to central and state relations in India.
- 4. Describe the overview of the Sarkaria Commission report relating the Centre state relation in India.

Unit-13

CITIZEN CHARTER: AN INSTRUMENT OF ADMINISTRATIVE ACCOUNTABILITY

Structure

13.1 Introduction: Basic Concept, Origin and Principal

13.2 Learning Objectives

13.3 Comprehensive Website on Citizen Charters

Self-check Exercise-1

13.4 Exemplary Implementation of citizen charter

Self-check Exercise-2

13.5 Evaluation of citizen Charters

Self-check Exercise-3

13.6 Summary

13.7 Glossary

13.8 Answer to Self Check Exercises

13.9 References/Suggested Readings

13.10 Terminal Questions

13.1 Introduction: Basic Concept, Origin and Principles

It is globally acknowledged that good governance plays a crucial role in ensuring sustainable development, encompassing both economic and social progress. The fundamental pillars of good governance include transparency, accountability, and responsiveness within the administrative framework. The Citizen's Charter initiative emerged as a direct response to addressing the daily challenges faced by citizens when engaging with public service providers. This concept embodies the mutual trust between service providers and service users.

The Citizen's Charter was first conceptualized and implemented in the United Kingdom under the Conservative Government of John Major in 1991 as a national program aimed at continuously

enhancing the quality of public services. The primary goal was to ensure that public services effectively catered to the needs and expectations of citizens. In 1998, the Labour Government of Tony Blair rebranded the initiative as "Service First", further strengthening its core objectives. The Citizen's Charter movement was founded on six guiding principles:

Quality: Enhancing service standards

Choice: Offering options wherever feasible

Standards: Clearly defining service expectations and redressal mechanisms

Value: Ensuring optimal utilization of taxpayers' money

Accountability: Establishing responsibility towards individuals and institutions

Transparency: Ensuring clarity in rules, procedures, and grievance redressal

In 1998, the Labour Government expanded these principles into nine key service delivery principles:

Establishing clear service standards

Ensuring openness and full disclosure of information

Encouraging public consultation and participation

Promoting accessibility and greater choice

Upholding fair treatment for all

Addressing grievances effectively and proactively

Utilizing resources efficiently

Driving innovation and continuous improvement

Collaborating with other service providers

Different countries have adapted elements of the UK Citizen's Charter model, while some have introduced modifications aligned with the Total Quality Management (TQM) approach to service excellence. In the UK, the Citizen's Charter evolved within the broader framework of the Next Steps/Modernizing Government Initiatives, integrating quality assurance mechanisms for public service delivery. Key service quality tools employed include the Business Excellence Model, Investors in People, Charter Mark, ISO 9000, and Best Value (UK Government, 1999). Several nations have introduced similar initiatives:

- Malaysia: The Client's Charter Guidelines (1993) provided a structured framework for government agencies to define and implement service quality commitments. The Best Client's Charter Award (1993) recognized excellence in service delivery. The Malaysian model closely mirrors the UK framework, distinguishing between agency-wide and unit-level charters. Additionally, the concept of "service recovery" was introduced, emphasizing proactive measures to restore citizen trust when service failures occurred.
- Australia: The Commonwealth Government of Australia launched its Service Charter initiative (1997) to transition government agencies from rigid bureaucratic processes to customer-focused outcomes. Service Charters became an essential tool for driving organizational change, enhancing service delivery, and enabling performance assessment and improvement. By establishing clear service goals, Service Charters served as a substitute for competition in monopolistic public service sectors (Department of Finance and Administration, 1999). A notable initiative, Centrelink, was introduced as a one-stop access point for government services, serving over six million citizens. The one-to-one service model was adopted to ensure personalized, consistent, and simplified interactions with the government.
- Canada: The Treasury Board of Canada Secretariat launched the Service Standard Initiative (1995), inspired by the UK Citizen's Charter model, but expanded its scope significantly. This initiative aimed to address public expectations, such as courteous and efficient service, faster response times, extended office hours, and streamlined service delivery through "one-stop-shopping". Simultaneously, it sought to enhance cost-efficiency, reduce the fiscal deficit, and maximize the value for public funds (Treasury Board of Canada, 1995).

A comparative analysis of the four major Citizen's Charter models—UK, Malaysia, Australia, and Canada—reveals that the service quality approach is deeply embedded in each of them to varying extents. Once a government commits to citizen-centric public services, the Total Quality Management (TQM) philosophy naturally aligns with the Citizen's Charter approach. Both frameworks emphasize the importance of continuous quality improvement, transparency, and public awareness campaigns to ensure that service commitments are effectively communicated and upheld.

13.2 Learning Objectives

After going through this lesson the students will be able to know the

- Basic concept of Citizen Charter
- Implementation of Citizen Charter
- Initiatives taken by Govt. regarding C.C.
- Evaluation of Citizen Charter.
- The Formulation of Citizen Charter

13.3 COMPREHENSIVE WEBSITE ON CITIZEN'S CHARTERS

A comprehensive website of Citizen's Charters in Government of India (www.goicharters.nic.in)

has been developed and was launched by the Department of Administrative Reforms and Public Grievances on 31 May, 2002. This contains the Citizen's Charters issued by various Central Government Ministries/ Departments/Organisations. The website provides useful information, data and links

Self-check Exercise-1:

1. What key features should a comprehensive website on Citizen Charters include?
2. How can such a website benefit citizens and government agencies?

13.4 EXEMPLARY IMPLEMENTATION OF THE CITIZEN'S CHARTER

As the government's efforts and initiatives regarding the Citizen's Charter continued, it was recognized that a model implementation of the Charter in a high-visibility public service sector would not only establish the concept effectively but also serve as a benchmark for replication across other sectors. The banking sector was identified for this purpose, considering its pivotal role in the second phase of economic reforms, its customer-centric operations, and its early adoption of information technology to enhance service efficiency. The core objective of this initiative was to transform the banking sector into a model of excellence in Citizen's Charter implementation.

To initiate the process, three major national-level banks—Punjab National Bank, Punjab and Sind Bank, and Oriental Bank of Commerce—were selected for a Hand-Holding exercise facilitated by the Department of Administrative Reforms and Public Grievances (DARPG) in the year 2000. The following key aspects were emphasized to ensure effective and exemplary implementation of the Citizen's Charter:

Active stakeholder involvement in the formulation of Citizen's Charters.

Comprehensive deployment of the Citizen's Charters within banks, ensuring full engagement of staff members, particularly employees at the cutting-edge service level.

Enhancing customer awareness regarding the Citizen's Charter to foster transparency and accountability.

Specialized training programs for employees at all levels, focusing on Citizen's Charter concepts and implementation strategies.

An initial evaluation of the existing Citizen's Charters in the identified banks was conducted through independent agencies, highlighting areas for improvement. Action Plans were formulated to address identified shortcomings, leading to a revision and standardization of the Charters based on the model/mother Charter developed by the Indian Banks' Association (IBA).

To ensure effective execution, a structured training program was implemented for employees in selected branches, with master trainers trained by the National Institute of Bank Management (NIBM) using a specialized module developed in collaboration with the Department of ARPG. Additionally, various publicity measures were undertaken to increase awareness and outreach regarding the Citizen's Charter.

At the conclusion of this initiative, an external agency was engaged to reevaluate and assess the impact of the Citizen's Charter implementation in the selected banks. This assessment aimed to document the outcomes and best practices from the Hand-Holding exercise. The National Institute of Bank Management (NIBM) was assigned this task, which was successfully completed, culminating in the publication of a detailed documentation report in the year 2003.

Self-check Exercise-2:

1. Provide an example of an exemplary implementation of a Citizen Charter.
2. What factors contributed to the success of this implementation?

13.5 EVALUATION OF CITIZEN'S CHARTERS

An evaluation of the Citizen's Charters across various government agencies was conducted in October 1998 by the Department of Administrative Reforms and Public Grievances (DARPG) in collaboration with the Consumer Coordination Council, New Delhi, a non-governmental organization (NGO). Given the early stage of this initiative in India, the results were encouraging. To facilitate self-assessment, a brief questionnaire was distributed to all Ministries, Departments, State Governments, and Union Territories, enabling them to conduct an internal evaluation of their Citizen's Charters. Additionally, organizations were advised to conduct external evaluations, preferably through NGOs, to ensure an objective assessment.

During 2002-03, the DARPG engaged a professional agency to develop a standardized model for conducting internal and external evaluations of Citizen's Charters. This framework aimed to enhance the evaluation process by making it more effective, quantifiable, and objective. The agency was also tasked with evaluating the implementation of Citizen's Charters in five Central Government organizations and 15 Departments/Organizations across Andhra Pradesh, Maharashtra, and Uttar Pradesh. Furthermore, it was required to propose strategies to enhance awareness, both within the organization and among users, and recommend approaches for training management and staff in formulating and implementing Citizen's Charters.

According to the evaluation report, the major findings were as follows:

- a. In most cases, Citizen's Charters were not developed through a consultative process, leading to gaps in their formulation.
- b. Service providers were largely unfamiliar with the philosophy, objectives, and core principles of the Citizen's Charter.
- c. Adequate publicity for the Citizen's Charters was lacking across all evaluated departments. In many cases, implementation was still in its early stages.

d. No dedicated funds had been allocated for raising awareness about the Citizen's Charter or for staff training on its various components.

Key Recommendations

The evaluation led to several key recommendations, including:

- (i) Ensuring stakeholder consultation at every stage of formulating the Citizen's Charter, involving both citizens and staff to make the process inclusive and representative.
- (ii) Orienting staff on the vision, mission, and objectives of the Charter, along with training in team-building, problem-solving, grievance handling, and effective communication.
- (iii) Enhancing publicity by utilizing print media (posters, banners, leaflets, handbills, brochures, local newspapers) and electronic media to reach a wider audience.
- (iv) Allocating specific budgets for awareness campaigns and staff training programs, ensuring proper implementation.
- (v) Adopting and replicating best practices from successful Citizen's Charter implementations to improve overall effectiveness.

These recommendations aimed to strengthen the impact of the Citizen's Charters initiative, making it a more transparent, citizen-centric, and accountable framework within public administration.

Self-check Exercise-3:

1. What criteria should be used to evaluate the effectiveness of Citizen Charters?
2. How can feedback from citizens be incorporated into the evaluation process?

13.6 Summary

The implementation of Citizens' Charter is an on-going exercise because it has to reflect the extensive and continual changes taking place in the domain of public services. Indian Government continuously strives to serve the citizens in an effective and efficient way so as not only to meet but to exceed their expectations. The Citizens' Charter initiative is a major step in this direction.

13.7 Glossary

The Principle of citizen charter movement: Quality, Choice, Standards, value, Accountability, Transparency

Capacity building on citizen charter: Through seminars, workshops.

Component of Citizen Charter: Vision and Mission Statement, Detail of Client, Detail of Service Provided to each client group

13.8 Answer to Self- Check Exercises

Self-check Exercise-1

Refer to section

13.3

Self-check Exercise-2

Refer to section

13.4

Answer Self-check Exercise-3

Refer to section

13.5

13.9 References/Suggested Reading

1. K.K. Puri, "Indian Administration."

13.10 Terminal Questions

1. Discuss the concept, origin and principle of citizen charter in India.

Unit-14

PUBLIC SERVICE DELIVERY IN ADMINISTRATION: RIGHT TO SERVICE ACT

Structure

14.0 Introduction: Basic Concept, Origin and Principal

14.1 Learning Objectives

14.3 Public Service Delivery Administration

Self Check Exercises-1

14.4 Right to Service Act

Self Check Exercises-2

14.5 Summary

14.6 Glossary

14.7 Answer to Self Check Exercises

14.8 References/Suggested Readings

14.9 Terminal Questions

14.1 INTRODUCTION: Basic Concepts origin and Principle.

Administration and citizens share a deeply intertwined relationship, where each is integral to the other. The primary objective of administration is to ensure the welfare of the people by providing them with essential amenities required for a decent standard of living. The success of any administrative system is determined by its ability to deliver services efficiently and effectively to the citizens. However, administration alone cannot achieve this goal without the active support and cooperation of the people. Citizens must not be passive recipients but should instead engage as active participants in the service delivery process, working in collaboration with the administration to enhance efficiency and responsiveness. As discussions on governance continue to evolve, citizen-centric administration has emerged as a fundamental aspect of governance. In the modern era, the powers and functions of the State have expanded significantly, resulting in a broader scope of administration. This has granted administrators extensive discretionary powers and decision-making authority. However, with such vast administrative powers, there is always the potential for malpractices, corruption, and the harassment of citizens. It has become increasingly evident that the existing mechanisms for addressing citizens' grievances are insufficient in safeguarding the public against arbitrary misuse of power by public authorities.

Additionally, citizens interact with administration on a daily basis for fundamental services such as water supply, electricity, sanitation, and other public utilities. Bhattacharya (2008) classifies these interactions into five distinct categories: clients, regulatees, litigants, participants, and cutting-edge encounters. Frequently, these interactions lead to dissatisfaction among citizens due to inefficiencies, delays, or bureaucratic hurdles in service delivery. This growing discontent and lack of trust in administration have necessitated the need to bring governance closer to the people and restore their confidence in public institutions. To bridge this gap and ensure greater transparency, accountability, and efficiency, governments have introduced various good governance initiatives. These initiatives aim to streamline administrative processes, enhance citizen participation, and improve service delivery mechanisms, ultimately fostering a more responsive and trustworthy governance system.

14.2 Learning Objectives

After learning this lesson the students will be know

- Basic Concepts of Public Service Delivery
- Public Service Delivery Administration
- Right to Service Act.

14.3 PUBLIC SERVICE DELIVERY ADMINISTRATION

Public service is inherently linked to the government and is provided and ensured by administrative bodies for the benefit of citizens. These services form the primary point of interaction between the public and the State, shaping people's trust in governance and their expectations from the government. Through its central, state, and local tiers, the government strives to maintain equitable living standards by establishing educational institutions, healthcare facilities, an efficient public distribution system, and infrastructure to improve overall quality of life. Public services may be directly delivered by the government or facilitated through private entities with state funding. The Citizen's Charter Bill, 2011 defines public service as encompassing all goods, services, responsibilities, and obligations to be provided by a public authority. Public services are primarily tax-funded, operating without profit motives and typically not requiring upfront payments before service delivery (Flynn, 1990). These services are non-commercial in nature, exempt from market competition, and allocated based on need rather than market forces. Public services particularly cater to citizens who have limited market choices, ensuring universal access to essential services.

Public service delivery is governed by the Public Service Guarantee Act and the Right to Services Act in India, which mandate that these services be provided within a stipulated time frame. Some of the common public services covered under these Acts include issuance of birth, caste, marriage, and domicile certificates, electricity connections, voter ID cards, ration cards, and land record copies. Given their nature, these services are often monopolistic, oligopolistic, and mandatory, making government accountability crucial in their delivery. Public service delivery is a critical component of governance in a developing country like India. Without a robust and efficient delivery mechanism, essential services cannot reach citizens effectively. Since independence, numerous efforts have been made to improve service delivery, but challenges persist due to systemic inefficiencies, bureaucratic bottlenecks, and political malpractices. One of the major concerns in public service delivery is

corruption, particularly in the Public Distribution System (PDS) and fair price shops. According to a Planning Commission report (2009), approximately 58% of subsidized food grains meant for below-poverty-line (BPL) families fail to reach the intended beneficiaries, with 36% being siphoned off in the supply chain. Such issues have disproportionately affected marginalized rural populations, worsening their socio-economic conditions. The 1990s economic reforms marked a turning point, ushering in new measures to enhance public service delivery. Some key reform strategies that have improved service delivery in India include:

1. Decentralization

Decentralization is a global governance reform aimed at shifting State powers to subnational governments. India formally institutionalized decentralization through the 73rd and 74th Constitutional Amendments (1992), which established local self-governance in rural and urban areas. Though financial and functional decentralization had historical roots in the 19th century, these constitutional amendments formalized and strengthened local governance, giving grassroots institutions a greater role in public service delivery.

