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B.A. [Public Administration]

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INDIAN ADMINISTRATION

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INTRODUCTION

NOTES

In about the 4,000-year-long administrative history of India, three imperial and unitary types of administrative systems, namely the Mauryan, the Mughal and the British are supposed to be the greatest landmarks in the evolution of Indian administrative system and institutions. Today's Indian administrative structure is basically a legacy of British rule. The different structural and functional features of Indian administration, such as the secretariat system, all-India services, local-self government, district administration, budgeting, auditing, police administration, revenue administration, etc., have their genesis in the British Raj.

During about 200-year long British rule, the system of public administration passed through various stages of improvements owing to the continuous efforts of the people until it was completely Indianized after Independence. The major landmarks that laid down the legal framework for the organization and functioning of administration were the Government of India Act, 1858; the Indian Councils Act, 1861; the Indian Councils Act, 1892; the Indian Councils Act (also referred to as Morley–Minto Reforms), 1909; the Government of India Act (also referred to as Montague–Chelmsford Reforms), 1919; the Government of India Act, 1935; the Indian Independence Act, 1947; and the adoption of Indian Constitution, 1949.

With the adoption of the Constitution, independent India devised its own system of governance. According to the Constitution, India is a 'sovereign, socialist, secular, democratic republic'. The country has a federal form of government. The Union government is divided into three separate but interrelated branches, namely legislative, executive and judicial. As in the British parliamentary model, the leadership of the executive is drawn from and responsible to the legislative body, i.e., Indian Parliament.

This book, *Indian Administration*, is divided into fourteen units that follow the self-instruction mode with each unit beginning with an Introduction to the unit, followed by an outline of the Objectives. The detailed content is then presented in a simple but structured manner interspersed with Check Your Progress Questions to test the student's understanding of the topic. A Summary along with a list of Key Words and a set of Self-Assessment Questions and Exercises is also provided at the end of each unit for recapitulation.

BLOCK - I
EVOLUTION AND CONSTITUTIONAL SETTING

*Historical Administrative
Systems*

**UNIT 1 HISTORICAL
ADMINISTRATIVE
SYSTEMS**

NOTES

Structure

- 1.0 Introduction
- 1.1 Objectives
- 1.2 Kautilya Period
 - 1.2.1 Socio-Economic Changes under the Mauryan Empire
- 1.3 Mughal Period
- 1.4 British Period
- 1.5 Answers to Check Your Progress Questions
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1.0 INTRODUCTION

Administration in India dates back to the tribal system which later came to be known as the monarchical system. Our knowledge about ancient Indian administration is particularly based on ancient religious and political disquisition. Mostly all tribes in the early Vedic period used to elect their own chiefs and the chief was responsible for the welfare of the people as well as to administer the tribe. There were two assemblies- Sabha (Assembly of elders) and Samiti (Assembly of people). The chief had no form of taxation and no land holdings, so the main source of income was through wars and the loot was shared. When Kautilya wrote the *Arthashastra*, the Indian Administrative system was in the developmental stage and the disquisition of Kautilya gives detailed insight into the same. The Mauryan period is associated with major reforms in Indian Administration. Empires were divided into provinces, provinces were divided into districts, which were then further divided into rural and urban centres for effective administration.

Kautilya's *Arthashastra* is a writing on Varta (Science of Economics) & Dandaniti (Managing of State Administration) prevalent during the Mauryan rule. It is estimated to be written sometime around 300 BC. It was found in 1904 AD and was then published in 1909 AD by R. Shamasastri. *Arthashastra*'s mainly famous for its emphasis on Public welfare despite published during a period when autocracy has a stronghold. *Arthashastra* is divided into short statements called

*Self-Instructional
Material*

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Sutras covering 15 books (Adhikarnas), 150 sections, 180 chapters (prakarnas), 6000 verses (sutras).

The Mughal administration is considered to be most systematic and has a lot of influence even today. Mughals ruled for over three centuries therefore their administration was considered stable. Akbar was the ruler responsible for this system since his grandfather and father, Babur and Humayun respectively had their hands full with battles and other socio-economic involvements leaving little time for administrative activities.

Though many of Indian administrative and political features evolved after 1947 but there still are many features that we can see as a legacy of the Britishers' rule in India prevalent for the sake of their efficient practices and no other better alternative to the same till now. The Govt. Of India Act in 1919, established the All India Services replacing the imperial civil services format. This act also had provisions for setting up of Public Service Commissions in India. So, in short, the British East India Company paved the way for the British government to enter. When the Company outlived its utility, it was removed, and the British government directly entered the Indian domain.

This unit discusses the three periods in detail.

1.1 OBJECTIVES

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

- Discuss the administrative system of the Kautilya period
- Explain the salient features of the Mughal administration
- Describe the features and policies of British administration

1.2 KAUTILYA PERIOD

The Mauryas maintained a vast empire. The whole empire was divided into many provinces, which, in turn were divided into districts (towns). The lowest unit of administration was village. The Mauryas had developed a well-organized judicial, police and espionage system.

Central Administration

The central administration had the following parts:

1. **King:** The form of Mauryan kingdom was monarchical. Kautilya maintains in the *Arthashastra*: 'The king should behave like a father.' The king was expected to be an efficient warrior, descendant of a high family, an able provider of justice and a wise administrator. Megasthenes opined that the king had to be just during his leisure. The king was the commander of the army and chief justice, but his powers were not absolute. According to

Kautilya, 'The king is not one who only enjoys the kingship, but the king is one who does welfare of his subjects.'

2. **Council of ministers:** There used to be a council of ministers to provide assistance to the administrative work of the huge Mauryan Empire. The king selected only efficient people to his council. Kautilya believed that the vehicle of administration could not function on one wheel. In order to function effectively, the king had to have the council of ministers to help him administer the vast kingdom. Therefore, the king should appoint and take advice from his ministers. These ministers used to be honest, faithful and clever. Kautilya's *Arthashastra* describes about eighteen ministers with specific portfolios. Every minister used to head his department. The eighteen ministers were: Prince, Chief Minister, Commander, *Dauvarik*, *Purohit*, *Antarveshik*, Jailer, *Samaharta*, *Sannidhata*, *Pradestha*, *Nayak*, *Paur*, Chief Justice, *Karmantik*, Head of Council, *Dandpal*, *Durgpal* and *Antapal*. There used to be small committee of ministers to advise the king. Each committee consisted of ministers called *Mantrids*. According to Smith, 'The Mauryan kingdom was clearly divided into departments and minutely into category of workers whose works were defined in the absolute terms.'

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Administration of Provinces

The vast empire was divided into the following six provinces called *chakra*:

1. **Uttarapath:** This province included the cities of Gandhar, Kambhoj, Afghanistan, Kashmir and Punjab. The capital was Taxila.
2. **Madhyadesh:** This province included modern day Uttar Pradesh, Bengal and Bihar. The capital was Pataliputra.
3. **Dakshinapath:** This province included Vindhyaachal and all the states of south India. The capital was Suvarnagiri.
4. **Avantirashtra:** Kathiawad, Gujarat, Rajputana and Malwa constituted this province. The capital was Ujjain.
5. **Kalinga:** It included modern Orissa and parts of Andhra Pradesh. Its capital was Toshali.
6. **Griharajya:** It covered the capital region of the empire. Its administration was looked after by the king with the help of *Mahamatras*.

The provincial administration was efficient and well organized. Every province was divided into several commissionaires and each commissionary was further divided in districts and towns.

(i) Town administration

The town administration of the Mauryan Empire had a very special place in the ancient Indian history. Each town was under a chief called *Nagarak*. *Gop* and *Sthanik* were the officials to assist the *Nagarak*. Megasthenes' description of Pataliputra may be sited in this regard. 'This was a very big town of India. It was

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established on the banks of Ganga and Son rivers. Its length was 9 ½ miles and breadth 3 or 4 miles.' For the administration of town, there were six committees of five people each. Each committee had its work schedule. These committees were Artisan committee, Foreign committee, Population committee, Commerce committee, Trade committee and Tax committee.

(ii) Village administration

Village was the basic unit of administration, where the chief official was called *Gramik*. According to the *Arthashastra*, the senior president of *Gramik* was called *Gop* who had to look after the administration of 5–6 villages. A *Sthanik* was superior to a *Gop*. The administration of village and the quality of life of the villagers were also satisfactory. The *Gramik* used to be elected by the villagers by a show of hands.

(iii) Penal and judicial system

The Mauryas had an efficient and an effective judicial system with the king as the supreme judge. According to Kautilya, 'If the king punishes anyone wrongly, then he himself should be punished three times the same punishment.' The courts were of two kinds: *Dharmasthaniya* courts, which were equivalent to modern civil courts, and *Kantakshodhan* courts, which heard criminal matters. Apart from these two courts, the village panchayats also worked in their initial stages.

The penal system was very harsh. Big punishments were given even for small crimes. Megasthenes has written that Indians had no written laws but due to harsh penal system, death penalty was awarded even for petty crimes.

(iv) Army

The highest commander of the army was the king. The Mauryan dynasty was established on bloodshed and hardships and in order to maintain it; the same discipline was required. A huge and well-organized army was required for this purpose. Chandragupta maintained it religiously. The army was divided into six parts: Infantry, Navy, Cavalry, Chariot, Elephant riders and Services. Plini has written that the huge army was maintained by a commissioner.

There were five forts: stable fort, water fort, forest fort, hilly fort and desert fort. There were several factories for manufacturing arms and weapons. Megasthenes maintains, 'The soldiers got enough wages so that they could live life comfortably. Chandragupta with the help of powerful army succeeded in establishing the vast empire.'

(v) Police and espionage systems

The Mauryan espionage system was very efficient. Its chief official was *Mahapatra Pasarp* to whom secret agents called *Char* reported. The secret services comprised:

1. **Sansthas:** They stayed at one place and delivered secret news and consisted of students and common men.

2. **Sancharas:** They travelled from one place to another and gathered news. Apart from this, secret writing was also known.

1.2.1 Socio-Economic Changes under the Mauryan Empire

The chief source of revenue was the land. The income from the state's land was called *sita*, while the income from the farmers' land was called *bhag*. 1/6 part of a farmer's total produce was taken by the state as revenue. The income from the towns was called *durg*. People were generally affluent and behaved kindly with the have-nots.

(i) Welfare measures

The Mauryan state carried out welfare activities for the needy and cared for the holistic upliftment of people at large. The state developed transportation facilities and constructed rest houses on highways. It also arranged for shadowy trees and drinking water for travellers. Apart from these, the state also constructed hospitals for the poor.

The Mauryan administration was very well organized. The Mauryas formed a kind of administrative set up that the Gupta rulers followed in the later times. Raichaudhary opines: 'In order to unite the bits and pieces of India, to give a practical form to the ideals of the universal king and to bring this country with the rest of the world, a courageous and gallant man was needed and it was the luck of this country that very soon it got such a universal king called Chandragupta. He founded a well-organized kingdom.'

(ii) Mauryan society

The Mauryan period is famous for the organization of the society in the Indian history. The chief specialties of the social organization of this time may be discussed under the following heads:

- **Social condition:** People were happy and affluent during this period. Not only the necessities of personal life but the pleasure of social life was also available to these people.
- **Varnashram system:** The society was divided into various *varnas*. According to *Arthashastra*, the society was divided into four *varnas*: Brahmanas, Kshatriya, Vaishya and Sudra, but Megasthenes has written that the society was divided into seven castes. These castes were farmer, philosopher, *gop shikari*, labourer, kshatriya, president and minister or *sabhasad*. Once someone relinquished his profession, he was not allowed to practise the profession again. The description of seven castes by Megasthenes does not seem proper, but it was definite that the caste system had become complex. Life was divided into four *Ashramas*: *Brahmacharya*, *Grihashashram*, *Vanprasthashram* and *Sanyas*. According to Kautilya, truth, *suchita*, non-violence, compassion, forgiveness, etc., were necessary for all the *varnas*. Slavery was also in vogue.

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- **Marriage:** The basis of family life was marriage. The main reason for marriage was the production of children. Usually marriages took place within the same castes. It was considered to be a main ritual. Marriage was of eight types: *Brahma*, *Dev*, *Arya*, *Prajapatya*, *Aasur*, *Gandharv*, *Rakshas* and *Paisach*.
- **Condition of women:** The condition of women in the Mauryan age was worse as compared to the Vedic period. Sati and widow remarriage was practised. After the death of husbands, the wives happily burnt themselves on the pyre of their husbands and those who restrained from doing so were not considered respectful. Women had no individual, civil or political rights. There are also evidences of prostitution. Kautilya maintained that a prostitute gave a part of her income as tax. Women had right to basic education.
- **Sources of entertainment:** The abundance and variety of sources of entertainment reflect the affluence of the materialistic life of the common people during the Mauryan period. The chief sources of entertainment were hunting, wrestling, chariot racing, horse racing, animal fights, dance, *chaupad* and music. People celebrated many festivals.

(iii) Economic condition

The economic life during the Mauryan period had prospered abundantly. Agriculture, trade and industry developed and strengthened the economic conditions of people. The chief occupation in the Mauryan period was agriculture. The economic life was dependent on agriculture. There were three types of lands: *krista* (arable land), *akrista* (non-arable land) and *sthal* (barren land). The chief produces were wheat, rice, legume, cotton and sesame, of which a certain percentage was taken by the state as tax. Megasthenes has written that India had never experienced famine; the farmers were affluent and happy.

(iv) Religious life

The foundation of the Mauryan Empire witnessed a major transformation in religious beliefs of the Indians. In this period, Brahminical religion was in dominance. People believed in rituals promoted by the Brahmins and prayed to various Vedic gods and goddesses like Indra, Varun, Skandh, Shiv and Vishnu. Yagna and other rituals were performed for personal benefits. Buddhism became famous due to Ashoka's propagation of it. Apart from Buddhism; Jainism was also practised. One other religion which was constantly growing during this period was *Bhagwat* religion, which gave more emphasis on the complete devotion and surrender to one's own divine.

Trade and Commerce in the Mauryan Period

The Mauryan period saw an unprecedented development of trade and industries. Kautilya's accounts state that homemade silk and Chinese silk industry was quite developed during the Mauryan period. Apart from these, the industries producing metal and ivory objects were also developing. Pot makers, blacksmiths and carpenters had also diversified their profession.

(i) Commerce

Imports as well as exports were in vogue during this period. Clothes, jewellery, artefacts, scent, horses, etc., were exported. According to Greek writers, trade was carried out on land as well as sea routes. Mention of weaver and blacksmith organizations, which had political and economic powers, is also available in contemporary accounts. The foreign and inland trade got promotion from affluent industries.

(ii) Trade

The growth of agriculture and different professions gave a great fillip to trade. There was a brisk internal trade. Fa-Hein's description reveals that traders were given full freedom. They could easily move from one place to another. During this period, a good trade relation existed with foreign countries also. For internal trade, there were good means of transportation. The people carried their goods from place to place through seas and land routes. In those days, Ujjain, Banaras, Vaisali, Gaya, Prayaga, Pataliputra and Mathura were the important centres of trade. These towns were linked through a network of roads. The roads were safe, and Fa-Hien did not come across any road accident. The merchants carried their goods on bullock carts. Rivers Ganga, Krishna, Godavari and Brahamaputra were utilized for trade. Trade commodities are not known definitely but it can at least be said that it must have been carried on in cloth, wheat, spices, salt, diamonds and precious stones.

Trade through rivers proved cheap and comfortable. During this period, the ship-building industry also flourished. Tamralipti, a port in Bengal, was an important centre from where trade was carried on with the eastern countries like China, Ceylon, Java and Sumatra. In Andhra, there were many ports on the banks of rivers Godavari and Krishna. Tondai was a famous port of the Chola state. These ports not only helped trade flourish but also carried Indian culture and civilization in all parts of Asia. Ports also helped trade with western countries. There are various evidences on the basis of which it can be said that the Roman merchants used to trade through these ports. On important places, lighthouses were erected for sailors' convenience. Kalyana, Chol, Broach, Cambay were the important ports of South India through which pearls, precious stones, clothes, scents, spices, medicines, coconut and ivory were exported. Copper, tin, lead, dates and horses were other important articles of import.

Check Your Progress

1. What all qualities were expected in a king during the Mauryan period?
2. Briefly explain the structure of Council of ministers during the Mauryan period.
3. What was the condition of women during this period?

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1.3 MUGHAL PERIOD

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The early death of Sher Shah (AD 1545), and later, the Second Battle of Panipat (AD 1557), assured Mughal dominance. Their administration, known as the *Mansabdari* system, was in essence a military one because every official was expected to enroll in the army. Each officer held a *mansab*—an office of rank as well as of profit—and was obliged to supply the Emperor with a number of troops. He was also required to maintain a given quota of horses, elephants and carriages. He was paid either in cash or gifted with a *jagir*—a tract of land which he did not own but collected tax on it equivalent to his salary. The *jagir* was transferable from one *Mansabdar* to another; the office itself was not hereditary. The *Mansabdars* were directly recruited by the Emperor and were subject to his rule. The Emperor himself was an absolute ruler. Under him, there were several departments of the administration headed by the appointed officials such as the Imperial Household (*Khan-i-Saman*), the Exchequer (*Diwan*), Military Pay and Accounts (*Mir Bakshi*), the Judiciary (*Qazi*), Religious Endowments (*Sadr-us-Sudur*), and Censorship of Public Morals (*Muhtasib*). The village administration remained as it was traditionally under the headman and his subordinate watchman. In the cities, the police duties were given to the *Kotwals*, and at the district level there was the *Faujdar*. The judges followed the Quranic precepts, its previous interpretations (*fatwa*), and the ordinances of the Emperor (*qanun*). Justice was speedy and impartial, as it was meted out equally to all, including the officials.