2. Citizen Awareness and Demand for Better Services

With the rise of information access, citizens are becoming more aware of their rights and are increasingly demanding efficient, transparent, and accountable public services. This growing public consciousness has pressured the government to improve service standards and reduce inefficiencies in governance.

3. Community Mobilization

Community-driven initiatives have emerged as key drivers of improved public service delivery. Groups such as Self-Help Groups (SHGs) and Community-Based Organizations (CBOs) actively assert their rights and entitlements, ensuring better access, equity, and efficiency in public services.

4. Technological Advancements

Technology has become a major game-changer in public service delivery. Digital innovations have transformed government operations, improved information dissemination, and streamlined service delivery processes. The adoption of e-governance, online service portals, and real-time monitoring systems has enhanced transparency and accountability, ensuring better access to public services while minimizing delays and corruption.

By integrating these reform measures, India continues to work towards a more efficient, citizen-centric, and transparent public service delivery system, ultimately fostering good governance and improved quality of life for all citizens.

Self Check Exercises-1:

1. What are the key components of public service delivery administration?
2. How does public service delivery administration improve governance and public satisfaction?

14.4 RIGHT TO SERVICE ACT

The public services law in India draws its inspiration from the United Kingdom's Citizen's Charter, which was introduced in 1991. Although not a strict legal document, the charter serves as a contractual agreement between citizens and public servants, ensuring the competent and timely delivery of public services. It aimed to incorporate consumer rights into the broader framework of citizens' rights, thereby equipping individuals with the means to seek redressal if services provided were inadequate or failed to meet expectations. The core principle of the charter was to establish accountability in public services—if people were paying for a service that did not meet the promised standards, they should have the right to either claim their money back or opt for a better service provider in the private sector. The Public Service Guarantee Act, commonly known as the Right to Public Services Act in several states, provides a legal framework that guarantees time-bound service delivery by the government. It also incorporates mechanisms for penalizing public servants who fail to provide designated services within the prescribed time limit.

Introduction and Impact of the Right to Services Act

The introduction of the Right to Services Act has empowered Indian citizens significantly. Before its enactment, government departments were often plagued by bureaucratic inefficiencies, corruption, delays, and a lack of transparency. Citizens frequently faced hurdles and exploitation by errant public officials who acted with impunity. In response to rising complaints and systemic inefficiencies, the Right to Public Services Legislation was introduced to establish a structured mechanism for ensuring accountability and efficient service delivery. The Right to Services Act is considered one of the most effective tools in curbing corruption, increasing transparency in public sector operations, and promoting accountability. Since it is a state-level legislation, each state has the discretion to adopt, modify, and implement the Act as per its requirements. Presently, twenty states have implemented the legislation, reinforcing citizens' rights to quality, transparency, and timely public service delivery. States such as Maharashtra, Karnataka, Chhattisgarh, and Assam have successfully adopted the Act, ensuring standardized and enforceable grievance redressal mechanisms.

Key Provisions of the Act

The Right to Public Services Act, as enacted by various states, ensures that public services are granted as a right and must be provided within a fixed timeframe by the designated official. These public services are typically notified through gazette notifications and include the following:

1. Issuance of caste, birth, marriage, and domicile certificates
2. Provision of electricity connections
3. Issuance of voter ID cards and ration cards
4. Providing copies of land records

If a designated officer fails to deliver a public service within the stipulated timeframe or wrongfully rejects an application, the aggrieved citizen has the right to appeal to the First Appellate Authority. Upon review, the First Appellate Authority can either approve or reject the appeal through a written order, instructing the concerned public servant to deliver the service as required.

If the citizen is dissatisfied with the First Appellate Authority's decision, they can escalate the matter to the Second Appellate Authority. This authority holds the power to:

Accept or reject the appeal through a formal written order.

1. Direct the public servant to provide the requested service to the applicant.
2. Impose penalties on the erring official for failing to provide the service without valid justification.
3. Recommend disciplinary action against the responsible public servant.
4. Penalties and Accountability
5. Penalties for non-compliance range from ₹500 to ₹5,000, depending on the severity of the lapse.
6. A portion of this fine may be awarded as compensation to the aggrieved applicant.

If a First or Second Appellate Authority fails to enforce service delivery or provide a substantial reason for their inaction, they too can be penalized under the Act.

Implementation and Grievance Redressal Process

The Public Service Guarantee Act establishes a structured procedure for service delivery:

Application Submission: Citizens submit a formal request to the designated public officer for the required service.

Acknowledgment Receipt: Upon submission, they receive an acknowledgment confirming receipt of their application.

Service Delivery Timeline: The designated officer must provide the service within the prescribed time frame from the date of acknowledgment.

Appeal Process: If the service is delayed or denied, the applicant can approach the First and Second Appellate Authorities for redressal.

Accountability and Enforcement: The appellate authorities have the power to summon officials, demand relevant documents, and impose penalties for non-compliance.

Penalties for Delay: Any further delay after the Appellate Authority's intervention results in monetary fines against the responsible officer.

This legal framework integrates existing governance initiatives, such as the Public Service Guarantee Act, Citizen's Charter, Right to Information (RTI), and Corporate Social Responsibility (CSR), to strengthen transparency and efficiency in service delivery. Through these mechanisms, the Act ensures that citizens receive their rightful services within a stipulated timeframe, ultimately fostering good governance and public trust.

Self Check Exercises-2:

1. What is the Right to Service Act, and what are its main objectives?
2. How does the Right to Service Act ensure timely and efficient delivery of public services?

14.5 Summary

With approximately twenty states adopting the Right to Public Services Act, it reflects genuine efforts to combat corruption and enhance transparency in government departments, ensuring that citizens can access public services without unnecessary obstacles. However, a crucial question arises: To what extent has the implementation of the Act transformed the existing system? The answer lies in the variation observed across states. Each state's Public Services Act differs in terms of the range of services covered and the penalty mechanisms imposed for service delivery failures. While all states have defined penalties for non-compliance, the specific amount of penalties varies from one state to another. The effectiveness of the Act ultimately depends on how well each state enforces it. A strong implementation can significantly contribute to reducing corruption and monitoring workflow across government departments.

Among the states implementing the Act, Karnataka has been particularly commendable. Past data from a month-long pilot study revealed that one lakh applications were filed, out of which 87,000 applications were successfully processed and resolved. This demonstrates the potential impact of efficient implementation. However, the level of execution has not been uniform across all participating states—some have demonstrated effective enforcement, while others have struggled with poor implementation. At the central level, the Government of India proposed the Citizen's Charter and Grievance Redressal Bill, 2011, also known as the Right of Citizens for Time-Bound Delivery of Goods and Services and Redressal of Their Grievances Bill, 2011. This proposed legislation follows a framework similar to that of the Right to Services Act but is intended to apply at the national level. If enacted, it would extend to central government departments, constitutional bodies, statutory authorities, Public-Private Partnerships (PPPs), and NGOs that receive significant funding from the central government. However, the Bill has yet to be passed by Parliament.

14.6 Glossary

- **Public Service Delivery System:** A Public Service Delivery System refers to the framework and mechanisms through which government services are provided to the public. It encompasses the processes, institutions, and technologies involved in delivering services such as healthcare, education, social security, transportation, and utilities.

- **Right to Service Act:** The Right to Service Act is a legislative measure enacted by various states in India to ensure timely delivery of public services to citizens. The primary objective of this act is to reduce corruption and improve the efficiency and accountability of government officials and agencies.

14.7 Answer to Self Check Exercises

Self-check Exercise-1

Refer to section

14.3

Self-check Exercise-2

Refer to section

14.4

14.8 References/Suggested Reading

1. K.K. Puri, "Indian Administration."

14.9 Terminal Questions

2. Discuss the concept, origin and principle of citizen charter in India.

Unit -15

**TRANSPARENCY IN GOVERNANCE: STUDY OF
MAIN PROVISIONS OF RIGHT TO
INFORMATION ACT 2005**

Structure

- 15.1 Introduction
- 15.2 Learning Objectives
- 15.3 Meaning of RTI Act 2005
Self Check Exercise-1
- 15.4 Features of the RTI Act 2005
Self Check Exercise -2
- 15.5 Provisions of RTI Act 2005
Self Check Exercise -3
- 15.6 The Central Information Commission
Self Check Exercise -4
- 15.7 The State Information Commission
Self Check Exercise -5
- 15.8 Powers and functions of the information commission, Appeal and Penalties.
Self Check Exercise -6
- 15.9 Summary
- 15.10 Glossary
- 15.11 Answer to Self Check Exercises
- 15.12 References/Suggested Readings
- 15.13 Terminal Questions

15.1 Introduction

Parliament of India have enacted the Right to Information Act, 2005 By repealing the Freedom of

Information Act, 2002 in order to ensure greater and more effective access to information under the control of Public Authorities in order to promote transparency and accountability in the working of every public authority. The key objectives of the Act are, viz., appointment of public information officers in each office, establishment of an appellate machinery with investigating powers to review decisions of the public information officers, penal provisions for failure to provide information as per Law, provisions to ensure maximum disclosure and minimum, exemptions, an effective mechanism for access to information by the authorities.

15.2 Learning Objectives

After learning this lesson the students will be know

- RTI Act its concept and Dimensions
- Features of RTI Act of 2005
- Provision of RTI Act
- Central Information Commission and its organization.
- State Information Commission and its functions.

15.3 MEANING OF RIGHT TO INFORMATION ACT, 2005.

Right to Information (RTI) is the foremost administrative reform or we can say that it is a citizen gateway which creates new sets of relationship between citizens & the State by promoting transparency and accountability & responsiveness in the process of Governance. Thus RTI has the potential to transform a representative democracy into participatory democracy.

RTI as a landmark legislation focuses on three fundamental shifts:-

1. From a culture of secrecy to a culture of transparency.
2. From personalized despotism towards accountable government.
3. From unilateral decision making towards participation in governance

Self Check Exercise-1:

1. Define the Right to Information (RTI) Act, 2005.
2. What is the primary purpose of the RTI Act, 2005?

15.4 FEATURES OF THE RIGHT TO INFORMATION ACT, 2005

- Laws have been made to ensure the right to information.
- Every citizen has the right to access information.
- Information includes all types of records such as documents, emails, circulars, press releases, contracts, samples, and electronic data.
- The right to information allows people to inspect work, documents, and records. They can also get certified copies or receive information in digital formats like diskettes, floppies, tapes, and video cassettes, or any stored data in computers.
- Normally, information must be provided within 30 days of the request. If the information is related to a person's life or safety, it must be given within 48 hours.
- Every public authority must provide information upon receiving a written request or an online request.
- Some types of information are restricted and cannot be shared.
- There are rules about sharing information that involves third parties.
- If a person is not satisfied with the decision of the Central Information Commission or the State Information Commission, they can appeal to a higher-ranking officer. If an officer refuses to accept an application or does not provide the information, a penalty of ₹250 per day is imposed, but the total fine cannot exceed ₹25,000.
- The Central and State Governments will set up the Central Information Commission and State Information Commissions.
- Courts cannot take up cases related to decisions made under this Act.
- The Act aims to ensure that citizens can access information from public authorities to promote transparency and accountability in government work. It also establishes the Central and State Information Commissions.
- India is a democratic country, and democracy requires informed citizens and transparency in government affairs. Sharing information helps prevent corruption and holds the government accountable. However, some information may need to be kept confidential for smooth government functioning, financial management, and security reasons. This Act aims to balance these interests while ensuring that democratic values remain the top priority.
- To achieve this, the law ensures that citizens can request specific information when needed.

Right to Information Act, 2005

1. This law is called the Right to Information Act, 2005.
2. It applies to the entire country except for the state of Jammu and Kashmir.
3. Some sections of the Act, including Section 4(1), Section 5(1) and (2), and Sections 12, 13, 15, 16, 24, 27, and 28, took effect immediately. The rest of the Act came into effect 120 days after its approval.

Self Check Exercise-2:

1. List three key features of the RTI Act, 2005.
2. How do these features empower citizens?

15.5 Provisions of Right to information Act, 2005

Definitions in the Act

In this Act, unless the context suggests otherwise:

- (a) “Appropriate Government” refers to the government responsible for a public authority that is:
- Established, owned, controlled, or largely funded by:
 - (i) The Central Government or the Union Territory administration—then it falls under the Central Government.
 - (ii) The State Government—then it falls under the State Government.
- (b) “Central Information Commission” refers to the commission set up under Section 12(1).
- (c) “Central Public Information Officer” is the officer assigned under Section 5(1) and includes the Central Assistant Public Information Officer designated under Section 5(2).
- (d) “Chief Information Commissioner” and “Information Commissioner” refer to officials appointed under Section 12(3).
- (e) “Competent Authority” means:
- (i) The Speaker (for the Lok Sabha or a State/Union Territory Legislative Assembly) and the Chairman (for the Rajya Sabha or a State Legislative Council).
 - (ii) The Chief Justice of India (for the Supreme Court).
 - (iii) The Chief Justice of a High Court (for a High Court).
 - (iv) The President or Governor (for authorities set up under the Constitution).
 - (v) The Administrator (appointed under Article 239 of the Constitution).
- (f) “Information” includes any material in any format, such as:
- Documents, memos, emails, opinions, orders, circulars, press releases, reports, contracts, and samples.
 - Data stored electronically, including information from private bodies that public authorities can access under any law.
- (g) “Prescribed” means as per the rules set by the government or competent authority under this Act.
- (h) “Public Authority” refers to any organization or institution of self-governance that is:
- Established under the Constitution.
 - Created by a law passed by Parliament or State Legislature.
 - Formed through government notifications or orders.
 - Includes:
 - (i) Any body that is owned, controlled, or largely funded by the government.

(ii) Any non-government organization that receives significant government funding directly or indirectly.

(i) “Record” includes:

- Documents, manuscripts, and files.
- Microfilms, microfiches, and facsimiles.
- Reproductions of images in microfilms (whether enlarged or not).
- Any data stored on a computer or any electronic device.

(j) “Right to Information” means the right to access government-held information, including:

- Inspection of work, documents, and records.
- Taking notes, extracts, and certified copies.
- Receiving certified samples of materials.
- Getting information in digital formats like diskettes, floppies, tapes, video cassettes, or printouts from computers.

(k) “State Information Commission” refers to the commission set up under Section 15(1).

(l) “State Chief Information Commissioner” and “State Information Commissioner” refer to officials appointed under Section 15(3).

(m) “State Public Information Officer” is the officer assigned under Section 5(1), including the State Assistant Public Information Officer under Section 5(2).

(n) “Third Party” refers to any person other than the applicant requesting information. This includes public authorities.

The Central Information Commission

(1) The Central Government will set up the Central Information Commission by publishing a notification in the Official Gazette. This commission will perform the duties and exercise the powers given to it under this Act.

(2) The Central Information Commission will consist of:

- The Chief Information Commissioner.
- A maximum of ten Central Information Commissioners, as needed.

(3) The President of India will appoint the Chief Information Commissioner and the Information Commissioners based on the recommendation of a committee consisting of:

- The Prime Minister (as the Chairperson).
- The Leader of the Opposition in Lok Sabha.
- A Union Cabinet Minister nominated by the Prime Minister.

Explanation: If the Leader of the Opposition in Lok Sabha is not officially recognized, then the leader of the largest opposition group will act as the Leader of the Opposition for this purpose.

(4) The Chief Information Commissioner will oversee the working of the commission and will be assisted by Information Commissioners. The commission will function independently, without interference from any other authority. The Chief Information Commissioner and Information Commissioners must be distinguished individuals with knowledge and experience in fields such as law, science, technology, social service, management, journalism, media, administration, or governance.

(5) The Chief Information Commissioner and Information Commissioners cannot:

- Be a Member of Parliament (MP) or a State Legislature (MLA/MLC).
- Hold any government-paid office or be connected with any political party.
- Engage in any business or profession.

(6) The headquarters of the Central Information Commission will be in Delhi. With the approval of the Central Government, it may set up offices in other parts of India.

(7) The Chief Information Commissioner will serve a five-year term but cannot be reappointed.

- No Chief Information Commissioner can stay in office after reaching 65 years of age.

(8) The salary and benefits of:

- The Chief Information Commissioner will be the same as the Chief Election Commissioner.
- An Information Commissioner will be the same as an Election Commissioner.

Removal of the Chief Information Commissioner or Information Commissioners

(9) The Chief Information Commissioner or any Information Commissioner can only be removed from office by an order of the President of India if:

- The Supreme Court confirms that the official is guilty of misconduct or is incapable of performing duties.
- The President may suspend the official during the investigation and stop them from attending office until the Supreme Court gives its report.

(10) The President can also remove the Chief Information Commissioner or an Information Commissioner if:

- They are declared bankrupt (insolvent).
- They are convicted of a criminal offense that involves moral misconduct.
- They take up another paid job while in office.
- They become mentally or physically unfit to continue their duties.
- They have any financial interests that might interfere with their role.

(11) If the Chief Information Commissioner or an Information Commissioner is involved in any government contracts or benefits financially from them, they will be considered guilty of misconduct.

Self Check Exercise-3:

1. What are the main provisions of the RTI Act, 2005?
2. How do these provisions ensure transparency and accountability in governance?

15.6 THE STATE INFORMATION COMMISSION

Every State Government must officially announce the creation of a State Information Commission through a notification in the Official Gazette. This Commission will have the authority and responsibilities as per the law. The State Information Commission will include: (i) A State Chief Information Commissioner, and (ii) Up to ten State Information Commissioners, as required. The State Chief Information Commissioner and the State Information Commissioners will be appointed by the Governor based on the recommendation of a committee consisting of: (a) The Chief Minister, who will be the Chairperson of the committee, (b) The Leader of Opposition in the Legislative Assembly, and (c) A Cabinet Minister nominated by the Chief Minister. Clarification: If the Leader of Opposition is not officially recognized, the Leader of the largest opposition group in the Legislative Assembly will be considered the Leader of Opposition. The State Chief Information Commissioner will serve for a term of five years from the date they assume office and cannot be reappointed. However, they must retire once they reach the age of sixty-five years, even if their term is not completed.

Each State Information Commissioner will serve for five years or until they turn sixty-five, whichever happens first. They are not eligible for reappointment as a State Information Commissioner. However, they can be appointed as the State Chief Information Commissioner, but their total tenure in both roles cannot exceed five years. Before taking office, the State Chief Information Commissioner and State Information Commissioners must take an oath before the Governor or a designated person. They can resign by submitting a written notice to the Governor. They can also be removed from office under the provisions of Section 17. The salary and benefits for these officials will be: (a) The State Chief Information Commissioner will receive the same salary as an Election Commissioner. (b) The State Information Commissioner will receive the same salary as the Chief Secretary of the State Government. If an appointee is already receiving a pension (except for disability or wound pension) from a previous government service, their salary will be reduced by the pension amount. Similarly, if they are receiving retirement benefits from a government corporation or company, their salary will be reduced accordingly. The salaries, allowances, and service conditions of the State Chief Information Commissioner and State Information Commissioners cannot be changed to their disadvantage after appointment.

The State Government will provide the necessary staff and employees for the smooth functioning of the State Information Commission. These employees will be given salaries and benefits as prescribed under the law. The State Chief Information Commissioner or a State Information Commissioner can only be removed by the Governor if the Supreme Court, upon investigation, finds them guilty of misconduct or incapacity. However, the Governor can remove them directly if they:

(i) Are declared insolvent, (ii) Are convicted of a crime involving moral misconduct, (iii) Take up paid employment while in office, (iv) Are deemed physically or mentally unfit for duty by the Governor, (v) Have financial or other interests that may affect their impartiality. If any of these officials are involved in contracts or agreements with the State Government or profit from them, except as a general member of a corporation, they will be considered guilty of misconduct and subject to removal.

Self Check Exercise-4:

1. What is the role of the Central Information Commission (CIC) under the RTI Act, 2005?
2. How does the CIC handle appeals and complaints?

15.7 Powers and Functions of the Information Commissions, Appeal and Penalties

As per the provisions of this Act, the Central Information Commission or the State Information Commission must handle complaints from individuals facing difficulties in seeking information. These difficulties may include:

- Not being able to submit a request to a Central or State Public Information Officer due to the absence of such an officer.
- Refusal by a Central or State Assistant Public Information Officer to accept an application for information or an appeal under this Act for forwarding it to the relevant officer or authority.

A person may file a complaint if:

- (a) They have been denied access to information requested under this Act.
- (b) They have not received a response to their request for information within the specified time.
- (c) They are asked to pay a fee they find unreasonable.
- (d) They believe they have been given incomplete, misleading, or false information under this Act.
- (e) They face any other issue regarding requesting or accessing records under this Act.

If a person does not receive a response within the time mentioned in section 7(1) or clause (a) of section 7(3), or if they are dissatisfied with the decision of a Central or State Public Information Officer, they may file an appeal within thirty days. The appeal should be submitted to a senior officer in the concerned public authority who ranks higher than the Public Information Officer.

If the Central or State Information Commission finds that a Public Information Officer has unjustly refused to accept an application, failed to provide information within the required time, deliberately denied access, knowingly shared incorrect or incomplete details, destroyed relevant information, or obstructed the process in any way, they will impose a penalty. This penalty will be Rs. 250 per day until the information is provided, with a maximum limit of Rs. 25,000. However, the officer will be given a fair chance to present their side before the penalty is applied. The burden of proving that they acted responsibly and carefully will be on the concerned Public Information Officer.

If the Commission finds that a Public Information Officer has repeatedly failed to receive applications, refused to provide information, deliberately withheld details, knowingly shared false or incomplete information, destroyed requested information, or obstructed the process, they may recommend disciplinary action under the applicable service rules.

Self Check Exercise-5:

1. Describe the functions of the State Information Commission under the RTI Act, 2005.
2. How is the State Information Commission similar to and different from the Central Information Commission?

15.8 SALIENT FEATURES OF THE RIGHT TO INFORMATION ACT, 2005

The short title of the legislation has been changed from ‘The Freedom of Information Act’ to ‘Right to Information Act’. Provides a very definite day for its commencement, i.e. 120 days from enactment. It defines “appropriate Government” as meaning, in relation to a “Public Authority” established, constituted or owned or substantially financed by funds provided directly or indirectly or controlled.

(ii) by the Central Government, the Central Government;

(iii) by the State Government, the State Government.

Self Check Exercise-6:

1. Summarize the salient features of the RTI Act, 2005.
2. How have these features impacted the transparency and accountability of public authorities?

15.9 Summary

It shall apply to “Public Authorities” which means any authority or body or institution of self government established or constituted by or under the Constitution; by any law made by the appropriate Government or any other body owned controlled or substantially financed directly or indirectly by the appropriate Government, and includes non-government organizations, substantially financed by the government. The ambit covers the two Houses of Parliament, State Legislatures, the Supreme Court/High Court / Subordinate Courts including their administrative

offices. Constitutional Authorities like Election Commission, Comptroller and Auditor General, Union Public Service Commission etc. Only domestic and foreign private bodies working within the country have been excluded from the purview the Act. All citizens shall have the right to information, subject to the provisions of the Act. It casts in obligation on Public Authorities to grant access to information and to publish certain categories of information within 120 days of the enactment. The responsibility about suo-moto disclosure/ publication by public authorities has been considerably enlarged. The Act lays down the machinery for the grant of access to information. The Public Authorities are required to designate Public Information Officers and Assistant Public Information Officers within 100 days of the enactment and whose responsibility is to deal with requests for information and also to assist persons seeking information.

15.10 Glossary

(a) **RTI** : Right to Information Act 2005

(b) **State Information Commission:** In every state there shall be an information commission and the commissioner will be appointed by the governor of the state.

15.11 Answer to Self Check Exercises

Answer Self-check Exercise

Self-check Exercise-1

Refer to section

15.3

Self-check Exercise-2

Refer to section

15.4

Self-check Exercise-3

Refer to section

15.5

Self-check Exercise-4

Refer to section

15.6

Self-check Exercise-5

Refer to section

15.7

Self-check Exercise-6

Refer to section

15.8

15.12 References/Suggested Readings

1. K.K. Puri, "Indian Administration."
2. S.R. Maheshwari, "Indian Administration."

15.13 Terminal Questions

1. What are the features of RTI Act of 2005.
2. Discuss the power and functions of the State Information Commission in India.

Unit-16

GRIEVANCE REDRESSAL MECHANISM: LOKPAL, LOKAYUKTA AND CVC

Structure

- 16.1 Introduction
- 16.2 Learning Objectives
- 16.3 Democratic Administration Conceptualized

Self Check Exercise-1

16.4 Democratic Liberalism Administration

Self Check Exercise-2

16.5 Ministerial accountability of Administration

Self Check Exercise-3

16.6 Executive Control over administration

Self Check Exercise-4

16.7 Personnel control

Self Check Exercise-5

16.8 Judicial Control over administration in India

Self Check Exercise-6

16.9 Popular control of civil society

Self Check Exercise-7

16.10 Summary

16.11 Glossary

16.12 Answer to Self Check Exercises

16.13 Reference/Suggesting Readings

16.14 Terminal Questions

16.1 Introduction

Politics in India was thoroughly democratised in 1950 when the republican Constitution of the country conferred adult suffrage upon the citizens of India without any distinction of colour, caste, sex or creed. It was an unprecedented revolution unknown to Hindu, Mughal and British periods of Indian history. Fundamental rights apart a government by the people was legitimately recognized as a government for the people. This kind of democratic politics was bound to have its inevitable implications and repercussions on the India administration which could or should never be based on the poll mandate of the people. The British experience of elected political representatives and ment recruited bureaucrats had little or no parallelism

because the colonial administration was not only 'elitist and alienated but was anti-people. The democratic political process in British India was an arrested one and was experimented with the result that the administration before 1947 was running politics which today has to be the opposite. The working of the Constitution for more than half a century has revolutionized Indian politics in terms of its mass base, developmental thrusts and social justice orientations. The corresponding democratic revolution in Indian administration has not been possible for the simple reason that the administrative elites in India do not find Indian masses capable to rule themselves. The example of Europe and USA do not help here because the administrative phenomenon is unique and refuses to be democratic in the absence of a clearer consensus about 'Democracy in Administration'. The minister-civil servant relations are discussed in a colonial frame as if bureaucracy is a corrective and politicians have to learn under the parental command. The dyarchy of the collector and the zila pramukh in Panchayati Raj reminds the provincial dyarchy of 1919, which was highly humiliating to national pride. The Constituent Assembly debated the lofty ideas of liberty, equality and justice for weeks, but hesitated to prescribe a district democracy in 1950. A little tinkering about all India services and public service commissions were regarded as 'good enough' and the colonial administration kept on running the democratic show by maintaining that 'People get a government they deserve'. This situation of Indian democracy has developed a 'native colonialism' of elitist Indians, who have bureaucratized politics. The ministers, and the MPs in free India have imitated the British collector rather than the vice versa. Democratic administration even as a theoretical concept has been shunned in the interest of efficiency and secrecy in government. The concept of public welfare was defined bureaucratically and stability and developments became obsessions to the extent that a three-tier democracy at the district level looks like a second war of Indian independence and that too without a Mahatma.

16.2 Learning Objectives

After going through this Lesson the students will be able to know the

- The Minister and its accountability.
- Civil society and its role.

16.3 Democratic Administration Conceptualised

Conceptually, a democratic administration seems like a contradiction in terms 'People's Government' may be rhetoric but popular administration at best can be an administration without corruption and public grievances. Very many well-meant administrators would call it a democratic administration if it conforms, to laws, rules and procedures. Weberian efficiency and Taylor's optimization of results have been called as decisive ingredients of the democratic nature of administration. The debate may lead to attuning of the bureaucratic enterprise to the democratic ethos of the polity all democratic systems of parliamentary or presidential or a combination of the two need public administration as a support structure of governance. If adult suffrage gives representativeness and accountability to democratic politics, should a merit-based administration also strive to be representative and responsible? Can openness, transparency and

responsiveness of administration ensure its representative un accountable character? If human rights are the essence of democracy, should politics guarantee them to the citizens through an enlightened vigilance of administrative machinery or through an elected leadership against the intransigence of power-hungry civil service manned by brilliant sous of the soil? The midway has to be discovered by reinventing the government in developing countries, where strong administration should induct social democracy to attain a correspondence with political democracy. The Indian Constitution and Indian Polity followed this philosophy till 1991 and the 21st century opens with a bang asking for a full throated democracy at all walks of public life. This end of the endless transition is a metamorphoses and democratic administration is being asked for and is emphatically asserted as an 'end of native colonialism', which was not a fact in European experience.

In 1991, Prime Minister Narsimha Rao enhanced the dawn of a new era popularly known as LPG (liberalization, privatization and globalization). This triple penetration in the political economy of India is often called a shift to the 'New Right' which like new lift has its varied shades and country specific components. Because of the end of the cold war and disintegration of the Soviet Union in 1989 it has replaced the word 'good government' by a more amorphous term called as 'good governance'. A variety of contents like competitive collaboration, citizen friendliness, innovative enterprise, transparency and responsiveness are being poured into this new concept, which represents a judicious mix of LPG. The Second Minnow brook Conference (1988) on Public Administration accepted it as a phenomenon of institutional pluralism, which should manage public affairs in the interest of public good and social welfare. Several scholars have called this LPG administration as a World Bank view of public administration which talks of deregulation, de-bureaucratization and disinvestment from public enterprise. The collapse of the Soviet system proved that the old rule-bound, rigid, conservative, cautious, slow and unresponsive bureaucratic systems were archaic. The winds of change should affect the structures, processes, orientations and behaviour patterns of the government system throughout the world, at the cross-national plane, the emergence of a post-industrial, knowledge-based, global economy has created new opportunities for governments at all levels to respond to these realities. The governments has to be 'reinvented' and made more entrepreneurial and 'run like a business'. This requires discarding of old structures and willingness to take real initiatives A 'catalytic government' should inspire, guide and help society, entrepreneurs and the people. The

empowered community ought to become 'competitive' and facilitating with the private sector and the agencies of, government.

To quote Osborne and Gaebler, the rule-driven public organisations should be transformed into a mission-driven government whose public servants pursue organizational mission with newer techniques. Public organisations should introduce quality management in their services. A climate of continuing innovation and reform can modernize the public sector with result orientations. The consumer friendly organisations should explore avenues of revenue generation and profit maximization. It should be proactive rather than only reactive and 'curative' Teamwork should replace the outworn Weberian hierarchy. A balance between markets and the community can be tried with popular participation. All these theoretical musing for the reinvention of government have a western or a capitalistic perspective on which the Indian administrators have to superimpose a human face. The politico-economic conditions that prevail in India demand it, a number of countries in the West and socialist systems of, China and USSR have taken to the path of liberalisation, privatization and globalisation but the Indian response has been halting because of the contextual constraints. The mixed economy model is still regarded as the ideal path for economic transformation. The reforms with a 'human face' envisage packages which include greater resource mobilisation through fiscal adjustments, better investments and less spending. It places greater reliance on the market mechanism. Reduction of price controls, subsidies and trading and banking reforms are suggested to have a free flow of capital, technology and services for production relationship between domestic and foreign, industries. The policy of delicensing, increased disinvestment and closer of sick industries has to be pursued with vigour. Similarly, exchange rate adjustment through devaluation and control of money supply, need to be rationalised.