Salient features of the mughal administration are as follows:

- (i) **Import of foreign element in administration:** The Mughals imported certain foreign elements into their administrative system. They came to India from the Central Asia where they had their own system of administration. In India, they modified the same according to the Indian traditions and setting. Thus, the Mughal administration presented a combination of India and extra-India elements. More correctly, it was a Perso-Arabic system in the Indian setting.
- (ii) **Administration based on the military system:** In its formal configuration, the Mughal government was based on the military system. For instance, it was mandatory for government officers to enroll in the army. He was given a *mansab* as the nominal commander of a certain number of horsemen, and that determined his status and pay. They were also paid by the *bakshis* or the military paymasters.
- (iii) **Despotic:** Being military in nature, the Mughal administrative system was based on centralized despotism. The king had unlimited powers and his word was the law.
- (iv) **Mixture of religion and politics:** A strong blend of religion and politics existed in the system. The king was expected to rule according to the Islamic

traditions and obey the commands of the *Ulemas*. Resultantly, as Jadunath Sarkar observes, 'a difference existed in the attitude of the emperor towards his Muslim and Hindu subjects. For the Muslims, he undertook socialistic functions but towards his non-Muslim subjects, he followed the policy of minimum interference and thus confined himself to discharging the police and revenue functions'.

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- (v) **Paper government:** The Mughal government, except, in the actual conduct of campaigns, was a *kagazi raj*, i.e., paper government. Because of the large territory, slow means of transport and communications and no political initiative left to the people, there was a multiplication of the official correspondence and the growth of massive records.
- (vi) **Police duties and revenue collection as the major function:** As regards the aims of the state, it contented itself with police duties and revenue collection. The state did not take any initiative in social progress or the economic welfare of the common man. Areas like education, health and promotion of art were largely left to a private initiative. Except for Akbar, the policy of benevolent intervention and paternal guidance was not pursued by the Mughal emperors.
- (vii) **State as an entrepreneur:** The concept of the state as an entrepreneur and the system of public corporations were firmly entrenched. The state maintained many *karkhanas* (factories) of its own in the principal cities of the Empire and produced several commodities.
- (viii) **Administration of justice and maintenance of peace:** A striking feature characterized the Mughal administration's attitude towards law and order. While the administration of justice and maintenance of peace are considered as essential functions of the modern state, during the Mughal era, however, it was left to the initiative of the local administration. Policing in the vast rural areas was done by the local *chaukidars* who were maintained by the villagers themselves. No doubt, the *faujdar* acted as the agent of the government, but the area under him was so large that he could not supervise all the villages.
- (ix) **'Parochial' self-government:** Though the administration was decentralized into the provincial and the local administrations, it would be more correct to say that the villages and small towns of the Mughal Empire enjoyed 'parochial' self-government rather than local autonomy. They had no political freedom as such and were more payers of taxes.

The Emperor

In the Mughal system of governance, the emperor enjoyed real sovereignty which was indivisible and inalienable. Within this realm, he stood supreme as the symbol of unity and preserver of peace. He actively performed all the major functions of the government. He was the head of the civil and military administrations, responsible

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for the appointment and removal of all high officials. No *farmans* could be issued without his seal. The exchequer was also not outside the royal authority and the king determined the expenditure and sources of revenue. He was in no formal way responsible or accountable to the people. But it may be said to the credit of the most Mughal emperors that they did not abuse the powers vested in them. Actually, they covered their despotism with a thick veil of paternalistic benevolence. There are accounts of the king touring the country extensively to keep a finger on the pulse of the administration. Consequently, the idea of a fixed capital did not possess much attraction for them. They carried their capital with them. It is wrong to think of the emperor's life as one of 'elysian ease'. Akbar, for instance, dealt with all the administrative work in an open *darbar* called *Diwan-i-Aam*.

The King's Council

Although the emperors had a few important officers to assist them, they, in no way, bore any resemblance to the modern-day council of ministers. These officials invariably included the *Wazir* and the *Diwan*, and the rest of the strength of the officials was determined exclusively by the emperor. These officials were mere delegates of the royal polity. Their primary function was to advise the sovereign, but this advice was not binding. He heard them but did not always act according to them. They provided no checks on the royal will and, in no sense, were they his colleagues. Sarkar observes that they deserved to be called 'secretaries rather than ministers.'

They could never influence his policy except by gentle persuasion and veiled warning. Little wonder, they never resigned if he rejected their counsels.

Central Ministers and their Duties

1. *Wakil* or Prime Minister

The literal meaning of the term *Wakil* is representative. He was the representative of the state. The minister is called *Wakil* who could enjoy all the rights of the emperor on his behalf. This office continued in vogue in Akbar's, Jahangir's and Shah Jahan's reign. During their time, the Prime Minister was called *Wakil* or (*Wakil-i-Mutalak*). Some later emperors reviewed the office of *Wakil*, e.g., Jahandar Shah appointed Asad Khan as the *Wakil-i-Mutalak* and appointed his very son Zulfiqar Khan as *Wazir*.

Rights and duties of *Wakil*

Wakil generally had these rights and duties:

- (i) To advise the emperor about the appointment and dismissal of *subedars*, *faujders* and *Diwan*.
- (ii) He advised the emperor on matters related to allocation of *jagirs*.
- (iii) Every evening he presented all the papers, etc., before the emperor
- (iv) He used to have custody of the royal stamp.

- (v) He had the right to acquire one copy of all the information coming from the provinces. A copy of all the papers of the *Diwan* used to come to him.
- (vi) His stamp and signatures were needed on all the appointment letters. He had the right to have band and move about in a palanquin.

2. The Wazir or Diwan

The *Wazir* or *Diwan* was the head of the revenue department. In case of non-appointment or the absence of *wakil*, all his works used to be performed by the *wazir*. The office of the *wazir* got revenue papers and returned despatches from the provinces and the armies in the field. On many ceremonial occasions, he acted as the representative of the emperor. All orders of payments had to be signed by him and all the payments were made only through his department. Under the directions of the emperor, he himself passed orders. All questions concerning the revenue were settled by him and he consulted the emperor only in important cases. He had two assistants known as the *Diwan-i-Aam* or the *Diwan* of salaries and the *Diwan-i-Khas* or the *Diwan* of the crown land. After the death of Aurangzeb, the *wazir* became virtually the ruler of the state.

3. Mir Bakshi

The *mir bakshi* was the chief military adviser. He worked as the inspector general of the *mansabdars* inculcating a high standard of military strength. When the review was complete, he issued a certificate which enabled the *mansabdars* serving in the various capacities at the capital or outside, their ranks, the salaries including special awards, the way in which they drew their salaries, a complete record of their services as well as the result of the annual reviews of their troops and horses. He assigned the *mansabdars* present at the imperial camp of the capital to guard duty, though the list so prepared had to be sent to the *diwan* for the final sanction. As the chief of the state, he drew up the plans of campaigns of the various armies in consultation with the commanders and also with the emperor. He took part in all military expeditions and advised the emperor regarding reinforcements or when the smouldering jealousies of the rival commanders in an expedition rendered the recall or transfer of one of them necessary.

4. Khan-i-Saman or High Steward

The *khan-i-saman* was a very important officer of the Mughal time, as he was the head of the emperor's household department and accompanied him during all his journeys and campaigns.

5. Sadr-us-Sudur

The *sadr-us-sudur* was the chief *sadar* of the Empire. He was also called by the names of the *sadr-i-khul* and *sadr-i-jahan*. *sadr-us-sudur* was the connecting link between the emperor and the people. He was the guardian of the Islamic Law and the spokesman of the *Ulema*.

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6. *Muhatashib*

The *muhatashib* was appointed by the emperor to inspect the moral of the people. He used to perform both the religious and the secular duties. As a secular official, he ensured that the traders and grocers charged the right price for their commodities. Beside these roles, he also had to oversee the general cleanliness of the city.

7. *Qazi-ul-Quzat*

The *qazi-ul-quzat* was the highest judicial officer next to the emperor. He was responsible for the proper and an efficient administration of justice. The provincial *qazis* were appointed by him. In every province, district and city, there were *qazis* who decided the outcome of the cases. The duty of the chief *qazi* was to hear appeals from their courts and supervise their conduct.

8. *Other ministers and officers*

Besides these ministers, as mentioned above, there were two other important ministers:

- (i) ***Daroga-i-Dak-Chauki***– He was the superintendent of intelligence and posts.
- (ii) ***Mir-i-Atish***– He was the superintendent of the artillery. He was originally a subordinate of the *mir bakshi*; but as artillery came to play a very important role in wars, the head of this department rose to the position of the minister.

Chief Departments of Administration

The chief departments of the Mughal administration were:

- (i) **Exchequer and revenue:** The revenue department was headed by the *Diwan* or *Wazir*.
- (ii) **Imperial household:** The Department of Imperial Household was headed by the *Khan-i-Sama*. All the personal servants of the emperor were under this officer's control and he also supervised the emperor's daily expenditure, food, stores, etc. He enjoyed the trust of the emperor and there are examples of *wazirs* being appointed from among the *Khan-i-Samas*.
- (iii) **Military pay and accounts office:** The military pay and accounts office were under the *Mir Bakshi*. He was the paymaster of the central government. Since all the civil officers were part of the military, their salary also was released by the *Mir Bakshi*. He assisted the king in the appointment of *mansabdars*. His other duties included the recruitment of the army, the maintenance of the troops, determining the strength of troops, assisting the king in the conduct of foreign relations, leading the army or a section of it and accompanying the king on tours.
- (iv) **Canon law, both civil and criminal:** The department of law had the *Qazi* as its head. He was responsible for the administration of law in the land

and, besides, was the chief judge in criminal suits which he tried according to the Muslim law.

- (v) **Religious endowments and charity:** The *Sadar* was the head of the department of religious affairs. He was the guardian of the Islamic law and the spokesman of the *Ulema*. He made religious grants and it was his duty to see that such grants were applied to the right purpose. He was also a judge in some types of civil cases.
- (vi) **Censorship of public morals:** The Department of Censorship of Public Morals, under the *Muhtasib*, was the censor of public morals. It regulated the behaviour of the people, curbed immorality and punished those who indulged in anti-religious acts.
- (vii) **The artillery:** It was headed by the *Mir Atish* or *Daroga-i-Topkhana*.
- (viii) **Intelligence and posts:** It was headed by the *Daroga* of *Dak Chouki*.

Local Administration

During the Mughal administration, each *subah* was divided into a number of units called the *sarkars*. Each *sarkar* was subdivided into *parganas* or *mahals*. At this level, people came in direct touch with officials. Below the *parganas*, there were villages called *mawdah* or *dih*. In the Mughal terminology, a village included the land surrounding it and, therefore, the boundary of each *mawdah* was clearly demarcated. In a *mawdah*, there were smaller hamlets called *naglah*. Under Shahjahan, his *wazir* created another unit called the *chakla* between *sarkar* and *pargana* which included a number of *parganas*. The *sarkar* however continued to exist.

Village administration

Village administration, during the Mughal period, was in the hands of the village panchayat. The organization of the village life and the observation of the accepted codes of conduct were maintained through the village panchayat which acted as a social development agency, catering to the welfare of the people. It was also a judicial agency for disposing of cases involving disputes among the villagers. However, an appeal against the decision of the panchayats could be taken to the higher authorities of the government.

The Mansabdari System

The *Mansabdari* system during the Mughal administration is discussed under the following heads.

1. Mansab was granted to the military as well as the civil officials

Mansab was granted not only to the military officials, but also to all Mughal officers in the revenue and judicial services. Even the scholars of the court were the holders of *mansab*. It is, therefore, that Irvin says, *mansabdari* meant nothing 'beyond the fact that the holder of *mansab* was the employee of the state'. R.P. Khosla in

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a way reiterates the same when he remarks, 'In the Mughal state the army, the peerage and the civil administration were all rolled into one'.

2. Categories or grades of *Mansabdars*

In AD 1573-1574, the *mansabdars* were classified into thirty-three grades ranking from commanders of ten to those of 12,000. Those who held command of ten to 400 were called *mansabdars*. Higher up, those who held the command of 500–2500 were styled as *amirs*, while the holders of 3000 and upward were known as *Amir-i-Azam* or *Umra*. The highest graded commanders from 8000–12,000 were reserved for the princes of the royal blood. A common official could not hold a *mansab* beyond 7000.

3. Appointment of the *Mansabdars*

The emperor used to appoint the *mansabdars* personally and they could retain the *mansab* so long as he desired. Generally, a *mansab* of 8000 was given to the members of royal family.

4. Pay and allowances of the *Mansabdars*

The *mansabdars* during Mughal period were very highly paid. They were generally given salary in cash. Sometimes, the revenue of a particular *jagir* was assigned to them as salary.

They had to manage their own horsemen and the expenditures of horses from their own salary. They were necessary for the transport of the army. Prof. Satish Chandra says regarding the pay of the Mughal *mansabdars*, 'The Mughal *Mansabdars* were paid very handsomely; in fact, their salaries were probably the highest in the world, at that time'. A *mansabdar* of 5000 got from ₹ 28,000 – ₹ 30,000, out of which he would spend ₹ 16,000 to maintain the soldiers and the other obligations. A *mansabdar* of 1000 got nearly ₹ 8000 of which ₹ 3000 were spent to meet his obligations. Moreover, there was no income tax in those days. The purchasing power of the rupee in those days has been calculated to be sixty times of what it was in 1966. Even though the nobles had to spend roughly half of their personal salary in the keep up of the animals for transport and in the administration of their *jagirs*, they could lead lives of ostentation and luxury.

5. Duty of the *mansabdars*

Mansabdars could be sent to the battlefield on military campaigns as the military commanders or under some commander, who himself was a *mansabdar*. They could be called upon to quell a revolt, conquer new area or perform non-military and administrative duties. Sometimes, they were allowed to recruit their own troops and to purchase their equipment.

6. Restrictions on *mansabdars*

Great care was taken to ensure that the *sawars* recruited by the *mansabdars* were experienced and well mounted. Akbar started the practice of keeping a

record of the description (*huliya*) of each horseman under a *mansabdar* and of branding their horses (*dag*) to prevent the *mansabdars* from going as they pleased. Each horse bore two marks—the government mark on the right thigh and the *mansabdar*'s mark on the left thigh. Every *mansabdar* had to bring his contingent for a periodic inspection before persons appointed by the emperor for the purpose. The horses were carefully inspected and only good quality horses of Arabic and Iraqi breeds were employed. For every ten cavalrymen, the *mansabdar* had to maintain twenty horses. This was so because the horses had to be rested while on March, and replacements were necessarily in the times of war.

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7. Pure and mixed troops of *mansabdars*

Generally, a provision was made that the contingents of the nobles should be mixed ones, and drawn from all the groups—Mughal, Pathan, Hindustani, Muslims, Rajputs, etc. Thus, Akbar tried to weaken the forces of tribalism and parochialism. The Mughal and Rajput nobles were allowed to have contingents exclusively of the Mughals or the Rajputs, but in course of time, mixed contingents became the general rule.

8. Recruitment, promotion and dismissal

During the Mughal period, the recruitment, promotions and dismissals of *mansabdars* were in the hands of the emperor. A person desirous of joining the Mughal service may contact the emperor through a *mansabdar* or through *mir bakshi* to the emperor. It was up to the mood and satisfaction of the emperor to accept the recommendation of *mir bakshi* to assign a *mansab* to the concerned person. If he was granted a *mansab*, his whole record, known as '*hakikat*' was prepared. Promotions of the *mansabdars* were also in the hands of the emperor and were made generally on such occasions as (i) before and after an expedition, (ii) at the time of vacancy and (iii) on some auspicious occasions or festivals. A *mansabdar* could be dismissed at any time by the emperor if the latter felt that the former was disloyal or dishonest to him or had lost his utility for the empire.

Check Your Progress

4. How was the mansab paid?
5. Which department was headed by the *Khan-i-Sama*?

1.4 BRITISH PERIOD

Warren Hastings did not formulate a definite policy of administration with regard to the Indian states except using them as the first line of defense for the protection of Bengal, Bihar and Orissa. In fact, it was Lord Wellesley who evolved a specific policy of administration for the Indian states.

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Policy of Subsidiary Alliance

A subsidiary alliance is an agreement between a prevailing country and a country that it takes over. The policy of subsidiary alliance was launched by Lord Wellesley, British Governor-General in India from 1798 to 1805. Near the beginning of his governorship, Wellesley implemented a rule of non-intervention in the princely states. However, he then took up the policy of developing subsidiary alliances. This is discussed in detail in Unit 4 of this book.

Doctrine of Lapse

The Doctrine of Lapse was a seizure policy supposedly created by Lord Dalhousie, who was the Governor General of India between 1848 and 1856. As per this Doctrine, any princely state or province under direct power (supremacy) of the British East India Company (the central colonial power in the subcontinent), as a dependent territory under the British Subsidiary System, would inevitably be taken over if the ruler was either distinctly ineffectual or died without leaving a direct heir. This is discussed in detail in Unit 4 of this book.

Emergence of a Colonial Structure of Government

The colonial structure of Government had the system of army, police and judiciary. Let us study this structure in detail.

1. Civil Service

Several historians have claimed that it was not the directors of the East India Company or the British Crown but the Governor-General, acting via the Civil Servants, who was ruling India.

It was Cornwallis who laid the foundation of the Company's Civil Service. The Charter Act of 1793 excluded Indians from all high offices and made sure that all posts worth more than £ 500 a year were given to the servants of the Company. Earlier the Company's servants were ill-paid and corrupt. But now Cornwallis offered generous salaries and also avenues of promotion to higher posts. Thus, the service attained a high standard of duty and by the turn of the century there were a host of highly regarded civil servants such as Metcalfe, Elphinstone, Malcolm and Lawrence.