Broadly speaking, all this is associated with the concept of 'good governance' which includes politics as well, as administration In India the long-term administrative implications of this democratic governance are far-reaching and profound. With decisional power going to the grass roots, the transformation will force the civil servants to accept the hegemony of political masters. The job of decentralized governance under Panchayati Raj dispensation would create a situation that will modify behaviours and attitudes. The bureaucracy which has been apathetic and resistant to the strengthening of the voluntary sector will have to develop faith in the people and facilitate situations for the endeavours of non-government sector.

This need and demand for democratic administration is being voiced in the context of increasing liberalisation, privatisation and globalisation of politics and economy in India. The ‘negativism’ of regulatory administration is being reshaped into ‘positivism’ of competitive collaborativeness at national and international levels. The old institutions of control, vigilance, grievance redressed are increasingly and incrementally being revised and strengthened to make conditions conducive for human rights, clear environment, and technology friendly along with enhanced social responsibility of the business. Naturally, a new democratic administration for 21st century in India is being envisaged to optimize the results of the policies of liberalisation, privatisation and globalisation.

Self Check Exercise-1:

1. How is democratic administration conceptualized in the context of Indian governance?
2. What are the key principles underlying democratic administration?

16.4 Democratic Liberalism in Administration

Democracy in any society or under any system primarily concerns with the basics of self-government and self-development. Its political growth in terms of institutions may stress upon adult suffrage but in practice it implies liberalism, individualism and human rights. In the context of democratic administration in India, one way to identify these democratic characteristics or components is to evaluate the availability of;

1. Representativeness of public administration.
2. Accountability of public administrators to people of India.
3. Human rights and status of citizen’s grievances against administration.
4. Rule of law and integrity in public service.
5. Participatory administration with involvement of community leaders in shaping and implementing the quality of administrative policies.

Self Check Exercise-2:

1. Define democratic liberalism in the context of public administration.
2. How does democratic liberalism influence administrative practices and policies?

16.5 Ministerial Accountability of Administration

Here is the simplified version of your text while maintaining the word count:

In a democracy, no authority can exist without being accountable. Government officials must answer to the legislature under the principle of ministerial responsibility. The cabinet is accountable to the legislature, and all government officials derive their authority from the law, which the judiciary protects. Various mechanisms ensure accountability, including administrative oversight by the executive, legislative scrutiny, judicial review, financial audits, and advisory systems in ministries. In addition to these formal mechanisms, mass media, political parties, interest groups, elections, and independent watchdog organizations also help maintain accountability.

In India, a minister is responsible to the Lok Sabha for both his actions and those of the civil servants in his ministry. Civil servants, however, are protected by the principle of anonymity. Parliament holds the minister accountable even if he is unaware of a civil servant's wrongdoings. Ministerial responsibility means that the minister must answer to Parliament without exceptions. When questioned, he must accept responsibility for any mistakes made, even if he was not personally involved. If a civil servant makes an error, the minister is blamed, but the civil servant remains anonymous and politically neutral.

Examples from the UK and India show that ministerial responsibility is largely a convention rather than a strict legal rule. It operates within practical limits, and the Prime Minister has the final say when issues arise. Since ministers are accountable to the legislature for civil servants' actions, civil servants must align their work with their minister's objectives. They must ensure that all official dealings with citizens follow legal procedures and principles of justice. They should be mindful of legislative sensitivities and avoid actions that could embarrass the minister. Furthermore, they must remain responsive to public opinion. Accountability is reinforced through structured administrative processes. Strengthening accountability may require laws on torts, social audits, and time-bound explanations for decisions. Regular evaluations and reviews are essential, and their findings must be incorporated back into the system.

Political accountability of administration is further supported by a structured system of administrative accountability, ensuring that public servants fulfill their legal duties properly. Misuse or abuse of power in administration can take many forms, such as bypassing legal provisions, violating procedures, dishonesty, incompetence, favoritism, unethical behavior, or infringing on citizens' rights and freedoms. Administrators are accountable to their seniors for any such violations. However, in a democracy, accountability must also be enforced through multiple checks and balances. To maintain accountability, the system relies on four key types of control:

1. Executive control over administration.
2. Legislative control over administration.
3. Judicial control over administration.

4. Public oversight by civil society.

Self Check Exercise-3:

1. What is ministerial accountability in public administration?
2. How does ministerial accountability ensure responsible governance?

16.6 Executive Control over Administration

The executive control of administration in a democracy is positive as well as negative. Its contents' consist of supervising, advising, inspecting, and if necessary, punishing the delinquent. It manifests through

(i) ministerial control, (ii) administrative control, (iii) seniors in the hierarchy, and (iv) control over expenditure and audit. The personnel management control of staff agencies and practice of professional ethics and self-regulation also exercise this executive part of democratic accountability. Each minister is individually in charge of a portfolio consisting of one or more departments. He controls the actions of civil servants under him so that they may help him in implementing his policies. The secretary is the head of the department. The field offices work under the direction and control of the secretariat. The headquarters' administration controls the field agencies through procedures like (a) prior approval of projects; (b) promulgation of service standards; (c) budgetary limitation upon operations; and (d) approval of key appointments and (e) audit, inspection and investigation.

The finance ministry of the Government of India exercises budgetary control over administration. It follows a prescribed procedure of maintaining records, examining returns and prepares accounts for review by the C 8s AG. The control of the finance ministry over public .expenditure is exercised in:

- (i) approval of policies and programmes,
- (ii) acceptance of provisions in' the budget estimates, and
- (iii) prior sanction to incurring of expenditure

This control is exercised through the instrumentalities like rules of business, a system of internal financial advisers and internal audit. The rules of business provide that no department can issue orders involving abandonment of revenue or incurring of any expenditure for which no

provision has been made in the budget. Grant of land or assignment of revenue and creation of grades of posts or the strength of a service require previous consent.

Public servant cannot spend out of the public funds unless the expenditure has been sanctioned by the competent authority and falls within the limit of the appropriations granted by Parliament every year. The finance ministry sends its own officers to each ministry (except the railways and defence ministries), who exercise control over expenditure through scrutiny of the legality, accuracy, and propriety of expenditure. They also advise the departmental heads upon the financial implications of their schemes and furnish reports to the ministry. The financial adviser makes necessary accounting arrangements within the administrative ministry. Since 1962 the secretary has been authorised to overrule the adviser without the matter being reported to any outside authority.

Self Check Exercise-4:

1. Explain the mechanisms of executive control over administration.
2. How does executive control impact the functioning of administrative agencies?

16.7 Personnel Control

The Estimates Committee and the Administrative Reforms Commission emphasized the need for the establishment of a central personnel agency in India. Created in 1970, the ministry)- of personnel regulates matters of general applicability to all services for the maintenance of common standards of recruitment and training. Principles governing seniority, promotion, conduct and discipline and staffing of senior posts are the responsibilities of this department. It is responsible for the creation of new all India services, rules and regulations and all matters relating to personnel policies and review of career management.

Inter-ministry cadres, including career planning; personnel management agencies; research; and allocation of personnel contribute to its executive control through personnel management. The other agencies concerned with personnel matters are the ministry of finance and the Union Public Service Commission. The former is responsible for personnel matters having financial implications. Its staff inspection unit conducts periodical reviews for fixing staff standards, work norms and staff strength. The Union Public Service Commission deals with matters connected with the various examinations and recruitment to various posts through it. The Planning

Commission though an advisory body takes initiatives in suggesting reforms in personnel matters which go a long way to extend executive control over administration.

Professional ethics of public servants provides an internal check on their self-regulatory activities. In India, the civil service code enjoins upon the public servants to declare their assets and swear allegiance to the values of the Constitution. It recognizes loyalty and fairness of public service, as a part of democratic credo. The self-regulatory activities of public servants represent an ethical code, to inspire them to their duties. Thus, a democratic administration has to be controlled internally as well as externally. This control is detailed, specific and penal.

Self Check Exercise-5:

1. What is personnel control in the context of public administration?
2. How does personnel control contribute to the efficiency and integrity of the administrative system?

16.8 Judicial Control over Administration in India

The Indian Constitution introduces judicial review in the parliamentary model of a written Constitution in India. Unlike UK, Indian judiciary has a wider jurisdiction and has come up to judicial activism which is also called as Third Chamber Judiciary in USA'. Legal and sophisticated details apart, the Indian judicial system has been assigned the following roles by the founding fathers.

- (a) It should act as a guardian of the constitution by preserving, protecting and defending the basic structure of the Constitution.
- (b) It should play the custodian of citizen's fundamental rights and promote the dignity of the individual by creating conditions conducive for the implementation of Directive Principles of State Policy.
- (c) It should dispense justice social, economic and political and litigation conflicts through a judicious system of appeals of administration by:
 - (1) Encouraging public interest litigation (PIL).
 - (2) Relaxing its juristic procedures through suo motto cognitions.
 - (3) Building broad constructions of public law through liberal interpretations especially in

the area of social justice and environment protection.

- (4) Forcing executive to compensate the victims of administrative arbitrariness through liberal provisions, of victimology.
- (5) Widening the horizons of constitutional law through liberal democratic interpretations of the text to inspire popular faith in the rule of law system against administrative secrecy, privileges and discretion.

Although judicial control by its very nature has limits and is too narrow to probe into the specifics of administrative laws. The Indian judiciary has struggled against its slow moving, juristic and expensive procedures that run counter to the concept of natural justice. The new human rights jurisprudence and social justice through social legislation have enabled the Indian law courts to extend their sphere and affectivity against executive's arbitrary preserves of feudalism or pockets of new despotism.

This role of judiciary which it has incrementally expanded under the doctrine of judicial activism during last fifty years has restricted the discretion and arbitrariness of the executive and administrative agencies. It has safeguarded the rights and liberty of the citizen and helped in redressing the grievances of citizens. It has mitigated corruption in government and administration by declaring *ultra virus* the acts of the government and administration if and when they exceed their jurisdictions.

The judicial remedies provided under right to constitutional remedies with specific provisions of writs and injunctions have enabled the courts to put administration to task for their actions if they do not suffer from lack of jurisdiction or errors of law and fact finding. The faulty procedures adopted by administration and abuse of official, discretion can be challenged in law courts. The Constitution under Article 300 provides that the Union government or a state government can be sued as a juristic person subject to legislation by the appropriate legislatures. The judicial protection available to Indian citizens provides: (1) public remedies by the prosecution of public officers and private officers; (2) private remedies through civil and criminal courts against the government and public officers; and (3) extraordinary remedies like various kinds of writs. The superior courts have sufficient authority to protect the fundamental rights. Article 32(1) guarantees the right to move the Supreme Court by appropriate proceedings for the enforcement of fundamental rights, The court has a concurrent, original as well as appellate jurisdiction in all such cases. For the quick enforcement of these rights. Article 32 (2)

empowers the Supreme Court to issue directions or orders or writs like Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo Warranto. Article 226 confers similar authority of issuing writs upon High Courts within their respective jurisdictions.

To democratise administration and administrators, the Indian judiciary is a great bulwark and has lived up to the common citizens' expectations. It has strengthened democratic accountability. -Since independence there is a marked trend to supplement ordinary courts with a system of administrative tribunals. Both the Union Parliament and the state legislatures have passed laws- creating such tribunals, for example. Income tax. Appellate Tribunal, Railway Rates Tribunal, Industrial Relations Tribunal, Wage Board, and Consumer Courts, etc. The 42nd Amendment has empowered the appropriate legislature' to provide for adjudication or trial by tribunals of disputes where legislature has the power to legislate. The 44th Amendment of 1978 modified the jurisdiction but the tribunals like CAT continue to provide relief against tyranny of procedures and delay in the delivery of justice.

Self Check Exercise-6:

1. Describe the role of judicial control in the administration of India.
2. How does judicial control ensure that administrative actions are within the law?

16.9 Popular Control of Civil Society

The executive legislative and judicial controls over administration are primarily institutional and have their limitations, A mature democracy aims to make administrators directly amenable to people or public opinion. It implies popular initiative, popular criticism and popular participation by average citizen as well as by enlightened citizenry. It is an advanced concept obtained only in small Benelux or Scandinavian countries of Europe. In India, it can be activated and be achieved in a limited manner: Nonetheless, the experiment is worthwhile to arouse public interest in public administration. This notion of popular accountability of administration in an indirect democracy is often conceived as participation of civil society in the working of public administration. In fact, it is an attempt to rid administration from evil and corrupt practices and exercise vigilance through popular community institutions. Some of the attempts-made in this area of effective popular control of community over administration in India are:

- (1) Effective use of administrative agencies like anticorruption departments. CBI, CVC and

courts with support of the community.

- (2) Experiment with the institutions of Lok Ayukts and Lok Pal (to be created to correct administration through popular initiative and cooperation).
- (3) Investigative journalism and media exposure to keep administration on the track and to provide structure to judicial courts to rectify the failings of administration.
- (4) Establishment of NGOs to promote public interest and protect fundamental human rights through PIL and participatory system of committees.

Thus, accountability administration in order to conform to the spirit of democracy requires the availability of rule of law and human rights in a society where administration will have to work with people rather than for the people with an elitist act of superiority. The Indian Constitution guarantees six fundamental rights and on this, we have superimposed the concept of human rights with Human Rights Commissions at the Centre and in the states. The rule of law doctrine” of Dicey is inbuilt in the parliamentary institutionalization and judicial review practices obtained in India. The two can be called the new pillars of democratic administration which are yet, to be^ strengthened in the democratic polity engaged in a democratization experiment by more than one billion people.

Self Check Exercise-7:

1. How does civil society exercise popular control over administration?
2. Provide examples of how civil society organizations have influenced administrative decisions in India.

16.10 Summary

In India, a huge number of civil servants in C and D groups have still not accepted the philosophy of mutual give and take. The B group of services has an ambivalent position. The senior junior positions breed hostility and enforcement of discipline leads to militancy of trade unionism. The policy of liberalisation, privatization and the judicious use of departmental councils and administrative tribunals brings a ray of hope which should mitigate grievance situations and resolve the conflicts that arise from standing grievances of the employees.

16.11 Glossary

- **Executive Control:** Contents consists of supervising, advising, inspecting. It control through

(1) Ministerial Control, Administrative Control, Seniors in the Hierarchy, Control over expenditure and audit.

- **ARC:** Administrative Reform Commission (ARC) was for the first time established in 1966.
- **CVC:** Central Vigilance Commission was created in 1964 on the recommendation of the Santhanam Committee.
- **CBI:** The central bureau of investigation was created in 1963 as an attached office of the Ministry of home affairs.

16.12 Answer to Self Check Exercises

Self-check Exercise-1

Refer to section

16.3

Self-check Exercise-2

Refer to section

16.4

Self-check Exercise-3

Refer to section

16.5

Self-check Exercise-4

Refer to section

16.6

Self-check Exercise-5

Refer to section

16.7

Self-check Exercise-6

Refer to section

16.8

Self-check Exercise-7

Refer to section

16.9

16.13References/Suggested Readings:

(1) S.R. Maheshwari, "Indian Administrative."

(2) K.K. Puri, "Indian Administration."

16.14Terminal Questions

1. Discuss in detail the executive control over Administration.
2. What is the machinery for the redressal of the citizen grievances.
3. Discuss the organization and function of Central Administrative Tribunal in India.