The Governor-Generalship of Lord Wellesley is an important landmark in the history of the British Civil Service in India. Wellesley realized the importance of giving adequate training to the civil servants in India. Wellesley recommended that the education of the civil servants should be of a mixed character, its foundations should be judiciously laid in England and the superstructure should be systematically completed in India. It was with this in mind that Fort William College was founded in Calcutta on 24 November 1800, at the behest of Wellesley. The purpose was to provide specialized training in liberal arts, law and language to the Company's civil servants. Those who taught at this College included G. H. Barlow, J. H. Harrington, H. T. Colebrooke, Lt. John Baillie, Francis Gladwin, Rev. Buchanan

and Rev. W. Carey of Serampore. Between 1801 and 1805, Fort William College saw tremendous expansion and it may be said that Wellesley's aspiration of a University of the East had been met to a large part. The College was a centre of linguistic research where dictionaries in various languages were compiled. Initially, Charles Metcalfe, William Bailey, William Martin, William Brid, John Digby, Thomas Fortesque and many others attended classes in Fort William College. Most of them had had six or seven years of formal education that enabled them to organize data and to formulate policies for the government.

Lord Minto (1807–13) continued Wellesley's policy of alluring bright students with monetary awards and the promise of responsible posts in the government. Some of the best students who graduated during this period from Fort William College were Henry Prinsep, Holt Mackenzie, James Sutherland and Andrew Stirling. The Persian Department of the Government had the most competent students of the Fort William College. Some of them were assigned as residents in various cities. Metcalfe served as Delhi Resident from 1811 to 1819 and as Hyderabad Resident from 1820 to 1825. Remarkably, during his eight years in Delhi, there was not one case of capital punishment. He was instrumental in abolishing slavery in Delhi in 1812. However, the training structure at Fort William College had to be stopped a few years down the line when it was felt that it was 'Indianizing' the British youth. Charles Grant was of the belief that the task of training should be shifted from the Orientalists to Cambridge clergymen who could nurture the boys in England before sending them to India. In 1806, the Company established a college at Haileybury, near London. Here, young officers, who were nominated for service in the East undertook training for two years. No other plan was made again until the introduction of competitive civil service examination.

Haileybury College was censured for several reasons initially. In 1813, in his famous speech on India, Lord Grenville criticized the Company for giving the future administrators of India an education that would cut them off from the mainstream of the English national life. Moreover, it was felt that undue emphasis was given to English literature. Charles Grant refuted these criticisms and stressed that those who graduated from Haileybury were both good servants of the Company and good citizens and enlightened patriots. While great territories might be conquered by arms, he said in 1819, 'the due administration of them ... must depend on the principles, the talents and the zeal of the civil servants'. The Charter Act of 1833 underlined the principle of competition in appointing the civil servants. But there were no plans of holding a competitive examination to choose candidates. During the twenty years that the Directors held on to their right of patronage, new ideas were being floated.

In 1853, Sir Charles Wood, President of the Board of Control, recommended an open competitive examination for recruitment to civil services. This found strong support from Macaulay and was even sanctioned by Parliament.

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2. Army

The Company's army comprised both Europeans and Indians. When the Mutiny of 1857 ended, Europeans numbered roughly 16,000 men. In the beginning, the Europeans had been below standard, but gradually they improved in discipline and efficiency. The bulk of the army consisted of the Sepoy regiments. In 1830, the Sepoy regiments included 187,000 men. The figure rose to 200,000 men in 1857. Europeans comprised the officer class of the army.

The Indian troops formed the bulk of the Company's army. Regularity of pay, comparatively good working conditions and respect for Indian customs, attracted the natives to the military profession. The Indian troops in the Company were by far the most efficient army in India. Even as they were loyal and faithful to their European masters they could not dream of achieving high promotions.

3. Police

The police system was introduced in 1791, when Lord Cornwallis created the post of a Superintendent of Police for Calcutta. A district was divided into a number of thanas. The landlords no longer had to perform the police duties. Instead, a Daroga, assisted by a number of ranked men, was put in charge of a thana. This system proved to be an expensive failure. The Darogas did not have adequate resources to curtail crime and often their conduct was reproachable. At the instructions of Lord Minto, a Superintendent of Police was posted in a Division in 1808. He was to engage with spies or goyendas to carry out his tasks. However, the goyendas committed atrocities of the same nature as those of the dacoits. In 1814, the Court of Directors ordered that the establishment of darogas and their subordinates be abolished in all parts of the Company's territories except in Bengal.

4. Judicial Organization

In archaic times, the zamindars were responsible for administering justice in all petty cases. Naturally, this system was not always fair and had the potential of abuse and of allowing the rich to oppress the poor. Hastings brought it upon himself to reform the judicial system. He established two courts in each district, the Diwani Adalat, which would decide civil cases and the Faujdari Adalat, which would try criminal cases. The Collector presided over the Diwani Adalat and was assisted in his undertakings by a dewan, who was a native. Even as the Faujdari Adalat was headed by the Qazi or Mufti of the district and two *maulavis*, it was under the overall supervision of the Collector. In addition to the Diwani Adalat and Faujdari Adalat, two superior Courts were also established in Calcutta – Sadar Diwani Adalat, to hear civil cases and Sadar Nizamat Adalat to hear criminal appeals. In 1774, the district courts were brought under the charge of Indian officers called Amins. In the same year the Sadar Diwani Adalat was closed down and the Sadar Nizamat Adalat was moved to Murshidabad. Under the provisions of the Regulating Act, a Supreme Court was established in Calcutta in 1774, which administered English law but whose jurisdiction was undefined. However, this was addressed by the Act of 1781 which restricted English law to the English

populace and defined the Court's jurisdiction. In September 1780, Hastings restarted the Sadar Diwani Adalat and, the Chief Justice of the Supreme Court, Sir Elijah Impey, was appointed as the head of this court.

In 1781, Hastings set up eighteen new district courts. Some covenanted servants were appointed as judges and they decided civil cases. Judicial proceedings from these district courts were submitted to Sadar Diwani Adalat. Impey outlined some regulations for the conduct of judicial business in the district judicial courts. The English understood that justice must be administered in keeping with the law of the land. Keeping this in mind, a Code of Hindu Law was compiled and translated into English and a translation of Muslim Law was also made available.

Impey was recalled in 1782 and thereafter the Governor-General and Council took on the task of presiding over the Sadar Diwani Adalat.

5. Judicial Reforms of Lord Cornwallis

Lord Cornwallis made sweeping changes in the field of justice. He understood that it was the Indians who were carrying out the job of dispensing criminal justice. In a minute dated 3 December 1789 he opined: 'We ought not, I think, to leave the future control of so important a branch of government to the sole discretion of any native, or indeed, of any single person whatsoever'. Muhammad Reza Khan, who was the chief justice of the chief criminal court, (Sadar Nizamat Adalat) was asked to quit office in 1790. Thereafter the court was moved to Calcutta.

Now it was the Governor-General and members of the Supreme Council who were in charge of the chief criminal court. Besides, the central criminal court in Calcutta, four other circuit courts came into existence in the cities of Calcutta, Murshidabad, Dacca and Patna. Two covenanted servants presided over each of them, and they were assisted by Indian advisors. These advisors were asked to tour their divisions twice a year. Cornwallis divested Collectors of magisterial power. Diwani Adalats were renamed District or Zillah Courts and were set up in 23 districts. These courts were under the charge of English judges, and dealt with both civil and revenue cases. Above them in the hierarchy were four Provincial Courts of Appeal. These were also set up in Calcutta, Dacca, Patna and Murshidabad. At the top of the hierarchy was the Sadar Diwani Adalat in Calcutta, which was chaired by the Governor-General and his Councilors. The three judges who presided over the four Provincial Courts of Appeal were also asked to head the criminal circuit courts in the same towns. Thus, the same judicial officer had both the civil and criminal powers.

The judges were European and were naturally influenced by their expert advisers. The legal process was cumbersome because even though procedures of the new courts were British, the law administered was either Hindu or Islamic. Lord Cornwallis divested the Indians of any real power in the administration of criminal justice over which they had absolute control earlier. The Darogas in every district worked under the direct supervision of the Magistrate. An elaborate Code of Regulations known as the Cornwallis Code of 1793 came into force, which

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would provide direction to the officers of the new judicial system. Cornwallis mistakenly believed that the new courts would be fair in their dispensation of justice.

6. Land Revenue Policy

Land revenue was the principal source of income and the Company made full use of it. In 1762 it started an experiment in the districts of Burdwan and Midnapur. In a bid to maximize their revenues from these regions the Company started selling the estates by public auction. Lands were sold for a short term of three years. This policy, lucrative as it was to the Company, was unfair to the peasants.

In 1765 the East India Company was able to wrest the Diwani of Bengal, Bihar and Orissa from the Mughal Emperor. Clive described it as ‘the superintendency of all the lands and the collection of all the revenue of the Provinces of Bengal, Bihar and Orissa’.

Up to 1772 it was the two Naib Diwans who collected the land revenue. In 1769, the Company appointed ‘Supervisors’ who would understand how revenue was to be collected. Now in 1772 the Court of Directors ordered Warren Hastings to remove the two Naib-Diwans, Muhammad Reza Khan and Shitab Rai and in fact close their offices. This was done so that the tracks were clear for the Company to stand ‘forth as Diwan’ and be solely responsible for the management of the revenue. In October 1772, a Revenue Board comprising of the Governor and Council was constituted in Calcutta. An assessment was carried out for a period of five years, and land was sold to the highest bidder at a public auction. Many of the zamindars became farmers of revenue. Each district had a Collector and an Indian Diwan. These officials were responsible for overseeing the revenue administration. However, the Five-year farming system did not benefit anyone: the zamindars, farmers and Ryots were depleted of their means and the Company suffered serious losses. The system had to be overhauled. In November 1773, the collectors were removed from office. In their place five Provincial Councils were established for the collection of revenue. The headquarters of the Provincial Council were located in Murshidabad, Burdwan, Dinajpur, Dacca and Patna. A Committee of Revenue was set up in Calcutta. This did not bring about any change for the better hence, the five years’ settlement was abolished in 1777. The Company instead decided on a method of annual settlement preferably with the zamindars and it continued up to 1789. But soon its adverse effects were felt. A revenue servant recorded: ‘The fluctuations of the revenue since the English ... have opened the largest field for abuses’. In 1781, the Provincial Councils were abolished, and European Collectors returned to the districts with lesser power. A Committee of Revenue was set up in Calcutta under the supervision of the Governor-General in Council.

7. Permanent Settlement

In 1793, Cornwallis started the system of Permanent Settlement, in which he was supported by Sir John Shore. Under this system, the land was held by a zamindar

or landlord who paid a fixed amount of revenue to the Company. The relationship between the landlord and his tenants was based on contract that was decided mutually. Landlords possessed the right to transfer, sell or mortgage the land in their possession. But here was the caveat: if they were not able to pay the fixed amount of revenue on the fixed date to the government, they would have to forfeit all their rights. Permanent Settlement was an advantageous system as it ensured a regular flow of income to the British. Moreover, it was easy as they did not have to bother about appropriating it from individual peasants. The peasant also knew beforehand the amount of revenue that had to be paid. The zamindars, now secure in their lands, made extra effort to augment the cultivation. R.C. Dutt remarked: 'If the prosperity and happiness of a nation be the criterion of wisdom and success,

Lord Cornwallis's Permanent Settlement of 1793 is the wisest and most successful measure which the British nation has ever adopted in India'. However, this evaluation was not entirely true if one took the economic factor into consideration. It is evident that no one bothered to take the fertility of the soil into account or the area of the land. It is possible that appraisal was too high for many of them and their estates were sold to the government. Some zamindars, who were unable to pay their dues, leased parts of their estate to middlemen. This created another problem: The resident zamindars were replaced by absentee landlords who had no personal connection with the cultivators. The rights of the Ryots were surrendered and the zamindar could make any settlement with them as he chose. As Ilbert said: 'The legislation of 1793 left the Ryot's right outstanding and undefined and by solving them it tended to obscure them, so efface them and in many cases to destroy them'. Half-hearted efforts were made in the following years to protect the Ryots from landlords.

It was not until 1859 that the Bengal Land Act was passed which to some extent addressed their problems. Even as the Permanent Settlement did put rural order back on its feet in Bengal and gave an impetus to agriculture, it further strained the relationship between the landlord and the Ryot. The zamindars were a very important part of the imperial structure and the British recognized this. Therefore, they were clear in upholding their authority and not the interests of the common man. Between 1802 and 1805, the policy of Permanent Settlement was applied to three other states i.e. Orissa, Benares and to the Northern Sarkars. By now the administrators had become aware of the malicious nature of this policy. Utilitarian thinkers such as James Mill, John Stuart Mill, Thackeray and Munro stridently opposed the application of this system to other states of India. Thackeray contested it by saying: 'But in India that haughty spirit of independence, deep thought which the possession of great wealth sometimes gives, ought to be suppressed... We do not want generals, statesmen and legislators; we want industrious husbandmen'.

8. Ryotwari Settlement

The British espoused an alternate policy of settlement in the southern presidency of Madras. It was called the Ryotwari system. The system came into being under

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the governorship of Sir Thomas Munro (1820-1827) and is thus associated with him. Under this system, a settlement was made directly with the cultivator for an x number of years, the standard being thirty. Under this system, the government and the cultivator enjoyed a direct relationship. The government's share was usually fixed at half the estimated net value of the crop, with concessions of reductions provided during periods of drought and consolidation of British Rule famine. Even though the farmer felt more secure under this system, very often he could not meet the heavy demands of government officers. Munro observed: 'The Ryot is the real proprietor, for whatever land does not belong to the Sovereign belongs to him'. In Bombay presidency, the revenue system followed by Mountstuart Elphinstone was similar to the Ryotwari system. In 1835, Goldsmith and Wingate conducted an elaborate survey to remove any defects of the system as they could find. The total amount fixed in each district was distributed among the cultivated fields according to their relative values. The settlement was fixed for thirty years. The government had the power to increase or decrease the demand at the end of each settlement. One major flaw of the system, which deeply affected the farmer, was that he had no way of expressing his opinion in the settlement. He was merely called upon to pay the revenue or be evicted from his land.

Check Your Progress

6. When and by whom was policy of Subsidiary Alliance launched?
7. When and by whom was system of Permanent Settlement started?

1.5 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

1. The king was expected to be an efficient warrior, descendant of a high family, an able provider of justice and a wise administrator.
2. Kautilya's *Arthashastra* describes about eighteen ministers with specific portfolios. Every minister used to head his department.
3. The condition of women in the Mauryan age was worse as compared to the Vedic period. Sati and widow remarriage were practised. Women had no individual, civil or political rights.
4. The mansab was paid either in cash or gifted with a *jagir*—a tract of land which he did not own but collected tax on it equivalent to his salary.
5. The Department of Imperial Household was headed by the *Khan-i-Sama*.
6. The policy of subsidiary alliance was launched by Lord Wellesley, British Governor-General in India from 1798 to 1805.
7. In 1793, Cornwallis started the system of Permanent Settlement.

1.6 SUMMARY

- The Mauryas maintained a vast empire. The whole empire was divided into many provinces, which, in turn were divided into districts (towns).
- The lowest unit of administration was village. The Mauryas had developed a well-organized judicial, police and espionage system.
- The form of Mauryan kingdom was monarchical. Kautilya maintains in the *Arthashastra*: ‘The king should behave like a father.’
- The king was expected to be an efficient warrior, descendant of a high family, an able provider of justice and a wise administrator.
- There used to be a council of ministers to provide assistance to the administrative work of the huge Mauryan Empire
- The provincial administration was efficient and well organized. Every province was divided into several commissionaires and each commissioner was further divided in districts and towns.
- The town administration of the Mauryan Empire had a very special place in the ancient Indian history. Each town was under a chief called Nagarak.
- Gop and Sthanik were the officials to assist the Nagarak.
- Village was the basic unit of administration, where the chief official was called *Gramik*. According to the *Arthashastra*, the senior president of *Gramik* was called *Gop* who had to look after the administration of 5–6 villages.
- The highest commander of the army was the king.
- The Mauryan dynasty was established on bloodshed and hardships and in order to maintain it; the same discipline was required. A huge and well-organized army was required for this purpose.
- The chief source of revenue was the land. The income from the state’s land was called *sita*, while the income from the farmers’ land was called *bhag*.
- 1/6 part of a farmer’s total produce was taken by the state as revenue. The income from the towns was called *durg*.
- The Mauryan period is famous for the organization of the society in the Indian history.
- The Mauryan period saw an unprecedented development of trade and industries.
- Kautilya’s accounts state that homemade silk and Chinese silk industry was quite developed during the Mauryan period.
- The early death of Sher Shah (AD 1545), and later, the Second Battle of Panipat (AD 1557), assured Mughal dominance.

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- Their administration, known as the *mansbadri* system, was in essence a military one because every official was expected to enroll in the army.
- They came to India from the Central Asia where they had their own system of administration. In India, they modified the same according to the Indian traditions and setting.
- The state maintained many *karkhanas* (factories) of its own in the principal cities of the Empire and produced several commodities.
- In the Mughal system of governance, the emperor enjoyed real sovereignty which was indivisible and inalienable.
- Within this realm, he stood supreme as the symbol of unity and preserver of peace. He actively performed all the major functions of the government.
- Although the emperors had a few important officers to assist them, they, in no way, bore any resemblance to the modern-day council of ministers.
- These officials invariably included the *Wazir* and the *Diwan*, and the rest of the strength of the officials was determined exclusively by the emperor.
- The literal meaning of the term *Wakil* is representative. He was the representative of the state.
- The *Wazir* or *Diwan* was the head of the revenue department.
- The *Sadar* was the head of the department of religious affairs. He was the guardian of the Islamic law and the spokesman of the *Ulema*.
- During the Mughal administration, each *subah* was divided into a number of units called the *sarkars*. Each *sarkar* was subdivided into *parganas* or *mahals*.
- During the Mughal period, the recruitment, promotions and dismissals of *mansabdars* were in the hands of the emperor.
- Warren Hastings did not formulate a definite policy of administration with regard to the Indian states except using them as the first line of defense for the protection of Bengal, Bihar and Orissa.
- In fact, it was Lord Wellesley who evolved a specific policy of administration for the Indian states.
- Several historians have claimed that it was not the directors of the East India Company or the British Crown but the Governor-General, acting via the Civil Servants, who was ruling India.
- The Company's army comprised both Europeans and Indians. When the Mutiny of 1857 ended, Europeans numbered roughly 16,000 men.
- The police system was introduced in 1791, when Lord Cornwallis created the post of a Superintendent of Police for Calcutta.

- Land revenue was the principal source of income and the Company made full use of it.
- The British espoused an alternate policy of settlement in the southern presidency of Madras. It was called the Ryotwari system.

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1.7 KEY WORDS

- **Disquisition:** It is a long or elaborate essay or discussion on a particular subject.
- **Revenue:** It refers to income, especially when of an organization and of a substantial nature.
- **Import:** It means to bring goods or services into a country from abroad for sale.
- **Descendants:** It refers to a person, plant, or animal that is descended from a particular ancestor.
- **Trade:** It refers to the action of buying and selling goods and services.

1.8 SELF ASSESSMENT QUESTIONS AND NOT EXERCISES

Short-Answer Questions

1. Write a short note on the central administration during the Kautilya period.
2. Describe the six provinces of the Mauryan empire.
3. Explain the functions of the Emperor and the King's Council during Mughal period.
4. List and describe the chief departments of the Mughal administration.
5. Briefly discuss the judicial reforms of Lord Cornwallis.
6. What is Permanent and Ryotwari settlement?

Long-Answer Questions

1. Discuss in detail the socio-economic changes under the Mauryan empire.
2. Explain the salient features of the Mughal administration.
3. Describe the central ministers and their duties in the Mughal period.
4. Analyse the various policies of administration that came into being in India during the British period.
5. Discuss in detail the emergence of a colonial structure of government under the British rule in India.

1.9 FURTHER READINGS

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UNIT 2 SALIENT FEATURES OF INDIAN ADMINISTRATION

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Structure

- 2.0 Introduction
- 2.1 Objectives
- 2.2 Parliamentary Democracy in India
- 2.3 Administrative Culture
- 2.4 Answers to Check Your Progress Questions
- 2.5 Summary
- 2.6 Key Words
- 2.7 Self Assessment Questions and Not Exercises
- 2.8 Further Readings

2.0 INTRODUCTION

The Indian Constitution committee adopted the British model of parliamentary democracy but democratic institutions had existed in many parts of ancient Vedic India. Under the Constitution, the citizens of India exercise their sovereignty through Parliament at the central level and through State Legislatures in States. The executive power is vested in the President, who is the highest dignitary in the country and the first citizen, the symbol of the statehood, and the embodiment of the unity of the country. He represents the sovereign will of the nation and exercises his functions by acting on the advice given by the Council of Ministers.

Abraham Lincoln said, “Democracy is the Government of the people, by the people and for the people”. But there is also a concept of representation in this democracy because, due to large population, it is very difficult to administer a government by involving everyone in it. In Indian democracy, we have two types of representation: direct and indirect. In popular elections, people directly elect their representatives and they form a government and after that the elected representatives elect their representatives. Basically, having both direct as well as indirect representation, the nature of Indian parliamentary democracy is participatory democracy.

2.1 OBJECTIVES

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

- Explain the trajectory parliamentary democracy in India
- Describe the structure of democracy in India

- Analyse the current trends in parliamentary democracy
- Analyse the administrative culture in India

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2.2 PARLIAMENTARY DEMOCRACY IN INDIA

The British government introduced the parliamentary system in India. Whether or not it was a conscious decision on their part is debatable—some feel that they were not completely familiar with the system themselves. Many of the modern thinkers have even gone to the extent of saying that the system was introduced by the British government in a state of ‘absent-mindedness’.

The real intentions behind the mindset of the British rulers cannot be traced completely. However, a closer look at their writings can help one get an idea of their perspective. Governor General Lord Hastings wrote in his private journal in 1818:

A time not very remote will arrive when England will, on sound principles of policy, wish to relinquish the domination which she gradually assumed over this country, and from which she cannot at present recede. At that hour it would be the proudest boast, and most delightful, reflection, that she had used her sovereignty towards enlightening her temporary subjects, so as to enable the native communities to walk alone in the paths of justice, and to maintain, with probity, towards the benefactors that commercial intercourse in which we should then find a solid interest.

Such texts not only show the real motives behind the British mindset, but are also a reflection of the long-term relations of the country with Britain, which continue to exist till today.

Quasi-Parliamentary System

The parliamentary system began in India as early as 1853, after the initiation of the Indian Council Act. Before this Act came into being, all powers remained in the hands of the Governor General along with his Council.

The Charter Act of 1833 had introduced the first constituents of what we call ‘institutional specialization’. Thus, the law-making meeting began to get separated from the executive meetings. Furthermore, the council and the legislative were expanded with the introduction of a fourth member. This member was assigned the job of drafting the laws.

The 1853 Act further enlarged the numbers and, finally, there were six members in total. Two of them were assigned the post of judges. The remaining four members were given representation of four specific provinces, which included Bombay, Madras, North West Frontier and Bengal.

Initially, all the six members were British and no Indian members were allowed to be associated with this procedure.

Consequences of 1857: The First War of Independence

The period between 1757 and 1857 was a period of consolidation for the British in India, a period in which numerous territories got annexed. A number of Indian princes had their powers confiscated, restricted and limited and were forced to sign treaties through which they were forced to accept subsidiary alliances. They thus had to succumb to the authority of the British Crown.

The Mughal Emperors still had their throne but had become puppets in the hands of the British administrators. The setting up of the English educational system and the construction of canals and railroads along with initiation of new colleges were some main features of this period. The old traditional orders and regime was being replaced by this new system.

Indian Councils Act

The British parliament passed the Indian Councils Act in 1861. The 'added members' of the legislative council were further expanded to twelve. The new feature of this act was that Indians were also allowed to be members. In 1862, three Indians got appointment as Council members. They were:

- The Raja of Benares
- The Maharaja of Patiala
- Sir Dinkar Rao

Indian National Congress

Although Indian citizens were now allowed to be members of the legislative council, the Indian leaders were not content with such a small achievement. The Indian National Congress was established in the year 1885 with the support of Mr Allan Octavian Hume, who was a member of the Indian Civil Service. He had a view that 'something like the Congress should be set up as a safety valve for the escape of great growing forces, generated by our own action'. Many people of that time saw Hume as a supportive figure for the Indian National Congress. He was considered a British who, although was part of the British regime but still wanted to do something good for the Indian people.

After its initiation, a resolution was passed by the Congress. It stated:

The concession made by the Act of 1861 be further expanded: To the Councils should be admitted a considerable proportion of elected members, all budgets should be referred to those councils for consideration, their members being moreover empowered to interpolate the executive in regard to all branches of the administration.

The Indian National Congress gradually demanded greater participation and greater representative status in councils of the government. This demand eventually gained momentum.

But the British government thought otherwise. The British leaders felt that the Indian National Congress (INC) was not yet fully prepared and that a

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government set up by the Congress would not meet the requirements of the Indian society. They saw the INC essentially as a congeries of widely separated classes, races and communities, with divergences of interests and hereditary sentiments.

Although the British government thought that the INC was incapable of leading the country, they still had to pass several Acts of reforms which resulted in the enlargement in representative bodies. These Acts were:

- Parliamentary Act of 1892
- Parliamentary Act of 1909
- Parliamentary Act of 1919
- Parliamentary Act of 1945

Indirect Elections

The council was further expanded in 1892, and members were now permitted to discuss and ask questions. However, the vote on budget was still restricted. Another significant step in this direction was the initiation of the system of 'indirect election'. This was a major step in the development of the Indian Constitution.

After this, the Indian leaders wanted to go further and take the next logical step. In his address to the 1897 session of INC, C. Sankaran Nair remarked:

From our earliest school days the great English writers have been our classics. Englishmen have been our professors in colleges. English history is taught in our schools. We live now the life of the English. To deny us the freedom of the press; to deny us representative institutions, England will have to ignore those very principles for which the noblest names in her history toiled and bled.

The above-mentioned statement shows the fact that the Indian leaders were deeply influenced by the English methods of teaching and by the British institutions. They were ready to use the British weapons against the British government. The Indian leaders were on the look-out to form a parliamentary government of their own. Three acts are of vital significance for they were the leading stones into the final preparation for the new parliamentary government. These acts included the Morley-Minto Reforms (The Indian Councils Act of 1909), the Montague-Chelmsford Reforms (The Government of India Act of 1919), and the Government of India Act of 1935.

Independence and the Formation of a New Constitution

Great Britain was victorious in Second World War but had become a weakened power. The British economy was shattered in a major way and this was the beginning of the end of the British Empire.

The Indian National Congress continued to gain major influence among the general masses which strengthened the party's demand for the establishment of the 'elected constituent assembly'. This set up was to decide the future of constitutional set-up in India.

In the 1945 elections in England, the war-weary people swept the labour party into power. This election happened just before the 1945 election in India,

which commenced near the end of the year. Apart from a few provinces of Muslim majority, the Indian National Congress emerged victorious in all other provinces and won the election undisputed. The provinces of Muslim majority had been won by the Muslim league, which raised the demand for a separate homeland.

The future constitutional set-up was now to be decided. The labour party sent a team which comprised three cabinet ministers—A. V. Alexander, Sir Stafford Cripps and Lord Pethick-Lawrence. Their job was to discuss with the Indian leaders and decide upon the future of the nation's constitutional set-up.

There was a difference of opinion between the leaders of the Congress and that of the Muslim league and thus, no agreement could be established by them. The cabinet committee sent by the labour party thus put forward a plan to resolve this constitutional tangle. The Cabinet Plan stated:

A federal union, including the princely states, that would be fully free to secede from the British Commonwealth and Empire if it wished. A Constituent assembly was to be elected by the provincial legislative assemblies, and a constitution was to be formed with limited functions held by the Union (foreign affairs, defense and communications), and with residual powers to rest with the provinces. With an interim government carrying on until the constitution was devised, provinces with a heavy Muslim population would be authorized to meet together to see if they wished to form an intermediary government between that of the Union and the provinces to safeguard the interests of the Muslims.

Thus, the Constituent Assembly came into existence in December of 1946 and was responsible for drafting of the Constitution of India.

The future of the Indian government was undecided, as is evident in Jawaharlal Nehru's speech:

Whatever system of government we may establish here must fit in with the temper of our people and be acceptable to them ... We stand for democracy but what form of democracy, what shape it might take is another matter ... for this House to determine.

Structure of Democracy in India

There are certain basic values of democracy which are applicable to all democratic nations around the world. These are:

- Freedom
- Equality
- Fraternity
- Fundamental rights
- Social justice
- Independence of judiciary

Likewise, there are a number of circumstances which put values into actual practice. These could be:

- Everyone gets equal opportunities
- Responsibilities are shared

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- Opinions of others are respected
- Decision of the majority should be acceptable
- People's participation should be ensured
- One should wait for his/her turn

Direct Democracy

This was the system which prevailed in ancient India but continues to exist today in various forms. In this system of governance, people involve themselves directly in the system of governance. This system was also prevalent in countries like Greece and Rome, where citizens used to gather together to decide upon public matters. In Switzerland, the system of direct democracy is still prevalent. This is also because Switzerland is small and not as highly populated as some of the other countries of the world.

The system of direct democracy works through some basic principles in the modern times. These are:

- **Referendum:** Through which people can express their opinions directly regarding governmental decisions and policies
- **Recall:** Through which a representative, in case she/he goes against the wishes of the people, can be called back before the completion of the term
- **Initiative:** Through which people are allowed to take certain preliminary steps which they think could be necessary for the realization of legislation
- **Plebiscite:** Through which people use the right to express opinions regarding certain political and non-political issues

As mentioned earlier, the system of direct democracy is still prevalent in some of the areas in India. A perfect example could be the institution of *Grama Sabha* which came into existence after the Constitution of India passed the 73rd Amendment in 1993.

Although the system of direct democracy is effective and transparent (as it clearly shows the demands and expectations of the general public), this system cannot be practically applied to the governance system in a country like India. This is because of the following reasons:

- Population explosion
- Cultural diversity
- Many linguistic groups
- Vast territory

So, a system was needed through which democratic actions could be realized in a more practical manner. It was due to this that a system of representative democracy came into being.

Representative Democracy

India has been following the system of representative democracy since its independence. The whole system is dependent on some very basic principles. These are:

(i) Voting rights

Voting rights and the manner in which the whole system of voting works is different for every country. In Britain, for instance, women were not allowed to vote but were given the right to franchise in 1918. In India, the system of Universal Adult Franchise is followed and the elections for Lok Sabha, State Legislature and the Three-tier Panchayati Raj are held through this franchise.

All adult citizens of our country, irrespective of their castes, religions, or sex, enjoy equal rights to vote. Earlier, the age limit for voting was twenty-one but this was changed in the year 1988 in the 61st Amendment of the Indian Constitution. This age limit has now been reduced to eighteen.

Exceptions: Although every adult citizen in the country is bestowed voting rights, there are a few exceptions. Someone who is found culpable of election offense, someone who is punished by the law, and people who are not mentally stable are not allowed to vote.

(ii) Political parties

A democratic system of any form, especially parliamentary democracy, cannot be thought of without the presence of the party system. Political parties are essential for the representation and protection of the masses, and form the backbone of representative democracy.

There are numerous party structures in India and all around the world, differing in their ideologies and ideals. Some common peculiarities are:

- Definite objective
- Activity on the fundamentals of ideas and principles
- Organizational structure
- Stability
- General stand-points regarding public issues
- Eventual objective for attaining governmental power

(iii) Party system

The party system of any country is decided upon the existing and prevalent political culture of that country. Similarly, the political culture of the society is dependent upon the values and attitudes of the people living in that society. Accordingly, depending upon the number of parties which exist in a country, the political party system is divided into:

- (a) Single party system
- (b) Bi-party system
- (c) Multi-party system

India follows a multi-party system as there are a great number of parties operating at all levels in the country. In India, political parties are divided into three types. These are:

- National party
- State party
- Local party

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There are a number of factors which influence the functioning of the party system in India. These are:

- Coexistence of the political parties
- Principles and ideologies of parties
- Elements of caste, class and race
- Number of political parties
- Party coalition and alliances

To become a national party, political parties need to have completed at least five years in service to political activities, along with securing a minimum of four per cent of the total number of votes in previous elections to state legislature. To become a national party, a political party must have recognition in four or more states.

Election Commission

The Election Commission was set up with the purpose that free and fair elections would take place in a country. With the increasing significance of elections in the democratic setup of India, the agency of Election Commission becomes a body of importance. It was formed as per the provision in the Constitution of India. The Election Commission conducts elections for the Parliament and the State Legislatures.

The composition of the Election Commission includes election commissioners, along with one chief election commissioner. The number of election commissioners is decided by the Indian President.

The chief election commissioner is the acting chairman of the election commission. Although the President has the right to decide upon the numbers of election commissioners, he still has to follow the rules enacted under the Parliament. In addition to this, the president may also appoint local election commissioners for the assistance of the Election Commission. There is also a state Election Commission for each state.

Responsibilities

The responsibilities of the Election Commission include:

- Preparing the list of voters
- Renewing the list of voters after each census and before every election
- Declaring the time of the elections
- Fixing dates for filing and scrutinizing nominations for the election
- Fixing dates for the counting of votes
- Allotting symbols and providing recognition to political parties
- Preparing and implementing of the 'code of conduct' which needs to be followed by all the parties
- Settlement of election disputes

- Declaring of election results
- Scrutinizing the expenses of the election and of candidates

Ruling and the Opposition Parties

The party which wins the majority of seats in the elections comes into power. In case one single party is unable to gain majority, an alliance of parties comes into power. The losing party or alliance of parties performs the role of the opposition.

The opposition also has a significant part to play in democracy. Its duties and responsibilities include:

- Opposing the repressive tendencies of the ruling party
- Criticizing and scrutinizing the drawbacks of the administration and exposing them in front of the public
- Opposing the misdemeanour of the ruling party and its leaders and generating the public opinion against those misdeeds
- Evolving and forming substitute policies and strategies
- Imparting the general public with political enlightenment

Decentralization

Democratic nations of the world put great emphasis on the decentralization of power. In India, several measures have been taken in this view. The Panchayat Raj system is an example of this idea of decentralization. Besides this, in the 73rd and the 74th Amendment of the Indian constitution, more power was given to self-governmental institutions so that democratic governance could be made more effective.

The features of these amendments were:

- Quinquennial elections were made compulsory at local administrative levels.
- Local-self-governments got structural consistency throughout the state.
- The state election commission got the responsibility of conducting elections for the Panchayats.
- *Grama Sabhas* were formed to make sure that people participated in the process of development.
- Local bodies were given greater power to interfere with planning and development activities.