Unit 17: Constitutional Context of Indian Administration

Structure

17.1 Introduction to the Indian Constitution

17.2 Learning Objectives

17.3 Key Features of the Indian Constitution

Self Check Exercise-1

17.4 Fundamental Rights and Directive Principles

Self Check Exercise-2

17.5 Directive Principles of State Policy

Self Check Exercise-3

17.6 Framework of Administration

Self Check Exercise-4

17.7 Summary

17.8 Glossary

17.9 Answer to Self Check Exercises

17.10 References/Suggested Readings

17.11 Terminal Questions

17.1 Introduction to the Indian Constitution+

The Indian Constitution, enacted on January 26, 1950, stands as the foundational document that guides the administration of India. As the supreme law of the land, it embodies the collective aspirations, values, and ideals of the Indian people. The Constitution lays down the framework for the functioning of the government and delineates the principles that underpin the democratic ethos of the nation.

Historical Context and Significance

The Constitution of India was drafted in the aftermath of the country's hard-fought independence from British colonial rule. The Constituent Assembly, comprising representatives from diverse backgrounds and regions, was tasked with crafting a document that would reflect the hopes and aspirations of a newly independent nation. The drafting process, which lasted nearly three years, was marked by extensive debates and discussions, ensuring that the final document was a comprehensive blueprint for governance.

Embodying Aspirations and Values

The Indian Constitution is more than a legal document; it is a manifestation of the collective will of the Indian people. It seeks to transform the socio-economic landscape of the country by addressing historical injustices and promoting social justice, equality, and human dignity. Key values and aspirations embedded in the Constitution include:

Justice: Social, economic, and political justice is a core objective of the Constitution. It aims to reduce inequalities in status and opportunities, ensuring that all citizens have the means to live a life of dignity.

Liberty: The Constitution guarantees various freedoms to individuals, including the freedom of speech, expression, belief, faith, and worship. These liberties are essential for the full development of individuals and the democratic functioning of the society.

Equality: The principle of equality is central to the Indian Constitution. It prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth and ensures equal protection of the laws to all individuals.

Fraternity: Promoting a sense of brotherhood among the diverse population of India is another key goal. The Constitution fosters unity and integrity, encouraging citizens to transcend communal and regional differences.

Supremacy of the Constitution

The Constitution of India is the supreme law of the land, meaning that all laws and policies must conform to its provisions. It establishes the legal framework within which the government operates and sets the boundaries of governmental power. Any law or action that contravenes the Constitution can be declared invalid by the judiciary.

Structural Framework of Governance

The Constitution outlines a detailed structure for the governance of the country. It defines the organization, powers, and functions of the various branches of government—executive, legislature, and judiciary—ensuring a system of checks and balances. This structural framework is designed to prevent the concentration of power and to promote accountability and transparency in administration.

Federal Structure: India is established as a federal state with a clear division of powers between the Union and State governments. This federal arrangement allows for a balance of power, accommodating the diverse needs and aspirations of different regions.

Democratic Principles: The Constitution enshrines the principles of representative democracy. It provides for a parliamentary system of government where the executive is accountable to the legislature, and ultimately, to the people.

Safeguarding Rights and Duties

The Indian Constitution guarantees fundamental rights to all citizens, protecting individual liberties and promoting social justice. These rights include the right to equality, freedom, and protection against exploitation, among others. Additionally, the Constitution outlines Directive Principles of State Policy, which, although not enforceable by the courts, serve as guidelines for the state to achieve social and economic welfare.

The Constitution also enumerates the fundamental duties of citizens, promoting responsible citizenship and the importance of upholding the constitutional values.

Living Document

The Indian Constitution is often referred to as a living document, capable of evolving with the changing needs and circumstances of society. Through amendments, the Constitution has been adapted to address contemporary challenges and to reflect the dynamic nature of Indian society.

The Indian Constitution is the foundational document that shapes the administration of the country. It reflects the aspirations and values of the Indian people, providing a comprehensive framework for governance based on justice, liberty, equality, and fraternity. As the supreme law of the land, it ensures the rule of law and the orderly functioning of the state while promoting the welfare and

development of its citizens. The Constitution remains a living testament to India's commitment to democracy and social justice, guiding the nation through its journey of progress and development.

The Indian Constitution, as the supreme law of the land, embodies several fundamental principles that define the nation's identity and guide its governance. These key features—sovereignty, socialism, secularism, and democracy—form the bedrock of the Indian state and reflect the aspirations of its people.

17.2 Learning Objectives

By the end of this chapter, you should be able to:

- Understand the key elements and structure of the Indian Constitution.
- Explain the significance of Fundamental Rights and Directive Principles.
- Describe the administrative framework established by the Constitution.
- Analyze the interplay between constitutional provisions and public administration in India.

17.3 Key Features of the Indian Constitution

Sovereignty

The principle of sovereignty is a cornerstone of the Indian Constitution. By declaring India as a sovereign republic, the Constitution asserts that ultimate authority rests with the people of India. This sovereignty implies that India is fully autonomous and independent from external control or interference. It empowers the country to govern itself, make its own laws, and determine its own policies. This principle is crucial for the nation's self-determination, ensuring that the Indian state can chart its own course in both domestic and international affairs without being subjected to any external constraints.

Socialism

Socialism, as enshrined in the Constitution, reflects India's commitment to creating a just and equitable society. The inclusion of socialism underscores the importance of social and economic justice, aiming to reduce inequalities in income, wealth, and opportunity. It emphasizes the need for an equitable distribution of resources to ensure the welfare of all citizens, particularly the underprivileged and marginalized sections of society. The socialist principles in the Constitution advocate for state intervention in the economy to achieve a fair distribution of wealth, provide

public services, and support social welfare programs. This commitment to socialism is aimed at fostering a balanced and inclusive development, ensuring that economic growth benefits all segments of society.

Secularism

Indian secularism mandates the state to maintain equal respect and impartiality towards all religions. This principle ensures that religion remains a personal matter for individuals and does not interfere with the functioning of the state. Unlike some Western notions of secularism that advocate a strict separation of church and state, Indian secularism promotes the coexistence of multiple religions within the public sphere while maintaining state neutrality. The state is prohibited from favoring or discriminating against any religion, fostering an environment where diverse religious communities can coexist harmoniously. This secular framework is designed to protect the religious rights of all citizens, ensuring freedom of conscience and the right to profess, practice, and propagate any religion.

Democracy

The Indian Constitution establishes India as a democratic republic, where governance is based on the consent of the governed. This democratic principle is realized through regular, free, and fair elections in which citizens exercise their right to vote and choose their representatives. Democracy in India is not just limited to political processes but extends to ensuring the protection of civil liberties and human rights. The Constitution guarantees fundamental rights such as freedom of speech and expression, the right to assemble peacefully, and the right to form associations. These rights are essential for the functioning of a vibrant democracy, allowing citizens to participate actively in the political process and hold the government accountable. The democratic structure also includes a system of checks and balances among the executive, legislature, and judiciary to prevent the concentration of power and protect individual freedoms.

The Indian Constitution's key features of sovereignty, socialism, secularism, and democracy collectively define the nation's character and guide its governance. These principles reflect India's commitment to self-determination, social justice, religious harmony, and democratic governance. By embedding these values in the Constitution, India has laid the foundation for a progressive, inclusive, and resilient society that seeks to uphold the dignity and rights of all its citizens.

Self Check Exercise-1:

1. List and describe three key features of the Indian Constitution.
2. How do these features contribute to the functioning of Indian democracy?

17.4 Fundamental Rights and Directive Principles

The Indian Constitution meticulously balances the protection of individual liberties with the pursuit of social and economic justice through its provisions on Fundamental Rights and Directive Principles of State Policy. These components together form a comprehensive framework for ensuring the dignity, freedom, and well-being of all citizens.

Fundamental Rights

Fundamental Rights, enshrined in Part III of the Constitution, are designed to protect citizens from arbitrary actions by the state and ensure their freedom and equality. These rights are justiciable, meaning individuals can approach the courts if they believe their rights have been violated. Key Fundamental Rights include:

The Indian Constitution guarantees a set of Fundamental Rights to its citizens, ensuring their protection and providing a framework for their freedoms. These rights are vital for safeguarding the dignity of individuals and fostering an environment of equality and justice.

- **Right to Equality (Articles 14-18)**

The Right to Equality ensures that all citizens are treated equally under the law. It encompasses several critical aspects:

Equality Before the Law (Article 14): This principle guarantees that every individual is equal before the law and is entitled to equal protection of the laws. It prohibits any arbitrary discrimination by the state.

Prohibition of Discrimination (Article 15): The Constitution prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. It also allows the state to make special provisions for women, children, socially and educationally backward classes, and Scheduled Castes and Scheduled Tribes.

Equality of Opportunity (Article 16): This article ensures equality of opportunity in matters of public employment and prohibits discrimination in employment on grounds of religion, race, caste, sex, descent, place of birth, or residence.

Abolition of Untouchability (Article 17): Untouchability is abolished, and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability is an offense punishable by law.

Abolition of Titles (Article 18): The Constitution prohibits the state from conferring any titles, except military or academic distinctions. It also restricts citizens from accepting titles from foreign states.

- **Right to Freedom (Articles 19-22)**

The Right to Freedom encompasses various freedoms that are essential for the functioning of a democratic society:

Freedom of Speech and Expression (Article 19(1)(a)): This freedom allows individuals to express their opinions freely without fear of retribution. It is fundamental to the practice of democracy, enabling open debate and discussion.

Freedom to Assemble Peaceably (Article 19(1)(b)): Citizens have the right to gather peacefully without arms. This right is crucial for organizing protests and demonstrations to voice concerns.

Freedom to Form Associations or Unions (Article 19(1)(c)): This allows individuals to form groups, associations, or unions to pursue common interests, including trade unions and political parties.

Freedom of Movement (Article 19(1)(d)): This guarantees the right to move freely throughout the territory of India, promoting mobility and unity within the country.

Freedom to Reside and Settle (Article 19(1)(e)): Citizens can reside and settle in any part of India, fostering national integration.

Freedom to Practice Any Profession (Article 19(1)(g)): Individuals have the right to practice any profession, or to carry on any occupation, trade, or business, ensuring economic freedom.

Protection in Respect of Conviction for Offenses (Article 20): This protects individuals from ex post facto laws, double jeopardy, and self-incrimination.

Protection of Life and Personal Liberty (Article 21): This article guarantees the right to life and personal liberty, stating that no person shall be deprived of these except according to the procedure established by law.

Protection Against Arrest and Detention in Certain Cases (Article 22): This provides safeguards against arbitrary arrest and detention, ensuring legal representation and the right to be informed of the grounds of arrest.

- **Right against Exploitation (Articles 23-24)**

These articles seek to eliminate exploitation and protect individuals from oppressive conditions:

Prohibition of Trafficking and Forced Labor (Article 23): This prohibits human trafficking, forced labor, and similar forms of exploitation. Exceptions are made only for compulsory service for public purposes (e.g., conscription).

Prohibition of Child Labor (Article 24): This prohibits the employment of children under the age of 14 in hazardous industries and jobs, aiming to protect children from exploitation and ensure their right to education.

- **Right to Freedom of Religion (Articles 25-28)**

The Right to Freedom of Religion ensures religious freedom for all individuals:

Freedom of Conscience and Free Profession, Practice, and Propagation of Religion (Article 25): This guarantees individuals the freedom to profess, practice, and propagate their religion.

Freedom to Manage Religious Affairs (Article 26): This allows religious denominations to establish and maintain institutions for religious and charitable purposes, manage their own affairs, and own and acquire property.

Freedom from Payment of Taxes for Promotion of Any Religion (Article 27): This prohibits the state from compelling any person to pay taxes for the promotion or maintenance of any particular religion or religious institution.

Freedom from Attendance at Religious Instruction (Article 28): This ensures that no religious instruction is provided in any educational institution wholly maintained out of state funds, and no person attending such an institution is required to take part in any religious instruction or worship.

- **Cultural and Educational Rights (Articles 29-30)**

These rights protect the cultural and educational interests of minorities:

Protection of Interests of Minorities (Article 29): This allows any section of citizens having a distinct language, script, or culture to conserve the same, and ensures that no citizen is denied admission to educational institutions maintained by the state or receiving state aid on grounds of religion, race, caste, language, or any of them.

Right of Minorities to Establish and Administer Educational Institutions (Article 30): This gives all minorities, whether based on religion or language, the right to establish and administer educational institutions of their choice. It also ensures that the state does not discriminate against such institutions in granting aid.

- **Right to Constitutional Remedies (Article 32)**

Known as the "heart and soul" of the Constitution by Dr. B.R. Ambedkar, this right empowers individuals to approach the Supreme Court or High Courts for the enforcement of Fundamental Rights. It allows for the issuance of writs, including:

- **Habeas Corpus:** To release a person who has been unlawfully detained.
- **Mandamus:** To direct a public authority to perform its duty.
- **Prohibition:** To prohibit lower courts from exceeding their jurisdiction.
- **Certiorari:** To transfer a case from a lower court to a higher court for review.
- **Quo Warranto:** To challenge the legality of a person's claim to a public office.

These writs ensure that the judiciary can protect the rights of individuals and provide a legal remedy for their enforcement.

The Fundamental Rights enshrined in the Indian Constitution are crucial for protecting individual freedoms and ensuring equality, justice, and dignity for all citizens. These rights, along with the Directive Principles of State Policy, form the core of the constitutional framework, guiding the nation towards achieving its democratic and social objectives. Through these provisions, the

Constitution seeks to create a just society where every individual can enjoy their rights and contribute to the nation's progress.

Self Check Exercise-2:

1. What are Fundamental Rights, and why are they important in the Indian Constitution?
2. How do the Directive Principles of State Policy complement the Fundamental Rights?

17.5 Directive Principles of State Policy

Here is the simplified version of your text while maintaining the word count:

The Directive Principles of State Policy, mentioned in Part IV of the Indian Constitution (Articles 36-51), act as guidelines for the government in making laws and policies. These principles are not legally enforceable, meaning they cannot be challenged in court, but they are essential for the country's governance. Their main goal is to establish a welfare state by addressing social, economic, and political challenges and ensuring justice for all citizens. These principles reflect the vision of the Constitution's makers, who aimed to create a society based on fairness, economic well-being, and moral values.

Purpose and Nature

The Directive Principles were inspired by the Irish Constitution and are designed to provide a broad framework for governance. They work alongside Fundamental Rights but focus on the overall good of society. While Fundamental Rights safeguard individual freedoms, the Directive Principles help the government ensure that these freedoms exist within a fair and just social and economic system.

Key Directive Principles

Promoting the Welfare of the People (Article 38)

The government is responsible for creating a social system where justice—social, economic, and political—is present in all areas of life. This principle focuses on reducing income inequality and eliminating differences in status, opportunities, and access to resources.

Ensuring Fair Working Conditions and Maternity Relief (Article 42)

This principle emphasizes the need for fair and humane working conditions. It also requires the government to provide maternity relief, ensuring that women receive proper care and support during and after pregnancy.

Providing Equal Justice and Free Legal Aid (Article 39A)

The government must offer free legal aid to ensure that no citizen is denied justice due to financial or other difficulties. This principle highlights the importance of providing legal support to the poor and disadvantaged.

Establishing Village Panchayats (Article 40)

The government must organize village panchayats and grant them the authority needed to function as self-governing bodies. This principle supports decentralized governance and empowers local communities.

Right to Work, Education, and Public Assistance (Article 41)

The government must take steps to secure the right to work, education, and public assistance for people facing unemployment, old age, sickness, or disabilities. This principle ensures that basic needs are met for all citizens.