Challenges

In every Parliamentary system, there are rapid developments which do not exist without challenges. By meeting challenges and eradicating problems, a democratic system grows and the nation, in turn, prospers. These difficulties and challenges include:

- Unemployment
- Disruptive tendencies
- Terrorism

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- Illiteracy
- Political instability
- Nepotism
- Parochialism
- Corruption

Parliamentary Democracy: Current Trends

India's Parliamentary democracy has not only belied fears and apprehensions, it has stood the test of time. India has successfully conducted fifteen general elections in the largest democracy on earth. Moreover, the Parliamentary system has ensured 'peaceful transfer of power, more than once from one party to another party or alliance' surviving, of course, many pressures, stresses and strains. In spite of the coalition governments, which have become almost an inescapable reality in India's multi-party system, and the instability syndrome which, at times, has undermined the faith of well-meaning critics in Parliamentary democracy, India has, till date, experienced a good deal of political stability.

However, the journey traversed by Indian democracy has not always been a smooth-sailing affair. The 1977 election which overthrew the Indira regime and brought to power a non-Congress government and showed to the world that the Indian electorate had 'an enormous sense of responsibility and uncanny wisdom' to rise to the occasion and safeguard India's Parliamentary democracy. Since the Congress party lost power in 1989, no single party has been able to secure an absolute majority in the Lok Sabha. It has virtually made coalition governments inevitable.

Those coalition governments have a built-in-element of fragility, which, in turn, adds to the instability syndrome. To be more specific, by and large, coalition governments have become precariously unstable, barring some exceptions like the non-Congress coalition government of Atal Bihari Vajpayee (1999-2004), and the Congress led UPA government of Dr Manmohan Singh. This instability syndrome has eaten into the vitals of the Indian body politic, forcing upon the nation frequent elections with huge expenditure which could have been profitably used for the country's growth and development. This has led many critics to think that the Parliamentary system has outlived its utility and that there is need to change over to the presidential model. The way the present UPA-II government functioned forced everyone to come up with ways to ensure stable tenure for the coalitions. The country experienced small coalition partners like Trinamool Congress.

In terms quality, the first Lok Sabha in India consisted of outstanding Parliamentarians. The system left behind an exemplary mark in the Parliamentary history in terms of discipline, decorum and optimum utilization of Parliamentary time. More or less, the same type of healthy debate and discussion with an exemplary degree of Parliamentary discipline and decorum continued in the early Parliaments. But, unfortunately, at present 'healthy debate and discussions which form the hallmark of Parliamentary democracy' are overshadowed by disruption,

confrontation, and forced adjournments of the house. The Parliament gets stalled and is forced to close the session before its original schedule to conclude. This results in the massive wastage of public money and loss of working hours. The Parliament finds itself unable to discuss and deliberate on important issues such as poverty, unemployment and price rise, which affect the people most.

In spite of what has been favourably said outlining positive dimensions of India's Parliamentary democracy, we need to make an honest self-introspection and identify the weaknesses and areas of concern which negatively affect the health and well-being of the democracy of the nation. The major problem areas which affect the health of India's Parliamentary democracy are:

- Instability syndrome
- Criminalization of politics
- The nature of recent functioning of India's Parliament

To improve the functioning of the Parliament the following issues need to be addressed:

- Quality of debates and discussion in the Parliament needs to be improved.
- Absenteeism among members (which has assumed alarming proportions) needs to be checked to avoid making a mockery of the Parliamentary democracy.
- The increasing indiscipline and unruly behaviour of the members and the increasing tendency to disrupt the House and stall Parliamentary proceedings needs to be kept in check. It amounts to paralyzing the activity of governance and legislation.
- More time needs to be devoted to law-making and strengthening the committee system to oversee the government's functions in a better way.
- A strict code of conduct for people's representatives, implementing the policy of 'No work, No pay', needs to be set.

2.3 ADMINISTRATIVE CULTURE

Public service in India is often considered as a high and a noble calling. It is viewed as service in the cause of the nation and there can be no service greater than that of the sovereign state. Becoming rich and famous is not priority for people who join it. Majority of the people feel a basic commitment to the values of public service. Some people also develop a commitment after working in the government for a period of time. Culture basically represents a pattern of values and behaviour, where response pattern persists over a period of time and gets institutionalized.

An administrator is influenced by the current cultural milieu: i.e. values, belief and attitude prevalent in society, as well as the culture unique to the organization. Due to these patterns there are different Agrarian, Industrial and Transient societies with salaried model bureaucracies. Every country whether under-developed,

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developing and developed has its own administrative culture. The overall socio-economic and political environment in which the administration works has a direct bearing upon its functionaries, and goes to mould their manner, style and behaviour pattern. This is called the Administrative Culture and is a complex phenomenon.

The administrative culture of India, as well as of many other Third World nations, has drawn on two basic foundations: (a) the colonial heritage, and (b) the traditional influences. These two foundations have greatly shaped the character of the prevailing administrative culture of these countries. The administrative culture is a product of three factors which are the administrative personality, time and situation.

Check Your Progress

1. Who introduced the parliamentary system in India?
2. When and who passed the Indian Councils Act?
3. When was the Indian National Congress established and with whose support?
4. What is direct democracy?

2.4 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

1. The British colonial government introduced the parliamentary system in India.
2. The British parliament passed the Indian Councils Act in 1861.
3. The Indian National Congress was established in the year 1885 with the support of Mr Allan Octavian Hume.
4. In this system of governance, people involve themselves directly in the system of governance.

2.5 SUMMARY

- The British government introduced the parliamentary system in India.
- The real intentions behind the mindset of the British rulers cannot be traced completely.
- The parliamentary system began in India as early as 1853, after the initiation of the Indian Council Act.
- The period between 1757 and 1857 was a period of consolidation for the British in India, a period in which numerous territories got annexed.
- The British parliament passed the Indian Councils Act in 1861. The 'added members' of the legislative council were further expanded to twelve.

- The Indian National Congress was established in the year 1885 with the support of Mr Allan Octavian Hume.
- The council was further expanded in 1892, and members were now permitted to discuss and ask questions. However, the vote on budget was still restricted.
- Great Britain was victorious in Second World War but had become a weakened power.
- There was a difference of opinion between the leaders of the Congress and that of the Muslim league and thus, no agreement could be established by them.
- In Direct democracy system of governance, people involve themselves directly in the system of governance.
- This system was also prevalent in countries like Greece and Rome, where citizens used to gather together to decide upon public matters.
- Although the system of direct democracy is effective and transparent, this system cannot be practically applied to the governance system in a country like India.
- India has been following the system of representative democracy since its independence. The
- Voting rights and the manner in which the whole system of voting works is different for every country.
- All adult citizens of our country, irrespective of their castes, religions, or sex, enjoy equal rights to vote.
- Earlier, the age limit for voting was twenty-one but this was changed in the year 1988 in the 61st Amendment of the Indian Constitution.
- This age limit has now been reduced to eighteen.
- Democratic nations of the world put great emphasis on the decentralization of power. In India, several measures have been taken in this view.
- The Parliament finds itself unable to discuss and deliberate on important issues such as poverty, unemployment and price rise, which affect the people most.

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2.6 KEY WORDS

- **Annex:** It refers to add (territory) to one's own territory by appropriation.
- **Legislative:** It means having the power to make laws.
- **Fundamental Rights:** It is a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment.

- **Plebiscite:** It refers to the direct vote of all the members of an electorate on an important public question such as a change in the constitution.

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2.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on quasi-parliamentary system.
2. Discuss the structure of democracy in India.
3. What is representative democracy?
4. What is decentralization and its challenges?
5. Write a brief note on administrative culture.

Long-Answer Questions

1. Elaborate on the origin and the following trajectory of parliamentary democracy in India.
2. Why was the Election Commission of India formed? What are its roles and responsibilities?
3. Discuss the current trends in parliamentary democracy.

2.8 FURTHER READINGS

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BLOCK - II
THE UNION EXECUTIVE

*President, Prime Minister
and Council of Ministers*

**UNIT 3 PRESIDENT, PRIME
MINISTER AND COUNCIL
OF MINISTERS**

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Structure

- 3.0 Introduction
- 3.1 Objectives
- 3.2 President: Powers and Position
- 3.3 Prime Minister: Powers and Functions
- 3.4 Council of Ministers in Central Government
- 3.5 Answers to Check Your Progress Questions
- 3.6 Summary
- 3.7 Key Words
- 3.8 Self Assessment Questions and Not Exercises
- 3.9 Further Readings

3.0 INTRODUCTION

The President of India is the nominal head of state of India and the commander-in-chief of the Indian Armed Forces. He or she is indirectly elected by an electoral college consisting of members of Parliament of India (Lok Sabha and Rajya Sabha) and the legislative assemblies of each of India's states and union territories, who themselves are all directly elected.

The Prime Minister of India is the leader of the executive of the Government of India. He or she is also the chief adviser to the President of India and heads the Council of Ministers. Prime Minister can be the member of any of the two houses of the parliament but has to be the member of the political party or a coalition which has majority in Lok Sabha.

According to the Article 53 of the Constitution of India, the president can exercise his or her powers directly or by subordinate authority, with few exceptions, but in reality all of the executive powers vested in the president are, in practice, exercised by the prime minister (a subordinate authority) with the help of the Council of Ministers. The president is bound by the constitution to act on the advice of the prime minister and council of ministers as long as the advice is not against the constitution. The prime minister is the senior-most member of cabinet in the executive of government in our democracy. The prime minister selects as

well as can dismiss members of the cabinet; allocates posts to members within the government; and is the presiding member and chairperson of the cabinet.

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3.1 OBJECTIVES

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

- Explain the power and position of the President
- Describe the functions of the Prime Minister
- Discuss the features of the Council of Ministers at the Centre

3.2 PRESIDENT: POWERS AND POSITION

The Constitution of India, for many of its provisions, is indebted to the Government of India Act, 1935. The powers of the president have been divided into three categories – executive, legislative, and emergency, and in all these spheres there is a close similarity with the Government of India Act, 1935.

Under Article 53 of the Constitution, the executive powers of the Union is vested in the President who is empowered to exercise it either directly or through officers subordinate to him. The President needs to act in accordance with the Prime Minister and his Council of Ministers. The list of powers which the Constitution confers upon the President is long and impressive. These may be broadly classified under the following categories:

1. Executive Powers
2. Legislative Powers
3. Financial Powers
4. Judicial Powers
5. Military Powers
6. Diplomatic Powers
7. Emergency Powers

Executive Powers

The Constitution vests the executive powers of the Union or the Central Government to the President. The ‘executive power’ primarily means the authority to enforce orders and to ensure that those orders are carried out as intended. In India, the President has the authority to enforce laws as per the legislation. These laws are then enacted by the legislature. He or she also has the power to carry on the business of government or the administrative affairs of the state.

The President is the formal head of the administration and, as such, all executive actions of the Union must be expressed to be taken in the name of the President. Again, though the President may not be the ‘real’ head of the

administration, all officers of the Union shall be his or her 'subordinates' [Article 53(i)] and he or she shall have a right to be informed of the affairs of the Union [Article 78(b)].

The administrative power also includes the power to appoint and remove the high dignitaries of the State. Under our Constitution, the President has the power to appoint the Prime Minister of India, other ministers of the Union, the attorney-general for India, the comptroller and auditor-general of India, the judges of the supreme Court, the judges of the high courts of the states, the governor of a state, the Finance Commission, the Chief Election Commissioner and other members of the Election Commission. However, while making some of the appointments, the President is required by the Constitution to consult persons other than his or her ministers. The President also has the power to remove:

- (i) his or her ministers, individually
- (ii) the Attorney-General for India
- (iii) the Governor of a State
- (iv) the Chairman or a member of the Public Service Court
- (v) a Judge of the Supreme Court or of a High Court or the Election Commissioner, on an address of Parliament

Legislative Powers

The President has important legislative powers since he or she is an integral part of the legislative process. Some important legislative powers of the President are as follows:

- (a) The President has the power to summon both the Houses of the Parliament and prorogue them. He or she has the power to dissolve the Lower House. He or she also has the power to summon a joint sitting of both houses of Parliament in case of a deadlock between them.
- (b) The President addresses both Houses of Parliament assembled together, at the first session after each general election and at the commencement of the first session of each year. He or she also informs the Parliament of the causes of its summons.
- (c) Besides the right to address a joint sitting of both the Houses at the commencement of the first session, the President also has the right to address either House or their joint sitting, at any time and he or she requires the attendance of members for this purpose.
- (d) The President has the power to nominate certain members of both the Houses upon the supposition that adequate representation of certain interests will not be possible through the election. Thus, in the Council of States, twelve members are to be nominated by the President. He is also empowered to nominate not more than two members to the House of the People from the Anglo-Indian Community.

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- (e) A bill will not be an Act of Indian Parliament unless and until it receives an affirmation from the President. When a bill is presented to the President, after its consideration in both the Houses of Parliament, the President shall be entitled to take any of the following three steps: (i) He or she may declare his or her assent to the bill; or (ii) He or she may declare that he or she withholds his or her assent to the bill; (iii) He may, in the case of bills, other than money bills, return the bill for reconsideration of the Houses, with or without a message suggesting amendments. A money bill cannot be returned for reconsideration. In case (iv), the Bill is passed again by both Houses of Parliament with or without amendment and is again presented to the President, it would be obligatory upon him to declare his or her assent to it.

Table 3.1 Ordinances Promulgated by the President from
1952 to 2009 (Upto 31st March)

Year	No. of Ordinances Promulgated	Year	No. of Ordinances Promulgated
1952	9	1953	7
1954	9	1955	7
1956	9	1957	6
1958	7	1959	3
1960	1	1961	3
1962	8	1963	–
1964	3	1965	7
1966	13	1967	9
1968	13	1969	10
1970	5	1971	23
1972	9	1973	4
1974	15	1975	29
1976	16	1977	16
1978	6	1979	10
1980	10	1981	12
1982	1	1983	11
1984	15	1985	8
1986	8	1987	10
1988	7	1989	2

1990	10	1991	9
1992	21	1993	34
1994	14	1995	15
1996	32	1997	31
1998	20	1999	10
2000	05	2001	12
2002	07	2003	8
2004	08	2005	04
2006	03	2007	08
2008	08	2009	09

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- (f) The most important legislative power of the President is to promulgate ordinances (under the Article 123) during the recess of Parliament. According to this, the President is empowered to promulgate Ordinances, except when both the Houses of Parliament are in session, if he is satisfied that circumstances exist compelling him to take immediate action. In August 2002, the Union cabinet approved the promulgation of an Ordinance on electoral reforms seeking to curb criminalization of politics. However, the then President Dr A.P.J. Abdul Kalam returned the poll reform Ordinance with some queries (on August 23, 2002). The cabinet returned to the President refusing to make any changes in it and only thereafter the President agreed for promulgation of the Ordinance. A Presidential Ordinance has the same force and effect as an Act of Parliament. However, every such Ordinance should be laid before both Houses of Parliament within six weeks from the reassembly of Parliament. Failure to comply with this condition, or parliamentary disapproval within the six weeks' period, will make the Ordinance invalid. The President may also withdraw the ordinance at any time he or she likes.

During the period from January 1997 to March 1998, 35 Ordinances were promulgated by the President. Out of these 35, ten Ordinances have been repromulgated by the President. These Ordinances had to be repromulgated because these could not be replaced by Acts to Parliament within the stipulated period in terms of Article 123 (2) (a) of the Constitution.

Financial Powers

The President enjoys several financial powers in India. If a President recommends any bill then only it originates in the Parliament. The President causes the Annual Budget or the Supplementary Budget before the Parliament. No money bill can be introduced in the Parliament without his or her prior recommendation. He or

she distributes the share of all income-tax receipts between the Centre and States. The President appoints a finance commission in every five years.

Judicial Powers

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The President appoints the Chief Justice of the Union Executive. He or she also appoints judges of the High Courts and the Supreme Court and thus enjoys a great judicial patronage. He or she enjoys the power to grant pardon, reprieve, or remission of punishment to any convict, particularly in all cases involving punishment with death. The President can refer any matter of constitutional law to the Supreme Court for advice. The advice of the Supreme Court, however, is not bound upon him.

Military Powers

The President of India is also the Supreme Commander of the Defence Forces. According to the Constitution, the law regulates the exercise of this power. This means that though the President may have the power to take action as to the declaration of war or peace or the employment of the Defence Forces he can do so only after consultation with and approval of the Parliament under the decision of the Council of Ministers. The President can appoint Army, Navy, and Air Chiefs. All important treaties and contracts are made in the President's name.

Diplomatic Powers

In his capacity as the head of state, the President of India represents India in international affairs. He also has the power to appoint Indian representatives to other countries and receives diplomatic representatives such as Ambassadors and High Commissioners of other states. All the international treaties and agreements are negotiated on behalf of the President.

Emergency Powers

The President has been given wide powers to meet emergencies. The Constitution provides for three different categories of emergency and in each, the President is empowered to declare emergency.

National emergency

A 'Proclamation of Emergency' may be made by the President at any time he feels that the security of India or any part thereof has been threatened by war, external aggression, or armed rebellion (Article 352.). The proclamation of the emergency must be approved by the parliament within one month of its announcement. It may be made even before the actual occurrence of any such disturbance, i.e., when external aggression is apprehended. Before 1978, emergency could be declared because of war, external aggression, or internal disturbance. The expression 'internal disturbance' was too vague and broad. The 44th Amendment substituted the words 'armed rebellion' for internal disturbance. This change has somewhat restricted the scope of what may be called as internal emergency.

The 44th Amendment of the Indian Constitution introduced a clause under Article 352(b). This stated to the effect that the President shall not issue a proclamation of emergency or a proclamation varying the same, unless the decision of the Union Cabinet (i.e., the council consisting of the PM and other Ministers of Cabinet rank appointed under Article 75) that such a proclamation may be issued has been communicated to him in writing. This means that the decision to issue such a proclamation has to be arrived at collectively by the Cabinet and not by the PM alone without consulting the cabinet as happened in 1975.

Every proclamation issued under Article 352 is to be laid before each House of Parliament. It ceases to operate at the expiration of one month unless in the meantime it has been approved by resolutions of both Houses of Parliament. Thus, a proclamation will automatically cease after one month if not approved by parliament in the meantime. Formerly, the period allowed for parliamentary approval of the proclamation was two months. The 44th Amendment reduced it to one month. If, however, at the time of the issue of the proclamation or thereafter, the Lok Sabha is dissolved without approving the proclamation, and the Rajya Sabha approves it, then the proclamation ceases to operate 30 days after the Lok Sabha sits again after fresh election, unless in the meantime the new Lok Sabha passes a resolution approving the proclamation.

Another significant safeguard introduced by the 44th Amendment gives a resolution approving the proclamation of emergency that has to be passed by each House by a majority of the total membership of each House and not less than two-thirds of the majority of the members present and voting in each House. Before the 44th Amendment, passage of such a resolution by a simple majority in each House was sufficient.

Once approved by the Parliament, the proclamation remains in force, unless revoked earlier, only for six months from the date of the passing of the later of the resolutions. For continuance of the emergency beyond that period, parliamentary approval is needed again. Thus, each time the Parliament approves the proclamation, its life is extended for six months. Earlier, once approved by the House, the proclamation could remain in force as long as the executive desired.

Another safeguard introduced by the 44th Amendment is that the President is obligated to revoke a proclamation of emergency issued under Article 353(i) if the Lok Sabha passes a resolution disapproving the same. This resolution is to be passed by a simple majority of the members of the House present and voting. Formerly, the power to revoke the proclamation vested in the executive and the House had no say in the matter. Now, the executive has to withdraw the emergency if the Lok Sabha so desires. The 44th Amendment introduced another innovation: Where a notice in writing, signed by not less than 1/10th of the total members of the Lok Sabha has been given, of their intention to move a resolution disapproving the proclamation of emergency, to the Speaker if the House is in Session or to the President, if the House is not in Session, a special sitting of the House is to be held

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within 14 days from the date on which such notice is received by the Speaker or the President, as the case may be, for the purpose of considering such resolution. Thus, it does not lie within the power of the government to convene or not a session of the House to consider the resolution in question.

It may be that an armed rebellion or external aggression has affected only a part of the territory of India which is needed to be brought under general control. Hence, it has been provided, by the 44th Amendment, that a proclamation under Article 352 may be made in respect of the whole of India or only a part thereof.

Effects of the Proclamation

The effects of the Proclamation of emergency will be:

- (i) The executive power of the Union will extend to the giving of any directions to any state executive in the emergency area.
- (ii) Parliament's law-making power will extend to the subjects enumerated in the state list.
- (iii) Parliament may, by law, extend the normal life of the Lok Sabha for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the proclamation has ceased to operate.
- (iv) The federal provisions of the Constitution cease to function in the area affected by the proclamation.
- (v) The President is empowered to restrict or prohibit by order the distribution of revenues that are normally to be assigned entirely to the states under the financial provisions of the Constitution.
- (vi) The Proclamation of emergency also affects the operation of the Fundamental Rights. While the Proclamation of emergency is in operation, the State can restrict the fundamental freedoms guaranteed by Article 19 of the Constitution. The right to move the courts for the implementation of such of the fundamental rights conferred by Part III, except Articles 20 and 21 can be suspended by the President for the duration of emergency.

Before the 44th Amendment, in the event of such an emergency all the Fundamental Rights guaranteed by the Constitution could be suspended by the President under Article 359. Even the right to *Habeas Corpus* or to life and liberty remain suspended during the emergency, if the President so decreed. The 44th Amendment expressly excludes Articles 20 and 21 from the power conferred on the President by Article 359. This means that the executive has now no power under Article 359 to suspend the citizen's right to life and personal liberty.

Use of the emergency powers

The first Proclamation of emergency under Article 352 was made by the President on October 26, 1962, in view of the Chinese aggression in the NEFA. This Proclamation of emergency was revoked by an order made by the President on January 10, 1968. The second Proclamation of emergency under Article 352 was

made by the President on December 3, 1971 when Pakistan launched an undeclared war against India. The third Proclamation of emergency under Article 352 was made on June 25, 1975, on the ground of 'internal disturbance'. Both the second and third proclamations were revoked in March 1977. Thus, from June 25, 1975 to March 1977, two emergency proclamations were in force simultaneously. The proclamation of 1975 proved to be the most controversial. The public reaction to the proclamation was so intense that the Congress party lost its majority in 1977 elections and the Janata Party's Government came into power.

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Failure of Constitutional machinery in a state

It is the duty of the Union to ensure that the governance of every state is carried on in accordance with the provisions of the Constitution (Article 355). So, the President is empowered to make a proclamation, when he is satisfied that the Government of a state cannot be carried on in accordance with the provisions of the Constitution, either on the report of the Governor of the State or otherwise [Article 356(i)].

As a result, (i) President may assume to himself or herself all or any of the functions of the State or he or she may vest all or any of those functions in the Governor or any other executive authority; (ii) President may declare that the powers of the State Legislature shall be exercisable by Parliament; and (iii) he or she may make any other incidental or consequential provisions necessary to give effect to the objects of the proclamation.

Every proclamation is to be laid before each house of Parliament and it ceases to operate after two months unless in the meantime it has been approved by the resolutions of both Houses of Parliament. The normal operative period for the proclamation is six months from the last of the days on which the Houses pass resolutions approving the same. The maximum duration is three years but if the duration is sought to be extended beyond one year, two other conditions, as inserted by the 44th Amendment Act, 1978, have to be satisfied, namely, (a) a proclamation of emergency is in operation, in the whole of India or, as the case may be, in the whole or any part of the State, at the time of the passing of such resolution, and (b) the Election Commission certifies that the continuances in force of the proclamation approved under clause 3 during the period specified in such resolution is necessary on account of difficulties in holding general elections to the Legislature Assembly of the State concerned.

Frequent and improper use of Article 356

It is an extraordinary power of the Union to meet a political breakdown in any of the units of the federation. Article 356 was put to use as early as 1951 though in its early years it was not used often. Over the years, these provisions have been increasingly brought into operation.

It has been charged that President's rule was used to remove state governments run by parties or coalitions other than the party in power at the Union.

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Financial emergency

Article 360 makes provisions concerning financial emergency. If the President is satisfied that a situation or credit of India, or any part thereof, is threatened, he or she may make a proclamation or a declaration to that effect. When such a proclamation is in operation, the centre can give directions to any state to observe such canons of financial propriety as may be specified in the directions. It may give such other directions as the President may deem necessary and adequate for the purpose. Any such directions may provide for the reduction of salaries and allowances of all or any class of persons serving in the State. It may require that all money bills or financial bills or those which involve expenditure from the State consolidated fund shall be reserved for the President's consideration after being passed by the State legislature. The President may also issue directions for reducing the salaries and allowances of persons serving the Union including the Supreme Court and the High Court judges. Thus, the proclamation of financial emergency increases the supervision of the Centre on the States in financial matters. Financial Emergency must be approved by the Parliament within two months. There has not been any occasion so far for invoking Article 360.

Criticism of the emergency powers

According to K.T. Shah, there are distinct currents of thought underlying the various provisions – (i) To arm the Centre with special powers against the Units, and (ii) to arm the Government against the people. He further says that after looking at all the provisions, he feels that only the name of liberty or democracy will remain under the Constitution. H.V. Kamath said, 'that by this single chapter we are seeking to lay the foundation of a totalitarian state, police state... a state where if there be peace, it will be the peace of the grave and the void of the desert.' Some major criticisms against the emergency provisions are:

- (i) ***The federal character of the constitution will be destroyed:*** A proclamation of emergency under Article 352 can authorise a virtual abrogation of the federal division of powers by extending the Centre's control to all matters, including those normally under the exclusive jurisdiction of the State. As a result the Union will become all powerful.
- (ii) ***Incompatible with the spirit of democracy:*** These provisions are regarded incompatible with the spirit of democracy. These powers are like a loaded gun which may be used any time to destroy the democratic fabric of the Constitution. Similar powers were granted by the Weimer Constitution of Germany to the President of the German Reich and it was by the use of those powers that Hitler was enabled to destroy the liberty of the German people and establish his dictatorship.
- (iii) ***Fundamental rights will become meaningless:*** The powers of suspending fundamental rights is perhaps the most undemocratic feature of these provisions. To make matters worse, the President can suspend the right to move the courts for the enforcement of the fundamental rights.

- (iv) **The autonomy of the states will be eroded:** All the three types of emergencies envisaged respectively can cause inroads on the autonomy of the States.

Dr. Ambedkar also accepted that these powers might be misused for political purposes. The suspension of fundamental rights of the citizens is certainly not a wholesome provision. But to say that these powers are liable to make the President a 'possible dictator' of India, is to carry the matter too far. It is true that these powers have made the union executive a dominant partner in the federation, but that has been the trend of federalism in general. The working of the Constitution has made it clear that this part of the Constitution does work as what A.K. Ayyar said in the Constituent Assembly 'the safety valve' and thereby helps in the maintenance of the Constitution.

The justification of these emergency provisions lies in the past history of India. Whenever there was a weak Centre, it led to ruin and disaster. After independence, the country was facing separatist tendencies. The problem before the makers of the Constitution was not only to give a democratic Constitution but also to provide a safeguard against anti-national and anti-democratic forces. These emergency powers of the President were expected to be sparingly only in case of real emergencies.

There is, however, a danger against misuse of these powers by the party in power for its political ends. This can be avoided only if the public opinion and democratic forces are very strong in the country. In fact, no democracy can work successfully unless the people are alert and vigilant against non-democratic and anti-democratic forces.

3.3 PRIME MINISTER: POWERS AND FUNCTIONS

The office of the Prime Minister first originated in England. Indian Constitution borrowed this system, which has been designed after the Westminster System. Article 74(1) of our Constitution expressly states that the Prime Minister shall be 'at the head' of the Council of Ministers. Hence, the other ministers cannot function without the Prime Minister. There are two approaches about the office of the Prime Minister. Lord Morely described the Prime Minister as *primus inter pares* (first among equals) and Sir William Vernon called him *inter stellas luna minors* (moon among the stars). Harold Laski, on the other hand, called him 'The pivot of the whole system of government'.

The concept of 'first among equals' is obsolete today. How can there be 'first' among equals? If he is equal, he will not be first. If he is first, it means that he is not equal. The very fact that he is Prime Minister means that he is superior to others. The Prime Minister represents not only the cabinet arch but other arches of the constitutional structure as well. Peter G. Richards observes that to say that

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the Prime Minister was *primus inter pares* was a 'serious underestimate of the Prime Minister's position.' Similarly, J.S. Dugdale observes that to say that all ministers', including the Prime Minister, were equal, was obviously wrong, but to say that all ministers except the Prime Minister were equal was 'nearer the truth'. Amery stressed that the Prime Minister was 'in fact both captain and man at the helm'. Ramsay Muir in his book, *How Britain is Governed*, called the Cabinet as 'Steering wheel of the ship of the state' and described the Prime Minister as 'the steer's man' Ivor Jeanings described him, 'The sun round which the planets revolve'. Beloft called him 'dictator' and Hinton said the Prime Minister was an 'elected monarch'.

Despite the constitutional provisions of the Westminster model of cabinet government in India, the Prime Minister has emerged as the undisputed chief of the executive. The personality of the Prime Minister determines the nature of the authority that he or she is likely to exercise. Such Prime Minister as Shastri, Morarji, V.P. Singh, Chandra Shekhar, H.D. Deve Gowda, I.K. Gujral served as first among equals but this was not the case with Nehru, Indira Gandhi, and Rajiv Gandhi. Long time domination of government by charismatic and powerful personalities such as Nehru and Indira Gandhi, and particularly the centralisation of political power by Indira Gandhi in her office, has rendered the Indian executive a Prime Ministerial government rather than a cabinet government.

Powers and Functions of the Prime Minister

The Prime Minister performs many significant functions in the Indian political system and exercises vast powers to his or her advantage. He or she is the chief executive of the nation and works as head of the Union Government. 'The Prime Minister is' in the words of Jawaharlal Nehru 'the Lynch-Pin of the Government' and as such his powers and functions are following:

- (i) **Head of Government:** The President of India is Head of the State while PM is the Head of the Government. Although the President of India is vested with many executive powers, in actual practice he or she acts only at the advice of the PM and the Cabinet. All major appointments of the Union Government are virtually made by the PM and all the major decision-making bodies such as the Union Cabinet, Planning Commission, and Cabinet Committees function under his or her supervision and direction.
- (ii) **Leader of the Cabinet:** The PM is the leader of the Cabinet. According to Article 74(i), 'There shall be a Council of Ministers with the Prime Minister as the head'. Like the British Prime Minister, Indian Prime Minister is not only *primus inter pares* but to use Ivor Jeaning phrase, a sun around which other ministers revolve like planets. It is he or she who selects the other ministers. It is the PM who distributes portfolios among ministers. It is the PM who presides over meetings of the Cabinet and determines what business shall be transacted at these meetings. He or she can change the personnel of the Cabinet at any time by demanding a minister's resignation or having him dismissed by the President. Mukherjee, Mathai, Neogy, Ambedkar,

and C.D. Deshmukh resigned mainly because of personal differences with Nehru. The PM, as chairman of the Cabinet, can influence cabinet decisions which are made by consensus more often than by voting. It is for the PM to sum of the sense of the meeting and declare the consensus. His or her resignation involves the resignation of all ministers. Laski's dictum 'the PM is central to the formation of the Council of Ministers, central to its life and central to its death' is as true of the PM of India as of his British counterpart.

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- (iii) **Link between President and the Cabinet:** Article 78 of the Constitution defines the duties of the PM, and in the discharge of those duties he or she acts as a link between the President and the Cabinet. The duties defined in this Article are: (a) to communicate to the President all decisions of the Council of Ministers; (b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and (c) if the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a minister but which has not been considered by the Council.
- (iv) **The leader of the Parliament:** The PM is the leader of the Parliament. He or she determines the dates of its meetings, as also its programmes for the session. He or she decides when the House is to be prorogued or dissolved. PM is the chief spokesman of the government in the House and it is he or she who usually keeps it informed about the government's intentions. As leader of the House, the PM is in a position of special advantage. He or she makes announcement of principal government policies and answers questions on super-departmental lines. He or she can correct the errors made by his or her ministers on the floor of the House and can even rebuke and reprimand them. The PM represents the Cabinet as a whole unlike any other members of the government.
- (v) **Chief spokesman in foreign relations:** In international relations, the PM is regarded as chief spokesman of the country. His or her statements are, for the outside world, statements of policies of the nation. In international conferences it is the PM who speaks for the nation. In dealings with non-aligned countries and conferences, he or she takes the lead. Our PMs have had a special interest in foreign affairs and this has helped them to strengthen their position at home also.
- (vi) **Leader of the Party:** The PMs in India have tried to woo and cajole the party but they have also tried to dominate the party by conscious manipulation and manoeuvring. Nehru forced Tandon to resign as Congress President and took over the command of the party. After the death of Patel, Nehru became the head in the party and in the Government. He combined the two posts of Party President and PM. After the Congress split (1969), the Party office worked on behalf of the PM (Mrs. Gandhi) and there was centralization of power. Almost all the party presidents were said to be virtually her

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nominee. After the formation of the Congress (I) the PM virtually became the High Command of the Party. P.V. Narsimha Rao, the Prime Minister, was also the President of the Congress (I) Party.

- (vii) **Chairman of the Planning Commission:** The Planning Commission is an extra-constitutional advisory body under the chairmanship of the PM. It has covered all the spheres of activities of both the Centre and the States. It has become a super cabinet under the leadership of the PM. All important decisions, defining the main line of the economic policy (even in the field demarcated for the States) are taken by the Planning Commission under the chairmanship of the PM.

An analysis of the powers of the Prime Minister proves that he or she is the pivot of the whole system of Government. The PM occupies a position of exceptional authority. According to a critic, the constitution concentrates so much power and influence in the hands of the PM that there is every danger to apprehend that the Prime Minister may become a dictator if he or she chooses to do so.

3.4 COUNCIL OF MINISTERS IN CENTRAL GOVERNMENT

The makers of the Indian Constitution intended that though formally all executive powers were vested in the President, he or she should act as the Constitutional head of the Union Executive like the British Crown, acting on the advice of ministers responsible to the Lok Sabha.

The British Constitution leaves the entire system of Cabinet Government to convention. The Crown is legally vested with absolute powers and the Ministers are in theory nothing more than the servants of the Crown. The framers of our Constitution enshrined the foundation of the Cabinet system in the body of the written Constitution itself, though, of course, the details of its working had necessarily to be left to be filled up by convention and usage. As Ramesh Thakur observes, 'the Council of Ministers has constitutional status, the cabinet does not get a mention in the Constitution. Accordingly, its powers are defined by convention and usage'.

Salient Features of the Cabinet System

India has adopted the Parliamentary form of government. The Parliamentary form of government, had its best form in the English political system—Party having a majority works under the leadership of the Prime Minister with the help and cooperation of his or her trusted colleagues. The PM discharges various departments and important portfolios to its various ministers. These people have their sense of responsibility towards the Parliament and ultimately towards the people who are their real constituents.