Early Childhood Care and Education (Article 45)

The government must provide early childhood care and education for children below six years of age. This principle highlights the importance of early education for a child's overall development.

Promoting Education and Economic Upliftment of Weaker Sections (Article 46)

The government must work to improve the education and economic status of weaker sections, particularly Scheduled Castes and Scheduled Tribes, while protecting them from social injustice and exploitation.

Improving Nutrition and Public Health (Article 47)

The government must focus on improving nutrition, raising the standard of living, and enhancing public health. This principle emphasizes the well-being of citizens.

Modernizing Agriculture and Animal Husbandry (Article 48)

The government must work towards improving agriculture and animal husbandry using modern and scientific methods. This principle promotes sustainable farming and livestock welfare.

Protecting the Environment and Wildlife (Article 48A)

The government is responsible for protecting the environment, forests, and wildlife. This principle stresses the need for environmental conservation.

Promoting International Peace and Security (Article 51)

The government must work towards global peace, maintain fair relations with other countries, respect international laws, and encourage peaceful conflict resolution. This principle shows India's dedication to global cooperation.

Role and Impact

Although the Directive Principles cannot be enforced in court, they play a crucial role in shaping laws and policies. They serve as a moral guide for the government and help create policies that promote social justice, economic fairness, and political democracy. These principles influence laws aimed at improving citizens' quality of life, especially for the poor and marginalized.

The judiciary has recognized the importance of these principles and has used them to interpret and expand Fundamental Rights. The Supreme Court of India, in various judgments, has emphasized that Directive Principles should be aligned with Fundamental Rights to uphold the true spirit of the Constitution.

The Directive Principles of State Policy represent the vision of the framers of the Indian Constitution to create a fair and just society. They provide a broad governance framework that balances individual rights with social responsibilities. While not legally binding, these principles help the government formulate policies and enact laws that promote citizens' welfare, guiding India toward becoming a welfare state.

Self Check Exercise-3:

1. Explain the purpose of the Directive Principles of State Policy.
2. How do these principles guide the governance and policy-making process in India?

17.6 Framework of Administration

The Indian administrative framework is designed to ensure effective governance through a well-defined division of powers and a structured role for the President. This structure, based on the principles of federalism and parliamentary democracy, ensures both unity and diversity in the administration of the country.

Division of Powers between Union and States

The Indian Constitution establishes a federal structure of government, which carefully delineates the distribution of powers and responsibilities between the Union (central government) and the States. This division of powers is enshrined in the Seventh Schedule of the Constitution, which is structured into three distinct lists: the Union List, the State List, and the Concurrent List. This system ensures that both levels of government can function effectively within their respective domains while maintaining the overall unity and integrity of the nation.

Union List

The Union List comprises subjects of national importance on which only the central government can legislate. This exclusivity ensures uniformity in policies and laws across the country on critical issues. Key areas included in the Union List are:

Defense: Matters related to national defense, including the army, navy, and air force, are under the sole jurisdiction of the central government to ensure a unified command and control structure for the nation's security.

Foreign Affairs: Diplomatic relations, treaties, and international agreements are handled by the central government to present a cohesive and consistent foreign policy.

Atomic Energy: The development, regulation, and control of atomic energy are centralized to maintain strict standards and safety protocols.

Banking and Finance: Regulations related to banking, currency, and financial institutions are managed centrally to ensure stability and uniformity in the financial sector.

Communications: Postal services, telecommunications, and other forms of communication fall under central control to ensure seamless connectivity across the country.

With 100 items in the Union List, the central government is empowered to legislate on issues that require a standardized approach across all states, promoting national unity and coherence.

State List

The State List encompasses subjects of local or regional significance on which only state governments can legislate. This allows for tailored policies that address the unique needs and conditions of each state. Important areas covered under the State List include:

Police: The maintenance of law and order within a state is a primary responsibility of the state government, allowing for localized policing strategies.

Public Health: States are responsible for public health services, including hospitals and sanitation, to cater to the specific health needs of their populations.

Agriculture: Agricultural policies, land management, and related services are managed by the states, reflecting the diverse agricultural practices across different regions.

Fisheries: Management of fisheries and aquatic resources falls under state jurisdiction, enabling the sustainable development of these local resources.

With 61 items, the State List empowers states to legislate and govern effectively on matters directly impacting their regions, fostering responsiveness and flexibility.

Concurrent List

The Concurrent List includes subjects on which both the central and state governments can legislate. This shared jurisdiction allows for cooperation and coordination between different levels of government. Key areas in the Concurrent List are:

Criminal Law: Both central and state governments can enact laws related to criminal offenses, ensuring a comprehensive legal framework.

Marriage and Divorce: Family law, including marriage and divorce, can be legislated by both levels of government, allowing for uniformity while respecting regional variations.

Bankruptcy and Insolvency: Both central and state laws can address issues of bankruptcy and insolvency, providing a robust legal framework for financial distress.

Education: Policies related to education can be framed by both governments, promoting national standards while accommodating regional educational needs.

With 52 items, the Concurrent List facilitates collaboration between the Union and the States, enabling comprehensive governance in areas where both national and regional interests are significant. In case of a conflict between central and state laws on these subjects, the central law prevails, ensuring consistency and coherence in the legal framework.

Ensuring Efficient Governance

The division of powers as outlined in the Indian Constitution ensures that governance is carried out efficiently at both national and regional levels. This system allows the central government to maintain uniform policies on matters of national importance while enabling states to address local issues with flexibility and responsiveness. The carefully balanced structure respects the diverse needs of different states, promoting both unity and diversity within India's federal framework.

Role of the President

The President of India occupies a pivotal role in the country's administrative framework, serving as the ceremonial head of state and the supreme commander of the armed forces. Although the President's functions are primarily ceremonial, the position encompasses significant constitutional responsibilities and powers that contribute to the governance and stability of the nation.

The President of India occupies a central role in the country's administrative framework, serving as the ceremonial head of state and the supreme commander of the armed forces. Although the President's functions are primarily ceremonial, the position encompasses significant constitutional responsibilities and powers that contribute to the governance and stability of the nation. Below is an elaboration of these various powers and functions.

Executive Powers

Appointments:

Prime Minister and Council of Ministers: The President appoints the Prime Minister, who is typically the leader of the majority party in the Lok Sabha (House of the People). On the Prime Minister's advice, the President appoints other members of the Council of Ministers. This ensures that the executive branch of government is formed by elected representatives of the people.

Governors of States: The President appoints governors for each state, who act as the central government's representatives at the state level. Governors play a crucial role in the administration of states, including in the implementation of central policies.

Judges: The President appoints judges to the Supreme Court and High Courts, which is pivotal for maintaining the independence and integrity of the judiciary. These appointments are typically made on the advice of the Prime Minister and in consultation with the Chief Justice of India.

Other Key Officials: Various constitutional and statutory positions, such as the Comptroller and Auditor General (CAG), the Chief Election Commissioner, and the Chairman of the Union Public Service Commission (UPSC), are appointed by the President. These appointments ensure that key institutions necessary for the functioning of democracy and governance operate independently and effectively.

Administration:

The President exercises executive powers through the Council of Ministers, headed by the Prime Minister. All executive actions of the government are carried out in the President's name, symbolizing the unity and continuity of the state's administration. This includes issuing orders and notifications, as well as executing decisions of the government.

Legislative Powers

Summoning and Proroguing Parliament:

The President has the authority to summon and prorogue sessions of Parliament. This power is crucial for the regular functioning of the legislative process and ensures that Parliament meets periodically to conduct its business. The President also has the power to dissolve the Lok Sabha, leading to general elections.

Assent to Bills:

For a bill passed by Parliament to become law, it must receive the President's assent. The President can return a bill (except a money bill) to Parliament for reconsideration. If the bill is passed again by both houses, the President must give assent. This provides a check on the legislative process, ensuring that bills are thoroughly considered before becoming law.

Ordinances:

When Parliament is not in session, the President can promulgate ordinances, which have the same force as laws passed by Parliament. These ordinances must be approved by Parliament within six weeks of reassembly, ensuring temporary legislation can address urgent issues. This power allows the executive to respond swiftly to emergencies and unforeseen situations.

Judicial Powers

Pardons and Clemency:

The President has the power to grant pardons, reprieves, respites, or remissions of punishment, and to suspend, remit, or commute the sentences of any person convicted of an offense. This power is crucial for addressing cases involving the death penalty and other severe punishments, offering a final check on the judiciary's decisions and ensuring justice is tempered with mercy.

Emergency Powers

National Emergency:

The President can declare a national emergency in case of war, external aggression, or armed rebellion. During such an emergency, the central government assumes greater control over state affairs, and fundamental rights can be suspended to ensure national security and stability. This allows the central government to act decisively in times of crisis.

State Emergency (President's Rule):

The President can impose President's Rule in a state if the state government cannot function according to constitutional provisions. This involves the central government taking over the state's administration, ensuring governance continuity and adherence to constitutional norms. President's Rule is often imposed in situations of political instability or breakdown of law and order.

Financial Emergency:

The President can declare a financial emergency if India's financial stability or credit is threatened. This allows the central government to direct states on financial matters, ensuring economic stability and uniform fiscal policies across the country. During a financial emergency, the central government can also reduce salaries and other financial expenditures.

Military Powers

Supreme Commander: The President is the supreme commander of the armed forces, a role that is largely ceremonial. The actual command and administration of the armed forces are vested in the Council of Ministers, ensuring civilian control over the military. The President's role as supreme commander symbolizes the integration of the military with the civilian government.

Diplomatic Powers

International Representation: The President represents India in international affairs, appointing ambassadors and receiving foreign diplomats. All international treaties and agreements are made in the President's name, symbolizing India's sovereignty and fostering diplomatic relations. This role is vital for maintaining and developing India's foreign relations and international standing.

The division of powers between the Union and States, coupled with the role of the President, forms the bedrock of India's administrative framework. This structure balances central authority and state

autonomy, ensuring efficient governance while respecting the country's diversity. The President, although largely a ceremonial figure, plays a crucial role in upholding the constitutional framework and ensuring the smooth functioning of the government. By embodying the unity of the nation and exercising key constitutional powers, the President helps maintain the stability and integrity of India's-democraticsystem.

Self Check Exercise-4:

1. What is the administrative framework established by the Indian Constitution?
2. How does this framework ensure efficient and effective governance?

17.7 Summary

The constitutional context of Indian administration is rooted in the Indian Constitution, which establishes India as a sovereign, socialist, secular, and democratic republic. It lays down the framework for the organization, powers, and functions of various organs of the government at the central and state levels. Key aspects include the division of powers between the central and state governments through the Union, State, and Concurrent Lists in the Seventh Schedule, ensuring a federal structure with a strong unitary bias.

17.8 Glossary

- Constitution: A body of fundamental principles according to which a state is acknowledged to be governed.
- Fundamental Rights: Basic human rights guaranteed by the Constitution.
- Directive Principles: Guidelines for the framing of laws by the government, aiming at the establishment of a just society.

17.9 Answers to Self Check Exercises

Self-check Exercise-1

Refer to section

17.3

Self-check Exercise-2

Refer to section

17.4

Self-check Exercise-3

Refer to section

17.5

Self-check Exercise-4

Refer to section

17.6

17.10References/Suggested Readings

- Granville Austin: "The Indian Constitution: Cornerstone of a Nation"
- Durga Das Basu: "Introduction to the Constitution of India"
- M.P. Jain: "Indian Constitutional Law"

17.11 Terminal Questions

- Discuss the significance of the Indian Constitution in shaping the administrative framework of the country.

- How do Fundamental Rights and Directive Principles complement each other in the Indian Constitution?
- Analyze the role of the judiciary in maintaining the balance between Fundamental Rights and Directive Principles.
- Explain the federal structure of the Indian Constitution and its impact on administration.

Unit 18: Prime Minister's Office (PMO)

Structure

18.1 Introduction

18.2 Learning Objectives

18.3 Interaction with Ministries and Agencies

Self Check Exercise-1

18.4 Functions and Responsibilities

Self Check Exercise-2

18.5 Summary

18.6 Glossary

18.7 Answer to Self Check Exercises

18.8 Reference/Suggested Readings

18.9 Terminal Questions

18.1 Introduction

The Prime Minister's Office (PMO) stands as a symbol of power and influence within India's administrative hierarchy, representing the apex of governmental authority and decision-making. Situated at the heart of the executive branch, the PMO plays a pivotal role in coordinating and directing the multifaceted operations of the government, thereby exerting a profound impact on the nation's governance landscape.

At its core, the PMO serves as a nerve center where critical decisions are made, policies are formulated, and strategic initiatives are devised. It acts as a hub of activity, bringing together top officials, advisors, and experts to deliberate on matters of national importance. This centralization of authority within the PMO endows it with unparalleled influence, allowing it to shape the direction and priorities of the government.

The significance of the PMO stems from its broad mandate and extensive reach across various spheres of governance. It serves as the primary interface between the Prime Minister and key stakeholders, including government ministries, departments, and agencies. Through its robust communication channels and liaison mechanisms, the PMO ensures seamless coordination and coherence in the implementation of government policies and programs.

Moreover, the PMO's pivotal position at the intersection of political, administrative, and strategic domains amplifies its impact on national decision-making. It acts as a conduit through which the Prime Minister exercises executive authority, marshaling resources, and mobilizing support to advance the government's agenda. Whether it's charting the course of economic reform, addressing national security challenges, or spearheading social initiatives, the PMO plays a central role in shaping the nation's trajectory.

18.2 Learning Objectives

By the end of this chapter, you should be able to:

- Understand the significance of the Prime Minister's Office (PMO) in the governance structure.
- Describe how the PMO interacts with various ministries and agencies.
- Explain the key functions and responsibilities of the PMO.

18.3 Interaction with Ministries and Agencies:

Within the intricate web of India's governance structure, the Prime Minister's Office (PMO) emerges as a vital hub of interaction, fostering seamless communication and collaboration between the Prime Minister and the myriad ministries, departments, and agencies of the government. Through its expansive network and robust liaison mechanisms, the PMO serves as a linchpin, facilitating cohesive engagement and alignment with the Prime Minister's vision and agenda.

At the heart of its functioning lies the imperative of maintaining close interaction and coordination with diverse stakeholders across the governmental spectrum. Through regular dialogue and engagement, the PMO remains attuned to the pulse of the administration, staying abreast of developments, challenges, and opportunities across various sectors and domains. This proactive

engagement enables the PMO to gather insights, perspectives, and feedback from different quarters, enriching the decision-making process with diverse viewpoints and expertise.

Moreover, the PMO's role as a conduit for communication and coordination enables it to provide strategic direction and guidance to the government's initiatives and policies. By serving as a central point of contact, the PMO streamlines information flow, facilitates decision-making, and fosters synergies among different arms of the government. This ensures coherence and consistency in the implementation of policies and programs, aligning them with the overarching objectives set forth by the Prime Minister.

Furthermore, the PMO's extensive network and liaison mechanisms empower it to act as a catalyst for innovation and reform across the government. By fostering cross-functional collaboration and knowledge sharing, the PMO encourages the exchange of best practices, ideas, and initiatives, driving continuous improvement and evolution within the administration.

In essence, the PMO's role as a pivotal point of interaction is instrumental in promoting coherence, efficiency, and effectiveness within the government machinery. Through its extensive reach, proactive engagement, and strategic guidance, the PMO serves as a beacon of leadership, steering the nation towards progress and prosperity in alignment with the Prime Minister's vision and priorities.

Self Check Exercise-1:

1. Describe the nature of interactions between the PMO and various ministries and agencies.
2. How does the PMO coordinate and facilitate the implementation of government policies?