Though the essential principles of Parliamentary government continue to remain in observance, a great change has occurred in the sphere of relationship between the

Cabinet and the Parliament. There have been so many changes that the very name 'Parliamentary government' has been replaced by a more popular one 'Cabinet government'. The Cabinet has become, as W.B. Munro said, 'the single most important piece of mechanism in the Constitutional structure' or as Ramsay Muir says, 'the steering wheel of the ship of the State'. A great degree of difference has come to exist in theory and practice. 'In theory, it (Cabinet) is dependent upon the Parliament.' This type of executive has the following essential features:

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- (i) **A Nominal head:** The first prerequisite of this type of government is the presence of a Head of State endowed with nominal authority. The entire administration is run in his or her name. All powers are formally vested in him or her that are exercised by ministers accountable to the Parliament. Its best example can be found in the British monarch or in the Indian President who is said to rule, but not to govern.
- (ii) **Leadership of the Prime Minister:** The Prime Minister holds the real executive authority and, as such, he or she may be described as 'the real working head of the State. He or she is the chief spokesman of the government, keystone of the Cabinet arch and leader of the House'.
- (iii) **Political homogeneity:** The Prime Minister is the leader of the Party enjoying clear majority in the country's elections. It may be possible that two or more parties join to form a coalition government when no party is in a position to have absolute majority in the Parliament.
- (iv) **Collective responsibility:** The most important feature of this government is the principle of responsibility of the ministers to the Parliament. It means that they can live in office only so long as they enjoy the confidence or pleasure of the Parliament. They are collectively responsible; they sink and swim together.
- (v) **Sound and effective opposition:** The last requirement of Cabinet system of government is the existence of a sound and effective opposition that may exercise check on the government so as to prevent it from taking to a path basically opposed to the existence of a democratic political system. The Cabinet system in India is working exactly on the same lines as it is practiced in England. The President of India does not attend and preside over the meetings of the Cabinet. The Cabinet has political responsibility towards the Lok Sabha and the Rajya Sabha. Leadership of the Prime Minister is recognized constitutionally; all the ministers generally belong to the same political party, hold identical views and subscribe to the same principles.
- (vi) **Appointment of ministers:** While the Prime Minister is selected by the President, the other ministers are appointed by the President on the advice of the Prime Minister [Article 75(i)] and the allocation of portfolios amongst them is also made by the Prime Minister. Further, the President's power of dismissing an individual minister is virtual power at the hands of the Prime Minister. In selecting the Prime Minister, the President must obviously be

restricted to the leader of the party in majority in the Lok Sabha, or, a person who is in a position to win the confidence of the majority in that House.

Council of Ministers and Cabinet

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The Constitution does not classify the members of the Council of Ministers into different ranks. All this has been done informally, following the English practice. It has now got legislative sanction. Salaries and Allowances of Ministers Act, 1952, defines Minister as a ‘Member of the Council of Ministers, by whatever name called, and includes a Deputy Minister’.

All the Ministers, however, do not belong to the same rank. They are classified under three ranks: (a) Cabinet Minister or ‘Members of the Cabinet’; (b) Minister of State; and (c) Deputy Ministers. Theoretically, the complete body of executives comprises the Council of Ministers, with the Cabinet being but one of its three components. In reality, the Cabinet is more important, influential and powerful than the members of the cabinet.

The Cabinet rank ministers are the heads of their departments. The Ministers of State are formally of Cabinet status and are paid the same salary as the Cabinet Ministers and they may hold independent charge of their department. The Deputy Ministers are paid lesser salary than the Cabinet rank ministers and have no separate charge of a department.

However, the 91st Constitutional Amendment (2003) inserts provision 1A in the Article 75, which provides ‘the total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People’.

The Cabinet

The cabinet is the minor body of the Council of Ministers, which comprises the principal ministers who, while holding important portfolios, are responsible generally for government administration and policy.

The Cabinet must be of small size, which ranges between 12 and 18 people. It has more often been the result of political considerations than of efficient decision-making. The composition of the Cabinet reflects a concern for a degree of regional balance and for the representation of important communities – Muslims, Sikhs SCs, STs and OBCs.

The Cabinet has four major functions—to approve all proposals for the legislative enactment of government policy; to recommend all major appointments; to settle interdepartmental disputes; and to coordinate the various activities of the government and oversee the execution of its policies.

Only members are entitled to attend the weekly meetings of the Cabinet, but Ministers of State, Chief Ministers and technical experts may be invited to attend discussions of subjects with which they have special concern. Votes are rarely taken into consideration in the Cabinet. Important decisions usually are reached after discussion. Only major issues are referred to the Cabinet, and

frequently even these, such as the preparation of the budget, are decided by the appropriate minister in consultation with the Prime Minister.

The work of the Cabinet is handled largely by Committees. The Cabinet Committees, organized by Nehru to coordinate the functions of the various ministries, have been largely dominated by the few ministers. As Prime Minister Nehru, himself was Chairman of 9 of the 10 Committees and the Home Minister was a member of all Committees and was Chairman of the tenth. The Emergency Committee of the Cabinet, set up in 1962 and composed of six senior ministers including the Prime Minister, came in Nehru's last years to assume the role of an inner Cabinet and took over many of the decision-making responsibilities of the whole Cabinet. Under Shastri, the Emergency Committee declined in relative importance. The Cabinet's primacy was restored in domestic affairs, as each minister was given a greater role of initiative and discretion. In consolidating her power (after 1971), Mrs. Gandhi created the Political Affairs Committee, composed of a small group of senior Cabinet ministers under her Chairmanship. Responsible for the coordination of major Cabinet concerns in domestic and international affairs and in defence, the committee became the most important decision-making body in India after the Prime Minister herself.

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Powers and Functions of the Council of Ministers

The Council of Ministers form the Government of the Union. It is headed by the Prime Minister, who is the head of the Union Government. Functions of the Council of Ministers are to aid and assist the President in exercising his or her role as the head of nation. Its powers and functions may be discussed as follows:

- (i) **Legislative functions:** The Council of Ministers controls the legislature of the Union Government, i.e., the Parliament. Council of Ministers formulates its policy, submits and explains it to the Parliament for approval. Since it holds majority in the Parliament, it is always sure of the acceptance of its policy. The entire legislation of importance passed by the Parliament is initiated by the Ministers. Maximum legislative bills are prepared and submitted in the Parliament by the Council of Ministers.
- (ii) **Financial powers:** The Cabinet controls the financial policy of the Union executive. It is the Finance Minister who submits the budget to the Parliament. The Parliament approves the budget-expenditure and revenue items in its original form with the support of a subservient majority.
- (iii) **Executive powers:** The Council of Ministers is the executive branch of the Union. The ministers preside over various departments of the government and give directions to the administration. The Cabinet brings about the coordination of policy among various departments and settles their conflicts. The Cabinet formulates foreign and defence policies of the country and executes the five year plans.
- (iv) **Council of ministers in foreign and military affairs:** The Council of Ministers may declare war with a country and concludes peace. All the

treaties and international agreements are negotiated and concluded by the Council of Ministers.

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Check Your Progress

1. The executive powers of the president are given under which Article of the Constitution?
2. Who appoints the Prime Minister of India?
3. How many people can the President nominate to be members of Council of States and Lok Sabha?
4. When was the first Proclamation of emergency under Article 352 made by the President?
5. Who heads the Council of Ministers?

3.5 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

1. The executive powers of the president are given under Article 53 of the Constitution.
2. The President of India appoints the Prime Minister of India.
3. In the Council of States, twelve members are to be nominated by the President. He is also empowered to nominate not more than two members to the Lok Sabha from the Anglo-Indian Community.
4. The first proclamation of emergency under Article 352 was made by the President on October 26, 1962, in view of the Chinese aggression in the NEFA.
5. The Council of Ministers is headed by the Prime Minister of India.

3.6 SUMMARY

- The Constitution of India, for many of its provisions, is indebted to the Government of India Act, 1935.
- The powers of the president have been divided into three categories – executive, legislative, and emergency.
- The ‘executive power’ primarily means the authority to enforce orders and to ensure that those orders are carried out as intended.
- The administrative power also includes the power to appoint and remove the high dignitaries of the State.
- Under our Constitution, the President has the power to appoint the Prime Minister of India, other ministers of the Union.

- The President has the power to summon both the Houses of the Parliament and prorogue them. He or she has the power to dissolve the Lower House.
- A bill will not be an Act of Indian Parliament unless and until it receives an affirmation from the President.
- The most important legislative power of the President is to promulgate ordinances (under the Article 123) during the recess of Parliament.
- The President enjoys several financial powers in India. If a President recommends any bill then only it originates in the Parliament.
- The President appoints the Chief Justice of the Union Executive. He or she also appoints judges of the High Courts and the Supreme Court and thus enjoys a great judicial patronage
- The President of India is also the Supreme Commander of the Defence Forces.
- A 'Proclamation of Emergency' may be made by the President.
- Once approved by the Parliament, the proclamation remains in force, unless revoked earlier, only for six months from the date of the passing of the later of the resolutions.
- The Proclamation of emergency also affects the operation of the Fundamental Rights.
- It is the duty of the Union to ensure that the governance of every state is carried on in accordance with the provisions of the Constitution (Article 355).
- Article 360 makes provisions concerning financial emergency.
- The office of the Prime Minister first originated in England. Indian Constitution borrowed this system, which has been designed after the Westminster System.
- The Prime Minister performs many significant functions in the Indian political system and exercises vast powers.
- The President of India is Head of the State while PM is the Head of the Government.
- It is the PM who distributes portfolios among ministers. It is the PM who presides over meetings of the Cabinet and determines what business shall be transacted.
- In international relations, the PM is regarded as chief spokesman of the country.
- The Constitution does not classify the members of the Council of Ministers into different ranks. All this has been done informally, following the English practice.
- The cabinet is the minor body of the Council of Ministers, which comprises the principal ministers.

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3.7 KEY WORDS

- **Executive:** It is the branch of a government responsible for putting decisions or laws into effect.
- **Prorogue:** It means to discontinue a session of (a parliament or other legislative assembly) without dissolving it.
- **Habeas Corpus:** It is a writ requiring a person under arrest to be brought before a judge or into court, especially to secure the person's release unless lawful grounds are shown for their detention
- **Ordinance:** It is an authoritative order.

3.8 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the legislative powers of the President.
2. Explain national emergency and the effects of its proclamation.
3. Discuss the power and functions of the Prime Minister.
4. What is a Cabinet? Discuss its characteristics in detail.

Long-Answer Questions

1. Give a detailed description of all the powers conferred upon the President of India.
2. Why are the emergency powers of the President criticised? Discuss.
3. Discuss the salient features of the cabinet system.
4. State and analyse the powers and functions of the Council of Ministers.

3.9 FURTHER READINGS

Maheshwari. 2001. *Indian Administration (Sixth Edition)*. Hyderabad: Orient Blackswan.

Arora, Ramesh Kumar. 1995. *Indian Public Administration: Institutions and Issues*. New Delhi: New Age International.

Chakrabarty, Bidyut and Prakash Chand. 2019. *Indian Administration: Evolution and Practice*. New Delhi: SAGE Publications.

UNIT 4 MINISTRIES AND DEPARTMENTS OF CENTRAL GOVERNMENT

*Ministries and
Departments of Central
Government*

NOTES

Structure

- 4.0 Introduction
- 4.1 Objectives
- 4.2 Cabinet Secretariat
- 4.3 Central Secretariat
- 4.4 Answers to Check Your Progress Questions
- 4.5 Summary
- 4.6 Key Words
- 4.7 Self Assessment Questions and Not Exercises
- 4.8 Further Readings

4.0 INTRODUCTION

The government of India consists of many ministries and departments which are together called as the Central Secretariat. The Cabinet Secretariat is a department which helps out cabinet in conducting cabinet Committee meetings (circulating the agenda as well what has been discussed and the decisions that have been taken). It helps various ministries to work together by bringing coordination among them so that they work in sync. This unit discusses these Secretariats in detail.

4.1 OBJECTIVES

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

- Explain the roles and responsibilities of Cabinet Secretariat
- Describe the services under Central Secretariat

4.2 CABINET SECRETARIAT

The Cabinet Secretariat is under the direct charge of the Prime Minister. It is housed in the central secretariat building. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board. In the Government of India (Allocation of Business) Rules, 1961 “Cabinet Secretariat” finds a place in the First Schedule to the Rules. The subjects allotted to this Secretariat are:

- Secretarial assistance to Cabinet and Cabinet Committees
- Rules of Business

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The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and the Government of India (Allocation of Business) Rules 1961, facilitating smooth transaction of business in Ministries/Departments of the Government by ensuring adherence to these rules. The Secretariat assists in decision-making in Government by ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/Departments and evolving consensus through the instrumentality of the standing/ad hoc Committees of Secretaries. Through this mechanism new policy initiatives are also promoted.

The Cabinet Secretariat ensures that the President, the Vice President and Ministers are kept informed of the major activities of all Ministries/Departments by means of monthly summary of their activities. Management of major crisis situations in the country and coordinating activities of various Ministries in such a situation is also one of the functions of the Cabinet Secretariat.

While each Ministry is responsible for acting on its own for expeditious implementation of Government policies, plans and programmes, where inter-Ministerial cooperation is involved, they often seek the assistance of the Cabinet Secretariat. The inter-Ministerial problems are dealt with in the meetings of the Committees of Secretaries (COS). Committees are constituted for discussing specific matters and proposals emanating from various Secretaries to the Government and meetings are held under the chairmanship of the Cabinet Secretary. These committees have been able to break bottlenecks or secure mutually supporting inter-Ministerial action.

The discussions of the COS takes place on the basis of a paper formulated by the principal Department concerned and the Department with a different point of view, if any, providing a supplementary note. The decisions or recommendations of the COS are unanimous. These proceedings are also circulated to and are followed up by the departments. There are other important functions which it discharges. These are:

- Monitoring
- Coordination
- Promoting new policy initiatives

The Cabinet Secretariat is seen as a useful mechanism by the departments for promoting inter-Ministerial coordination since the Cabinet Secretary is also the head of the civil services. The Secretaries felt it necessary to keep the Cabinet Secretary informed of developments from time to time. The Transaction of Business Rules also requires them to keep the Cabinet Secretary informed of developments from time to time, especially if there are any departures from these rules.

4.3 CENTRAL SECRETARIAT

There are three Services in the Central Secretariat, which provide support and continuity of the governmental system in the Central Government Secretariat.

1. Central Secretariat Service (CSS)

2. Central Secretariat Stenographers Service (CSSL)
3. Central Secretariat Clerical Service (CCL)

The Central Secretariat Service (CSS) is one of three services functioning in the core functioning in the Governance i.e. Central Secretariat. The CSS is governed by Central Secretariat Service Rules, 1962, which has been issued under the powers of Article 309 of the Constitution. The CSS has been one of the earliest organized services in the country, which presently consists of five grades, namely, Assistant, Section Officer, Under Secretary, Deputy Secretary and Director. Some of the posts of Joint Secretary-level, which are operating in Central Staffing Scheme, are also held by CSS Officers. The CSS has been devised primarily to manage the middle level posts in the Central Secretariat, which is the Headquarters of the Union Government, housing the Offices of the Central Ministries/Departments mostly located in Delhi/New Delhi. The major role of the service is also to ensure continuity in administration and policies. The CSS is a permanent bureaucratic set up in the Core Governance, which provide a delivery system for policy formulation, continuity in policy administration, monitoring & review of the implementation of policies/schemes, coherent institutional memory etc., which are germane to good governance at the Headquarters' of the Central Government.

The Central Secretariat Stenographers Service (CSSL) is one of the Central Secretariat Services. The service was constituted in 1951 to cater to the stenographic requirements in the Central Secretariat and Attached Offices. Central Secretariat Clerical Service (CCL) functions on defined set of rules called The Central Secretariat Clerical Service Rules, 1962.

Check Your Progress

1. Who is in charge of the Cabinet Secretariat?
2. State one role of the Cabinet Secretariat.
3. Which rule governs the CSS?

4.4 ANSWERS TO CHECK YOUR PROGRESS

1. The Cabinet Secretariat is under the direct charge of the Prime Minister.
2. The Cabinet Secretariat ensures that the President, the Vice President and Ministers are kept informed of the major activities of all Ministries/Departments by means of monthly summary of their activities.
3. The CSS is governed by Central Secretariat Service Rules, 1962, which has been issued under the powers of Article 309 of the Constitution.

4.5 SUMMARY

- The Cabinet Secretariat is under the direct charge of the Prime Minister. It is housed in the central secretariat building.

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- The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board.
- While each Ministry is responsible for acting on its own for expeditious implementation of Government policies, plans and programmes, where inter-Ministerial cooperation is involved, they often seek the assistance of the Cabinet Secretariat.
- The Cabinet Secretariat is seen as a useful mechanism by the departments for promoting inter-Ministerial coordination.
- The Central Secretariat Service (CSS) is one of three services functioning in the core functioning in the Governance i.e. Central Secretariat.
- The CSS is governed by Central Secretariat Service Rules, 1962, which has been issued under the powers of Article 309 of the Constitution.

4.6 KEY WORDS

- **Secretariat:** It is a permanent administrative office or department, especially a governmental one.
- **Stenographer:** It refers to a person whose job is to transcribe speech in shorthand.
- **Policy:** It is a course or principle of action adopted or proposed by an organization or individual.

4.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Differentiate between Cabinet Secretariat and Central Secretariat.
2. State the important functions of Committees of Secretaries.

Long-Answer Questions

1. Discuss the roles and responsibilities of the Cabinet Secretariat. What subjects are allotted to this Secretariat?
2. How many services are a part of Central Secretariat? Elaborate.

4.8 FURTHER READINGS

- Maheshwari. 2001. *Indian Administration (Sixth Edition)*. Hyderabad: Orient Blackswan.
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UNIT 5 PUBLIC SECTOR UNDERTAKINGS

NOTES

Structure

- 5.0 Introduction
- 5.1 Objectives
- 5.2 Forms of PSUs
 - 5.2.1 Characteristics
 - 5.2.2 Parliamentary Committee on Public Undertakings
- 5.3 Autonomy
- 5.4 Answers to Check Your Progress Questions
- 5.5 Summary
- 5.6 Key Words
- 5.7 Self Assessment Questions and Exercises
- 5.8 Further Readings

5.0 INTRODUCTION

The government owned corporations are called as Public Sector Undertakings (PSUs) in India. In a PSU majority (51% or more) of the paid share capital is held by central government or by any state government or by both, the central government and partly by one or more state governments. Several Public Sector Undertakings (PSUs) which function under the Government of India regularly provide a lot of employment opportunities in various technical and managerial domains. Public Sector Undertakings can be further divided into three categories based on net worth and annual turn over- Maharatnas, Navratnas and Miniratnas.