18.4 Functions and Responsibilities

Certainly, the Prime Minister's Office (PMO) is vested with a broad array of functions and responsibilities that are central to the effective functioning of the executive branch and the governance machinery of the nation. Serving as the nerve center of executive authority, the PMO plays a pivotal role in shaping and steering the nation's governance agenda, providing strategic direction, and driving transformative change across various sectors. Let's delve into the key functions and responsibilities undertaken by the PMO:

Policy Formulation: The PMO plays a critical role in the formulation of policies across a wide spectrum of areas, ranging from economic development and social welfare to national security and foreign affairs. By coordinating with ministries, departments, and expert committees, the PMO assists in drafting policy frameworks, identifying priorities, and setting strategic objectives in alignment with the government's vision and priorities.

Policy Implementation and Monitoring: Once policies are formulated, the PMO assumes the responsibility of overseeing their implementation and monitoring their progress. Through rigorous monitoring mechanisms and performance metrics, the PMO tracks the implementation of key initiatives, evaluates their impact, and ensures timely execution to achieve desired outcomes. This involves regular review meetings, performance assessments, and course corrections as necessary to address challenges and ensure effective delivery of services and benefits to the citizens.

Advisory and Administrative Support: The PMO provides advisory and administrative support to the Prime Minister and the Council of Ministers in carrying out their duties and responsibilities effectively. It serves as a repository of expertise, offering strategic advice, policy analysis, and research support on complex issues and challenges facing the government. Additionally, the PMO coordinates inter-ministerial consultations, facilitates decision-making processes, and liaises with various stakeholders to ensure coherence and alignment in policy formulation and execution.

Crisis Management and Decision-Making: During times of crisis or emergencies, the PMO assumes a leadership role in coordinating the government's response and mobilizing resources to address the situation effectively. It serves as a central command center, orchestrating crisis management efforts, coordinating with relevant agencies, and providing strategic guidance to ensure a swift and effective response. Moreover, the PMO plays a key role in facilitating decision-making processes within the government, convening meetings, facilitating discussions, and providing inputs to enable informed decision-making by the Prime Minister and the Cabinet.

International Relations and Diplomacy: The PMO plays a crucial role in shaping India's foreign policy and diplomacy, representing the country's interests on the global stage. It oversees bilateral and multilateral engagements, coordinates high-level visits and summits, and provides strategic direction to India's diplomatic initiatives. Additionally, the PMO facilitates communication and coordination with foreign governments and international organizations, fostering strategic

partnerships and advancing India's interests in areas such as trade, security, and development cooperation.

In essence, the Prime Minister's Office (PMO) serves as the nerve center of executive authority, playing a pivotal role in shaping and driving the nation's governance agenda. Through its multifaceted functions and responsibilities, the PMO provides strategic direction, coordinates policy formulation and implementation, facilitates decision-making processes, and represents India's interests on the global stage. By leveraging its expertise, influence, and network, the PMO contributes significantly to advancing the government's vision of inclusive growth, development, and prosperity for all citizens.

Policy Implementation and Monitoring:

One of the primary functions of the PMO is to oversee the implementation of government policies and programs. Through strategic planning, coordination, and monitoring mechanisms, it ensures the effective execution of key initiatives and projects across ministries and departments. By closely monitoring progress, identifying bottlenecks, and providing timely interventions, the PMO facilitates the achievement of policy objectives and the delivery of tangible outcomes for the benefit of the citizens.

Advisory and Administrative Support:

Certainly, the Prime Minister's Office (PMO) serves as the cornerstone of executive authority, providing indispensable support and guidance to the Prime Minister in navigating the complexities of governance and leadership. As a trusted advisor, the PMO offers strategic counsel, expert insights, and policy recommendations across a diverse array of issues, ranging from economic policy and national security to social welfare and international relations. Leveraging its analytical prowess, the PMO conducts in-depth research, synthesizes information, and presents comprehensive analyses to assist the Prime Minister in making well-informed decisions that align with the nation's interests and aspirations.

Moreover, the PMO plays a pivotal role in providing administrative support to the Prime Minister, ensuring the efficient management of his schedule, correspondence, and official engagements. By overseeing logistical arrangements and coordinating with relevant stakeholders, the PMO enables the Prime Minister to focus his energies on critical policy matters, strategic initiatives, and

leadership responsibilities. This administrative support allows the Prime Minister to engage effectively with domestic and international stakeholders, represent the country's interests on the global stage, and steer the nation's governance agenda towards sustainable development and inclusive growth.

In essence, the Prime Minister's Office (PMO) embodies the epitome of executive leadership, wielding immense influence and responsibility in shaping the course of the nation's governance. Through its strategic vision, proactive leadership, and unwavering commitment to service, the PMO serves as a catalyst for progress, driving transformative change, and advancing the welfare of its citizens. With its dedication to excellence, integrity, and innovation, the PMO continues to uphold the highest standards of governance, ensuring that India's journey towards prosperity and development remains steadfast and resolute.

Self Check Exercise-2:

1. What are the primary functions and responsibilities of the PMO?
2. How does the PMO ensure effective governance and administration?

18.5 Summary

The PMO serves as a nerve center where critical decisions are made, policies are formulated, and strategic initiatives are devised. It acts as a hub of activity, bringing together top officials, advisors, and experts to deliberate on matters of national importance. This centralization of authority within the PMO endows it with unparalleled influence, allowing it to shape the direction and priorities of the government.

18.6 Glossary

- PMO: Prime Minister's Office, the central office that supports the Prime Minister in their duties.
- Policy formulation: The process of creating strategies and plans to address specific issues.
- Crisis management: The methods employed to handle emergencies and critical situations.

18.7 Answer to Self Check Exercises

Self-check Exercise-1

Refer to section

18.3

Self-check Exercise-2

Refer to section

18.4

18.8References/Suggested Readings

- "The Prime Minister's Office in Central Governments" by S. R. Maheshwari.
- "Public Administration: Concepts and Cases" by Richard J. Stillman II.
- Articles on the role of the PMO in governance from scholarly journals such as Public Administration Review.

18.9 Terminal Questions

- Discuss the importance of the PMO in ensuring effective governance.
- How does the PMO contribute to policy formulation and implementation?
- Analyze the role of the PMO in crisis management and public communication.

Unit 19: Ministry of Home Affairs

Structure

- 19.2 Introduction
- 19.2 Learning Objectives
- 19.3 Responsibilities in Internal Security and Law & Order
 - Self Check Exercise-1
- 19.4 Disaster Management
 - Self Check Exercise-2
- 19.5 Central Police and Paramilitary Forces
 - Self Check Exercise -3
- 19.6 Summary
- 19.7 Glossary
- 19.8 Answer to Self Check Exercises
- 19.9 References/ Suggested Readings
- 19.10 Terminal Questions

19.1 Introduction

The Ministry of Home Affairs (MHA) in India serves as a cornerstone of the nation's administrative apparatus, entrusted with multifaceted responsibilities crucial for the nation's security, stability, and well-being. As one of the pivotal ministries under the Government of India, the MHA assumes a paramount role in safeguarding the country's integrity, ensuring public safety, and enhancing resilience against a myriad of threats and challenges.

One of the primary responsibilities of the MHA is to ensure internal security throughout the nation. This encompasses devising comprehensive strategies, policies, and frameworks aimed at addressing

diverse security threats, including terrorism, insurgency, organized crime, and cyber threats. The ministry collaborates closely with various law enforcement agencies, intelligence organizations, and state governments to formulate proactive measures and undertake coordinated actions to thwart potential security risks and maintain law and order across the country.

Moreover, the MHA is at the forefront of managing disaster response and mitigation efforts, particularly during natural calamities and emergencies. Through its disaster management division, the ministry orchestrates preparedness, response, and recovery efforts in collaboration with state governments, local authorities, and other stakeholders. It plays a pivotal role in coordinating rescue operations, providing relief assistance, and facilitating rehabilitation measures to mitigate the impact of disasters on affected communities and restore normalcy in the aftermath of crises.

In addition to its core functions related to security and disaster management, the MHA also oversees critical aspects such as border security, immigration, citizenship, and civil defense. It formulates policies, implements initiatives, and deploys resources to safeguard India's territorial integrity, manage border areas effectively, and address challenges arising from illegal immigration, transnational crime, and cross-border threats. Furthermore, the ministry is actively engaged in promoting civil defense preparedness, enhancing emergency response capabilities, and fostering community resilience to mitigate the impact of potential threats and emergencies.

Overall, the Ministry of Home Affairs plays an indispensable role in upholding the nation's security, ensuring public safety, and bolstering resilience in the face of evolving threats and challenges. Through its proactive approach, strategic interventions, and collaborative endeavors, the ministry continues to uphold its mandate of safeguarding the nation's integrity and promoting the well-being of its citizens, thereby contributing significantly to India's progress and prosperity.

19.2 Learning Objectives

By the end of this chapter, you should be able to:

- Understand the overall structure and functions of the Ministry of Home Affairs.
- Describe the responsibilities of the Ministry in maintaining internal security and law and order.
- Explain the role of the Ministry in disaster management.
- Understand the functions of central police and paramilitary forces under the Ministry.

19.3 Responsibilities in Internal Security and Law & Order

The Ministry of Home Affairs (MHA) in India serves as the linchpin in the formulation and implementation of policies pertaining to internal security, law enforcement, and border management. It shoulders the crucial responsibility of safeguarding the nation's sovereignty, territorial integrity, and public safety by orchestrating a range of initiatives and strategies aimed at addressing diverse security challenges and threats.

One of the primary functions of the MHA is to oversee the functioning of various law enforcement agencies operating across the country. This includes state police forces, specialized investigative agencies, and paramilitary forces tasked with maintaining law and order, combating crime, and ensuring public safety. The ministry plays a pivotal role in coordinating the efforts of these agencies, fostering synergy, and facilitating collaboration to effectively address emerging security threats, including terrorism, insurgency, organized crime, and cybercrime.

Moreover, the MHA assumes a pivotal role in addressing issues related to border security, immigration, and citizenship, thereby ensuring the integrity of India's territorial boundaries and safeguarding national sovereignty. The ministry formulates comprehensive policies, deploys resources, and implements measures aimed at bolstering border management, preventing illegal infiltration, and countering transnational threats. It works closely with border security forces, such as the Border Security Force (BSF), to enhance surveillance, fortify border infrastructure, and deter illicit activities along India's borders.

Additionally, the MHA is actively involved in disaster management and emergency response efforts, leveraging its resources and expertise to mitigate the impact of natural calamities, humanitarian crises, and man-made disasters. The ministry coordinates relief operations, mobilizes resources, and provides assistance to affected populations, thereby ensuring a swift and effective response to emergencies and facilitating the restoration of normalcy in affected areas.

Overall, the Ministry of Home Affairs plays a pivotal role in ensuring internal security, law enforcement, and border management across the country. Through its proactive approach, strategic interventions, and collaborative endeavors, the ministry continues to uphold its mandate of safeguarding the nation's integrity, promoting public safety, and enhancing resilience against emerging security threats and challenges.

Self Check Exercise-1:

1. What role does the Ministry of Home Affairs play in maintaining internal security and law and order?
2. How does the Ministry coordinate with state governments to ensure law and order?

19.4 Disaster Management

Indeed, the Ministry of Home Affairs (MHA) in India not only plays a pivotal role in maintaining internal security and law enforcement but also assumes a crucial responsibility in disaster management and emergency response. Recognizing the multifaceted nature of modern security challenges, the MHA has evolved to address a wide spectrum of threats, including those posed by natural calamities and humanitarian crises.

As part of its mandate in disaster management, the MHA coordinates and facilitates disaster preparedness, mitigation, and relief efforts across different states and union territories. It works in close collaboration with various governmental and non-governmental agencies, as well as international organizations, to ensure a coordinated and effective response to disasters of varying magnitudes. Through its extensive network and expertise, the ministry plays a crucial role in enhancing the nation's resilience and ability to withstand and recover from disasters.

One of the key functions of the MHA in disaster management is the formulation of policies and guidelines aimed at disaster risk reduction, capacity building, and post-disaster rehabilitation. These policies encompass a range of measures designed to enhance preparedness, including the development of early warning systems, the establishment of emergency response mechanisms, and the training of personnel in disaster response and management. Additionally, the ministry works towards strengthening infrastructure, improving community resilience, and mainstreaming disaster risk reduction into development planning processes.

During times of crisis, the MHA acts as a central coordinating authority, mobilizing resources, deploying personnel, and coordinating relief operations to ensure timely and effective assistance to affected populations. It plays a crucial role in orchestrating the logistics of disaster response, including the provision of essential supplies, medical aid, and temporary shelter to those in need. Moreover, the ministry works towards the restoration of essential services, infrastructure, and livelihoods in the aftermath of disasters, facilitating the recovery and rehabilitation of affected communities.

Overall, the Ministry of Home Affairs plays a pivotal role in disaster management and emergency response, working tirelessly to minimize the impact of disasters and safeguard the lives and livelihoods of the population. Through its proactive approach, strategic interventions, and collaborative efforts, the ministry continues to enhance the nation's resilience and ability to respond effectively to emergencies, thereby ensuring the well-being and security of the people.

Self Check Exercise-2:

1. Describe the responsibilities of the Ministry of Home Affairs in disaster management.
2. How does the Ministry's disaster management role impact national preparedness and response to emergencies?

19.5 Central Police and Paramilitary Forces

Structure and Roles:

The MHA oversees several central police and paramilitary forces that play a crucial role in maintaining law and order, combating insurgency, and safeguarding national security. These forces include the Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), and National Investigation Agency (NIA), among others.

The Ministry of Home Affairs (MHA) oversees a diverse array of central police and paramilitary forces that form the backbone of India's law enforcement and security apparatus. These forces are tasked with upholding law and order, combating terrorism and insurgency, protecting India's borders, and ensuring the safety and security of its citizens. Among the notable central police and

paramilitary forces under the purview of the MHA are the Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), and National Investigation Agency (NIA).

Border Security Force (BSF): The BSF is responsible for guarding India's borders with neighboring countries, including Pakistan and Bangladesh. It plays a crucial role in preventing illegal immigration, cross-border smuggling, and infiltration by hostile elements. The BSF is also involved in counter-terrorism operations along the border areas and provides assistance to the local population in times of natural disasters and emergencies.

Central Industrial Security Force (CISF): The CISF is responsible for providing security to critical infrastructure and key installations across various sectors, including airports, seaports, nuclear power plants, and government buildings. It also provides security to major public sector enterprises and undertakings, as well as vital transportation hubs such as metro networks and railway stations. The CISF is known for its expertise in counter-terrorism, bomb detection, and VIP protection.

National Investigation Agency (NIA): The NIA is India's premier counter-terrorism agency, tasked with investigating and prosecuting terrorism-related offenses across the country. It has jurisdiction over cases involving terrorist activities, organized crime, and other threats to national security. The NIA works closely with other law enforcement agencies, intelligence agencies, and international partners to disrupt terrorist networks and prevent terrorist attacks.

These central police and paramilitary forces, along with other specialized units under the MHA, collectively contribute to safeguarding India's internal security, maintaining law and order, and protecting its borders. Through their dedicated efforts, professionalism, and commitment to duty, they play a crucial role in ensuring the safety and security of the nation and its citizens.

Central Reserve Police Force (CRPF): The CRPF is one of the largest paramilitary forces in the world and serves as the primary internal security force of India. It is deployed for a wide range of duties, including counter-terrorism operations, maintaining law and order during civil disturbances, and assisting state police forces in tackling insurgency and Maoist extremism. The CRPF also plays a crucial role in providing security during elections and safeguarding vital installations and infrastructure.

The CRPF is the largest paramilitary force in the world, tasked with maintaining internal security and assisting state police forces in maintaining law and order, counterinsurgency operations, and counterterrorism efforts. The BSF is responsible for guarding India's borders with Pakistan and Bangladesh, preventing illegal immigration and transnational crimes, and ensuring the security of border areas. The CISF is tasked with providing security to vital installations, including airports, seaports, and nuclear power plants, as well as providing security to private sector enterprises. The NIA is responsible for investigating and prosecuting offenses related to terrorism, insurgency, and other transnational crimes, with a focus on ensuring national security and combating terrorism.

Role in National Security:

These central police and paramilitary forces play a critical role in safeguarding national security and maintaining internal stability. They are deployed in various conflict zones, border areas, and insurgency-affected regions to address security threats and uphold the rule of law. Additionally, they provide assistance to state governments during times of crisis, such as natural disasters and civil unrest, ensuring the safety and security of citizens and maintaining public order.

These central police and paramilitary forces are the frontline defenders of India's internal security and stability. Deployed in various conflict zones, border areas, and insurgency-affected regions, they play a crucial role in addressing security threats and maintaining the rule of law. Their presence and proactive engagement deter criminal activities, terrorist incidents, and acts of insurgency, thereby safeguarding the lives and property of citizens.

Moreover, these forces provide invaluable support to state governments during times of crisis, such as natural disasters and civil unrest. They swiftly mobilize resources, personnel, and expertise to assist in rescue and relief operations, ensuring the safety and well-being of affected populations. Their prompt response and coordinated efforts help restore normalcy and maintain public order in the face of adversity.

The Ministry of Home Affairs and its associated central police and paramilitary forces are indispensable pillars of India's security architecture. Through their unwavering commitment, professionalism, and dedication to duty, they uphold the nation's sovereignty, integrity, and internal

stability. Their tireless efforts contribute significantly to the safety, security, and prosperity of the nation and its citizens, reaffirming their crucial role in safeguarding India's national interests and upholding its democratic values.

Self Check Exercise-3:

1. What are the main functions of the central police and paramilitary forces under the Ministry of Home Affairs?
2. How do these forces support the Ministry in maintaining internal security and responding to crises?

19.6 Summary

In summary, the Ministry of Home Affairs and its associated central police and paramilitary forces play a pivotal role in ensuring internal security, maintaining law and order, and safeguarding national sovereignty and integrity. Through their concerted efforts and unwavering commitment to duty, they contribute significantly to the safety, security, and well-being of the nation and its citizens.

19.7 Glossary

- **Internal Security:** Protection against internal threats like terrorism, insurgency, and civil unrest.
- **Disaster Management:** Strategies and measures for preparing, responding, and recovering from natural and man-made disasters.
- **Paramilitary Forces:** Semi-militarized forces whose organizational structure, training, and function are similar to those of professional military, but who are not part of a country's formal armed forces.

19.8 Answers to Self-Check Exercises

Self-check Exercise-1

Refer to section

19.3

Self-check Exercise-2

Refer to section

19.4

Self-check Exercise-3

Refer to section

19.5

19.9 References/Suggested Readings

- "Internal Security and Disaster Management" by M. R. Mishra.
- "Indian Administration" by S. R. Maheshwari.
- Articles on internal security and disaster management from scholarly journals such as the Journal of Homeland Security and Emergency Management.

19.10 Terminal Questions

1. Discuss the importance of the Ministry of Home Affairs in maintaining internal security.
2. How does the Ministry of Home Affairs manage disaster response and preparedness?
3. Analyze the role and functions of central police

Unit 20: Centre-State Relations

Structure

20.1 Introduction

20.2 Learning Objectives

20.3 The Constitution divides legislative powers into three lists

Self Check Exercise-1

20.4 Mechanisms for Cooperation

Self Check Exercise-2

20.5 Coordination and Support

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20.9 Summary

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20.11 Answer to Self Check Exercises

20.12 References/Suggested Readings

20.13 Terminal Questions

20.1 Legislative Relations

Legislative relations in India encompass the dynamic interplay between the central government and the state governments in the process of lawmaking and governance. These relations are governed by the principles and provisions outlined in the Indian Constitution, which delineates the distribution of legislative powers between the Union (central government) and the states.

20.2 Learning Objectives

By the end of this chapter, you should be able to:

- Understand the legislative relations between the central and state governments.
- Describe the division of legislative powers as outlined in the Constitution.
- Identify the mechanisms for cooperation between the centre and the states.
- Discuss the coordination and support frameworks in place.
- Analyze the challenges in centre-state relations and potential solutions.
- Learn about the recommendations of the Sarkaria and Punchhi Commissions

20.3 The Constitution divides legislative powers into three lists:

Union List: This list includes subjects on which only the central government has the authority to legislate. It comprises matters of national significance and importance, such as defense, foreign

affairs, currency, atomic energy, telecommunications, and interstate trade and commerce. The Union List consists of 100 items, reflecting the central government's jurisdiction over crucial aspects of governance that require uniformity and consistency across the country.

State List: The State List enumerates subjects on which only the state governments possess the legislative authority. It covers matters pertaining to local governance, state-specific issues, and the welfare of citizens within the respective states. Examples of subjects included in the State List are police, public health, agriculture, irrigation, land, local government, and public order. With 61 items, the State List empowers state governments to enact laws tailored to the unique needs and circumstances of their regions.

Concurrent List: The Concurrent List contains subjects on which both the central government and state governments have concurrent legislative jurisdiction. This means that both levels of government can enact laws on these subjects, but in the event of a conflict between a central law and a state law on a concurrent subject, the central law prevails. The Concurrent List covers areas that require coordinated efforts and shared responsibility between the central and state governments, such as criminal law, marriage and divorce, bankruptcy, education, and forests. With 52 items, the Concurrent List facilitates cooperative federalism and ensures synergy in legislation across different tiers of governance.

Legislative relations between the Union and the states are characterized by a delicate balance between central authority and state autonomy. While the central government has exclusive authority over certain subjects listed in the Union List, state governments exercise legislative powers over subjects listed in the State List. Concurrent subjects allow for concurrent legislation by both levels of government, fostering cooperation and coordination.

Mechanisms for cooperation between the Union and the states include intergovernmental forums, such as the Inter-State Council, and cooperative federalism initiatives aimed at addressing shared challenges and promoting balanced development across the country. Additionally, constitutional provisions such as Article 256, which mandates that states comply with laws made by Parliament and executive directions issued by the President, ensure coordination and adherence to the constitutional framework.

Overall, legislative relations between the Union and the states form the cornerstone of India's federal structure, embodying the principles of cooperative federalism and ensuring effective governance while respecting the diversity and autonomy of the states.

Self Check Exercise-1:

1. Describe the three lists into which legislative powers are divided by the Indian Constitution.
2. How do these lists allocate powers between the Union and States?

20.4 Mechanisms for Cooperation

To facilitate cooperation between the central and state governments, several mechanisms have been established:

The Inter-State Council, Zonal Councils, and the National Development Council (NDC) are significant mechanisms in India's federal governance framework, aimed at promoting cooperation, coordination, and consensus-building among the central government and the states. These bodies serve as platforms for dialogue, consultation, and decision-making on matters of mutual interest and national importance.

Inter-State Council:

- The Inter-State Council is a constitutional body established under Article 263 of the Indian Constitution to facilitate interaction and collaboration between the Union and the states.
- Its primary objective is to address inter-state disputes, resolve conflicts, and promote harmonious relations among states.
- The Council consists of the Prime Minister, Chief Ministers of all states, Union Cabinet Ministers, and other members as specified by the President.
- It convenes meetings to discuss issues related to economic planning, social development, security, infrastructure, and other areas of common concern.

By providing a platform for dialogue and cooperation, the Inter-State Council contributes to the effective functioning of India's federal structure and the resolution of inter-state conflicts.

Zonal Councils:

- Zonal Councils are regional bodies established to promote cooperation and coordination among states and union territories grouped into five zones: Northern, Central, Eastern, Western, and Southern.
- Each Zonal Council comprises the Chief Ministers of the states and Union Territories in the respective zone, along with Union Ministers as members.
- These councils serve as forums for discussing and resolving issues of regional importance, such as economic planning, infrastructure development, tourism, and cultural exchange.

By fostering collaboration among neighboring states and facilitating the exchange of ideas and best practices, Zonal Councils contribute to regional development and integration.

National Development Council (NDC):

- The National Development Council is a high-level body chaired by the Prime Minister and includes Chief Ministers of all states, Union Cabinet Ministers, and other members.
- It serves as a platform for deliberating on national development plans, policies, and strategies.
- The NDC plays a crucial role in formulating Five-Year Plans, allocating resources, and prioritizing development initiatives to address the country's socio-economic challenges.

By providing a forum for consensus-building and policy coordination between the Centre and the states, the NDC ensures that development efforts are aligned with national priorities and objectives.

In summary, the Inter-State Council, Zonal Councils, and the National Development Council are integral components of India's federal governance architecture, facilitating cooperation, coordination, and consensus-building among different tiers of government. These bodies contribute to the effective functioning of India's federal system by promoting dialogue, resolving disputes, and advancing shared goals of development and progress.

Self Check Exercise-2:

1. What are the mechanisms available for cooperation between the Union and States in legislative matters?
2. How do these mechanisms promote harmonious relations and effective governance?

19.5 Coordination and Support

Administrative relations between the Centre and states are crucial for ensuring effective governance and service delivery across the country. Several mechanisms are in place to facilitate coordination and support between the two levels of government:

Interstate Council Secretariat: The Interstate Council Secretariat serves as the administrative arm of the Interstate Council, facilitating communication, organizing meetings, and assisting in the implementation of decisions made by the council. It acts as a focal point for coordinating interactions between the Centre and states on various matters of mutual interest.

Central Assistance to States: The central government provides financial and technical assistance to states through various schemes and programs aimed at addressing socio-economic challenges. These initiatives encompass infrastructure development, poverty alleviation, healthcare, education, rural development, and other priority areas. Central assistance plays a crucial role in augmenting the states' resources and capabilities to meet the diverse needs of their populations.

Administrative Reforms: Both the central and state governments undertake administrative reforms to streamline processes, improve service delivery, and enhance governance effectiveness. These reforms encompass measures such as simplifying procedures, digitizing services, decentralizing decision-making, and promoting transparency and accountability in administration. By modernizing administrative practices, governments aim to ensure efficient and responsive governance at all levels.

Self Check Exercise-3:

1. How does the Union government coordinate and support legislative activities with the States?
2. What role do intergovernmental forums play in facilitating coordination?

19.6 Challenges and Solutions:

Despite the presence of mechanisms for cooperation, Centre-State relations face several challenges that can hinder effective coordination and collaboration:

Political Differences: Political differences between the ruling parties at the Centre and in states can sometimes lead to conflicts and disagreements, impeding cooperation on critical issues. Building consensus and fostering dialogue are essential for overcoming political barriers and promoting constructive engagement between governments.

Fiscal Imbalance: Fiscal imbalances between the Centre and states, coupled with disparities in resource allocation and financial autonomy, pose challenges to Centre-State relations. Addressing these imbalances requires equitable distribution of resources, fiscal federalism reforms, and enhanced coordination in financial management.

Administrative Bottlenecks: Administrative bottlenecks, bureaucratic red tape, and delays in decision-making can create obstacles in Centre-State relations. Streamlining administrative processes, reducing procedural complexities, and promoting efficiency in governance are essential for overcoming these challenges and ensuring smooth coordination between governments.

To address these challenges, it is imperative to foster a spirit of mutual respect, trust, and cooperation between the Centre and states. Regular dialogue, consensus-building, adherence to constitutional principles, and respect for federalism are crucial for maintaining harmonious Centre-State relations and promoting the overall welfare of the nation.

The Sarkaria Commission, active from 1983 to 1987, and the Punchhi Commission, operational from 2005 to 2010, were pivotal in examining and proposing measures to enhance Centre-State relations in India. These commissions offered significant recommendations aimed at fortifying federal principles, fostering cooperative federalism, and addressing regional aspirations:

Self Check Exercise-4:

1. Identify three challenges in legislative relations between the Union and States.
2. What solutions can be proposed to address these challenges and improve cooperation?

20.7 Sarkaria Commission

Enhanced Role of Governors: The Sarkaria Commission proposed measures to empower Governors in states, suggesting guidelines for their appointment, removal, and discretionary powers. It aimed to ensure Governors acted as impartial arbiters in Centre-State relations, promoting fairness and neutrality in governance.

Promotion of Cooperative Federalism: One of the key recommendations of the Sarkaria Commission was the establishment of a permanent Inter-State Council. This council was envisioned as a platform for fostering cooperation, dialogue, and consensus-building among states and the Centre on issues of national importance.

Pending Implementation: While some recommendations of the Sarkaria Commission were implemented, such as those related to Governors' roles, others remained pending due to various factors, including political considerations and bureaucratic inertia. The incomplete implementation highlighted the need for continued efforts to realize the commission's objectives fully.

Self Check Exercise-5:

1. What were the key recommendations of the Sarkaria Commission regarding center-state relations?
2. How have these recommendations influenced legislative cooperation and governance in India?

20.8Punchhi Commission

Asymmetrical Federalism: The Punchhi Commission delved into the concept of asymmetrical federalism, recognizing the diverse needs and aspirations of different states and regions. It recommended accommodating these diversities through flexible governance structures and special provisions tailored to specific circumstances.

Center-State Financial Relations: Addressing fiscal imbalances and disparities, the Punchhi Commission proposed measures to enhance states' financial autonomy, rationalize resource allocation, and ensure equitable distribution of resources between the Centre and states.

Role of Governors: The commission examined the evolving role of Governors in the federal framework and suggested measures to strengthen their constitutional authority while preserving the spirit of federalism. It emphasized the importance of Governors as constitutional heads of states and guardians of the federal structure.

Incomplete Implementation: Despite its comprehensive recommendations, the Punchhi Commission's proposals have not been fully implemented, reflecting challenges in consensus-building and political will. The incomplete implementation underscores the need for sustained efforts and commitment from all stakeholders to address the complexities inherent in India's federal system.

Self Check Exercise-6:

1. Describe the focus areas and recommendations of the Punchhi Commission on center-state relations.

2. How does the Punchhi Commission's report contribute to strengthening federal governance in India?

20.9 Summary

In Summary, the reports of the Sarkaria and Punchhi Commissions have contributed significantly to the discourse on Centre-State relations in India. While some recommendations have been acted upon, others await realization, highlighting the ongoing need for dialogue, consensus-building, and concerted efforts to strengthen cooperative federalism and address the diverse needs of India's states and regions.

20.10 Glossary

- Union List: Subjects under the exclusive legislative authority of the central government.
- State List: Subjects under the exclusive legislative authority of state governments.
- Concurrent List: Subjects on which both the centre and states can legislate.
- Inter-State Council: A constitutional body for facilitating centre-state coordination.

20.11 Answer to Self Check Exercises

Self-check Exercise-1

Refer to section

20.3

Self-check Exercise-2

Refer to section

20.4

Self-check Exercise-3

Refer to section

20.5

Self-check Exercise-4

Refer to section

20.6

Self-check Exercise-5

Refer to section

20.7

Self-check Exercise-6

Refer to section

20.8

20.12References/Suggested Readings

- "Indian Government and Politics" by B.L. Fadia and Kuldeep Fadia.
- "Federalism and Governance in India" edited by Rekha Saxena.
- Reports and publications by the Sarkaria and Punchhi Commissions.

20.13 Terminal Questions

- Discuss the importance of legislative relations in the context of centre-state dynamics.
- How do the mechanisms for cooperation help in resolving centre-state conflicts?
- Evaluate the recommendations of the Sarkaria and Punchhi Commissions in improving centre-state relations