A new form of organization for managing public enterprises has been evolved in the shape of public corporation. This sort of public corporation is an autonomous corporate body set up under a special Act of Parliament or State Legislature. A 'Public Corporation' is a form of public enterprise which is outside the framework of government departments and company laws and which is especially designed to meet the specific need of a government enterprise.

Certain public sector undertakings have been given additional financial autonomy. These companies are "public sector companies that have comparative advantages", giving them greater powers to compete in the global market so that they can establish their name globally. Financial autonomy was initially awarded to nine PSUs as Navratna status in 1997.

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5.1 OBJECTIVES

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

- Explain the various forms and characteristics of PSUs
- Discuss the limitations of PSUs
- Explain the meaning and features of public corporation
- Discuss autonomy and its objectives

5.2 FORMS OF PSUS

Public enterprises and traditional government do not differ in any significant way. In fact, they function on more or less in a similar pattern. Some of the oldest state undertakings like the post and telegraph department, telephone services and the railways were structured, funded and managed in a way akin to any other government departments. Though these old state enterprises are autonomous, they are ultimately controlled by the departmental head and the ministry concerned. This form of organization is frequently in use when revenue generation is the primary aim of the establishment. The total number of departmental undertakings controlled by the central and state governments in India is 298. For example, Posts and Telegraphs are a department in the Ministry of Communications. The Ordnance Factory, the Gun Carriage Factory, the Delhi Milk Scheme, the Tarapur Atomic Energy Plant, All India Radio, Doordarshan, the Government Printing Press and Mint are other examples of departmental undertakings.

Characteristics

The principal characteristics of departmental undertakings are as follows:

- (i) The enterprise is financed by annual appropriations from the treasury and all, or a major share of its revenues, is paid into the treasury.
- (ii) Departmental undertakings are easily formed by the government as they do not require any registration formalities.
- (iii) The enterprise is subject to the budget accounting and audit controls applicable to other government activities.
- (iv) It has to get capital from government treasury out of annual budget. It is not allowed to borrow funds for its working form the public but it has to depend upon the budgets to be sanctioned from Parliament.
- (v) The appointments and recruitments are as per the terms and conditions of civil servants. They are considered as government employees or civil servants and enjoy same right and privilege as other civil servants. The enterprise is generally organized as a major subdivision of one of the Central departments of government and is subject to the direct control of the head of the department.

- (vi) It runs its business purely on service basis because it is a public utility concern. It does not work on commercial basis like private organizations.
- (vii) Wherever this applies in the legal system of the country concerned, the enterprise possesses the sovereign immunity of the state and cannot be sued without the consent of the government.

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A great advantage of the government undertakings is that they work with set structural pattern and fixed procedures. Administrative planning becomes easy and staffing also poses no serious problem. It brings proper co-ordination among different departments of the government. It also avoids conflict of jurisdiction and overlapping of the functions, because every department clearly knows its responsibility and area of jurisdiction. Another factor of great importance is that politically conscious officials exert the utmost limit of control with strict budgeting, accounting, and audit controls. This helps to keep a check on public funds and see that they are not used inappropriately. The management, which is unified and centralized, sees that excess earnings are sent to the government treasury. There is maximum control of the government on the enterprise through the concerned Minister.

Limitations

But this form lacks managerial flexibility which is essential for effective operation. The Krishna Menon Report on State Undertakings in India sets out the limitations of this form as follows:

- (i) Permanent staff is subject to rules and regulations applicable to civil servants, thereby preventing both promotion on merit and prompt disciplinary action, where necessary;
- (ii) Tardy procedures for arranging funds; for instance, the necessity for getting sanction for expenditure and other matters in every single case;
- (iii) Cash receipts have to be put into government account and cannot be taken out without special sanction;
- (iv) The complicated system of accounting and audit; and
- (v) The departmental methods of purchase of raw materials, sale of products, etc., lead to delays.

Efforts for Removal of Weaknesses

Many times the governments have attempted to alleviate these weaknesses by introducing new forms of structure and more flexible procedures with a view to giving autonomy to management. For example, the Government of India has set up the Railway Board for managing railways and the Posts and Telegraphs Board for managing the posts and telegraphs in India. But the problem is more basic, and in the words of the Rangoon Seminar Report, 'As long as an enterprise is not clearly differentiated from other types of governmental activity, strong pressures will be brought to make it conform to standard government regulations and

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procedures, since emphasis on uniformity is a common characteristic of a bureaucratic administration.’

The structure and running of a departmental undertaking is quite different from that of the financial and operational methods employed by a business enterprise. Departmental organization does not exercise flexibility and autonomy. On the other hand, it increases the power of the government at the cost of its initiative and flexibility. It should, therefore, be ‘the rare exception, and not the general rule’. It should, therefore, be ‘the rare exception, and not the general rule’.

Government Companies

When an organization goes into partnership, it takes about 20 odd people into consideration. The number of people cannot exceed from 20. This is the maximum limit that a partnership needs to have. As a result, the amount of capital generated is also limited. Hence, partners in such organizations are discouraged from taking huge risks. To avoid such risks, private and public company is formed. These public and private companies are also known as ‘joint stock company’. In the current scenario, the Joint Stock company structure is looked upon favourably and it has been used widely. It finds full support of the Central and the State Governments. This form can also be called as mixed ownership company. This form is more of an economic idea rather than a legal or organizational structure. Included in this are various forms of joint enterprises shared between the State and private companies, which may contain national or foreign organizations. Represented in this are shares of individual forms involved in the enterprise or subscriptions of members of the public.

5.2.1 Characteristics

According to the Report of the Study Team on Public Sector Undertakings (of the Administrative Reforms Commission) central and provincial characteristics of this form are as follows:

- (i) It has most of the features of a private limited company;
- (ii) The whole of the capital stock or 51% of it is owned by the government (Central, State or States as the case may be);
- (iii) All the directors, or a majority of them, are appointed by the government depending upon the extent to which private capital is participating in the enterprise;
- (iv) It is a body corporate, created under a general law, viz., the Companies Act;
- (v) It can sue and be sued, enter into a contract, and acquire property in its own name;
- (vi) Unlike the public corporation, it is created by an executive decision of the Indian Government without Parliament’s specific approval having been

obtained, and its Articles of Association, though conforming to an Act are drawn up and are revisable by the government;

- (vii) Its funds are obtained from the Government and, in some cases, from private shareholders, and through revenues derived from the sale of its goods and services;
- (viii) It is generally exempted from the personnel; budget, accounting, and audit laws and procedures applicable to Government departments; and
- (ix) Its employees, excluding the deputationists, are not civil servants.

Reasons for adoption to company form of organization

There are three major reasons for the adoption of the company form of organization:

- (i) The government may have to acquire shares of an existing enterprise in an emergency, in response to a financial or employment crisis, or in order to maintain a nationally important production or service which has become unprofitable or insolvent under private enterprise; for example, the recent taking over of the Indian Iron and Steel Company Limited and a number of textile mills.
- (ii) The State may wish to launch an enterprise in association with certain other interests, national or foreign. An important recent example is Hindustan Steel Limited. A joint venture of the Indian Government and private interests in India is Hindustan Shipyard Limited in which the government holds two-thirds of the paid-up capital which it took over from a private enterprise.
- (iii) The government may wish to start an enterprise entirely as a public venture in order to put in on its feet, with the intention of disposing of all or part of it to the public, or to specific private interests as soon as possible.

In several recent instances national development corporations have been established in the ECAFE region with a share capital, as a means of enabling them to set up subsidiary operating companies and to acquire interests in them. Examples are the National Development Company of the Philippines and the Industrial Development Corporation of Pakistan. In our own country, of the 70 Central Government undertakings, 64 have been organized as Government companies and 6 have been created by statute. The State Governments have also tended to favour the company form. There were, in 1967, about 145 government companies in which one or more State Governments held either the whole of the share capital or a majority of it.

Advantages

Some advantages of the joint stock companies are:

- (i) A joint stock company is able to collect a large amount of capital through contributions from a large number of people.
- (ii) In a public limited company, shares can be offered to the general public to raise capital.

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- (iii) In case of a joint stock company, the liability of its members is limited to the value of shares held by them.
- (iv) Since there is an availability of large financial resources and technical expertise, it is possible for the companies to have 'large-scale' production. This enables the company to produce more efficiently and at a lower cost.
- (v) Only in joint stock company form of business, it is possible to invest a lot of money on research and development so that new design and better quality products, can be achieved.

Disadvantages

The Company device; however, has its own limitations. It was once described by no less an authority than a former Comptroller and Auditor General of India as 'a fraud on the Company's Act and on the Constitution'. Its main disadvantages are as follows:

- (i) It evades the constitutional responsibilities which a State controlled enterprise has, in a democratic society, to the government and to the Parliament.
- (ii) Joint stock companies are kept in check by the Companies Act and other economic legislations. There are certain legal formalities to be completed and non-compliance with these can cause serious consequences as the smooth functioning of the companies is affected.
- (iii) The statute forming the company reserves the functions normally invested in the shareholders to the government. Thus, the use of Company form and law controlling commercial companies does not hold much weight.

A.H. Hansen believes that there is not much to choose between a Corporation and a Company. He says, 'My own view is that the State Company and the Public Corporation really do not differ very much from each other except, of course, in the legal status. In matters of operation, there seems to be very little difference. The Company is entirely under State control in so far as the State is its sole shareholder. Further, it is usually subject not only to Company Law but, through Articles of Association or Terms of Agreement, to special forms of governmental supervision which are not really very much different from those which are embodied in the legislative instruments which create Public Corporation.'

Government of Public Corporations

A new form of organization for managing public enterprises has been evolved in the shape of public corporation. This sort of public corporation is an autonomous corporate body set up under a special Act of Parliament or State Legislature. A 'Public Corporation' is a form of public enterprise which is outside the framework of government departments and company laws and which is especially designed to meet the specific need of a government enterprise. A public corporation seeks to combine the flexibility of private enterprise with public ownership and accountability. It has been described by W.A. Robson as 'the most important

constitutional innovation' of this century. Herbert Morrison defines a Public Corporation as 'a combination of public ownership, public accountability, and business management for public ends.'

Characteristics of Public Corporation

The principal characteristics of the Public Corporation, according to the Rangoon Seminar, are as follows:

- (i) It is wholly owned by State.
- (ii) It is generally created by, or pursuant to, a special law defining its powers, duties and immunities and prescribing the form of management and its relation to established departments and ministries.
- (iii) As a body corporate, it is a separate entity for legal purposes, and can sue and be sued, enter into contracts and acquire property in its own name. Corporations conducting business in their own names have been generally given greater freedom in making contracts and acquiring and disposing of property than ordinary government departments.
- (iv) Except for government appropriations to provide capital or to cover losses, a Public Corporation is usually independently financed. It borrows funds either from the Treasury or the Public, and from revenues derived from the sale of goods and services. It is authorized to use and reuse its revenues.
- (v) A public corporation is managed by a Board of Directors appointed by the Government. However, its employees need not necessarily be civil servants. They can be employed on terms and conditions lay down by the corporation itself.
- (vi) It is generally exempted from most regulatory and prohibitory statutes applicable to expenditure of public funds.
- (vii) It is ordinarily not subject to the budget, accounting and audit laws, and procedures applicable to non-corporate agencies.
- (viii) In the majority of cases, employees of Public Corporations are not civil servants, and are recruited and remunerated under terms and conditions which the Corporation itself determines.
- (ix) The primary motive of the corporation is public service rather than private profits. It is, however, expected to operate in a business-like manner.

Advantages

- (i) The principle benefits of Public Corporation as an organizational device is that it is free from unsuitable government regulations and controls and has high degree of operating and financial flexibility.
- (ii) In this form, one discerns a balance between the autonomy and flexibility enjoyed by private enterprise and the responsibility of the public as represented by elected members and legislators. In the famous words of

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President Franklin D. Roosevelt, ‘the Public Corporation is clothed with the power of government but possessed the flexibility and initiative of a private enterprise.’

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Limitations

- (i) Public corporations have the difficulty of reconciling autonomy of the corporation with the public accountability. The Public Corporations cannot be made immune from ministerial control and direction. But how to do it without infringing their autonomy is a dilemma defying solution. The theory of corporate autonomy has come into direct conflict with the urgent need for bringing the operations of these Corporations into harmony with related actions of the government. Thus, it is difficult to maintain a balance between autonomy and control.
- (ii) ‘Public Corporations do not function in a political vacuum. Removal from the so-called political pressures may mean, in fact, that the significant political power is being placed in the hands of a small unrepresentative, and, in extreme cases, possibly even a self-perpetuating group controlling the Public Corporations.’

5.2.2 Parliamentary Committee on Public Undertakings

Since 1953, there was a demand for the creation of a Parliamentary Committee on Public Undertakings to look into their functioning and to report its findings to Parliament from time to time. At the back of this demand was the general feeling that the Parliament, despite the numerous opportunities it had of holding the public enterprises accountable to it, had not succeeded in exercising control over them in a meaningful and effective way. Rather, its control hitherto was chaotic, intermittent, inadequate, and lacking thread of continuity. This committee consists of 22 members, 15 elected by the Lok Sabha and 7 elected by the Rajya Sabha. This committee has a Chairman who is appointed by the Speaker from among the members of the Committee.

Need for a Parliamentary Committee on Public Undertakings

The need for such a Committee was first voiced in the Lok Sabha, in late 1953, in the course of the debate on the Industrial Finance Corporation Act (Amendment) Bill. Dr Lanka Sundaram made a strong plea for the establishment of a Committee of Parliament under the direction of the Speaker ‘specifically charged with the task of looking into the affairs of Public Corporations, Companies, and Institutions’. His objective in making this demand was ‘to this... to put beyond shadow of doubt the competence of the House of the People to investigate into the working of the Public Corporations’. The main points in his indictment and suggestions were:

- (i) Public Corporations have become impervious to public control and public criticism.

- (ii) The Auditor-General has no or limited power to report to parliament on their financial transactions and accounts.
- (iii) The securing of their accounts and estimates by the Public Accounts and Estimates Committees is not effective. Moreover, these Committees are already overworked.
- (iv) Each of the Corporations has become a monopoly without competition.
- (v) Many of them have become something like an imperium in imperio-small kingdom under the lordship of officials to whom they were entrusted.
- (vi) The Committee of Parliament looking into affairs there is the way out. 'This... will strengthen the hands of the Ministers, will affirm and enforce the authority of Parliament, and will give more than anything else... to the tax payer an assurance that his money is properly handed.'

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Functions of the Committee on Public Undertakings

The functions of the Committee on Public Undertakings are:

- (i) To examine the reports and accounts of Public Undertakings specified in the Fourth Schedule to the Rules of Procedure and Conduct of Business in Lok Sabha.
- (ii) To examine the reports, if any, of the Comptroller and Auditor General of India on the Public Undertakings.
- (iii) To examine, in the context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices.

The then Finance Minister opposed the creation of committee over public undertakings. He pointed out that, in reality, Parliament's control over the Corporation was and should be the Minister's control. The powers which the Minister had were quite enough. He asked: 'Is it necessary for Parliament to be informed about day-to-day or session to session, as to how a particular Corporation is being run? Is it not better to enable the executive to manage these, and then to call the executive to account? That is a consideration which Parliament will have to bear in mind, before they take a decision on this matter'. He cautioned against hurrying too much: 'There is always a danger of going too far in immersing ourselves too much in the administration of Public Enterprises.' He suggested, as an alternative, that a body, combining the Public Accounts Committee and the Estimates Committee, could be formed in place of the proposed committee. Or else, subcommittees of the Public Accounts Committee, which had already been used, be utilized for the purpose.

This issue again cropped up in 1956, during debates on the Life Insurance Corporation Bill. This time Asoka Mehta argued in favour of constituting a standing committee which would have the necessary equipment and requisite quota of officers

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to make thorough enquiries into the functioning of the nationalized enterprises. The members of the standing committee 'will be in a position to come here and answer or challenge the Government on various important points with the requisite information and knowledge.' He concluded: 'My contention is that this Parliament will not be able to exercise its supervision unless it is aided and assisted independently of government by a set of experts to find out what is happening to different Corporations.' The Finance Minister, too, shared this feeling, adding, 'I am still trying to persuade them (i.e., the members of the Cabinet) now to take steps to have a kind of committee established. This idea that there should be a committee of the House commends itself to me.'

G.V. Mavalankar, the first Speaker of the Lok Sabha, had, in a letter addressed to the Prime Minister, advocated the appointment of a standing parliamentary committee to examine the working of autonomous Public Corporations. The Rules Committee to which the matter was referred by him, suggested that 'there is no harm if a separate committee is appointed with limited functions, such as, to examine reports and the working of such bodies after the report are presented to or are otherwise circulated to members and one matters concerning their organization, working and administration. The proposed committee will not go into the problem of day-to-day administration of such Corporation, but would only consider questions of policy and their working broadly.'

The Krishna Menon Committee has also recommended the appointment of a standing committee of the Parliament.

The plea for the Committee on Public Undertakings was, thus, gathering support from many quarters. The Planning Commission, too, had visualized the need for a Parliamentary Committee on Public Undertakings. It was being increasingly realized that full parliamentary control over the ever expanding public sector could be exercised only by such a special committee.

Critics have also proposed the following major disadvantages involved in the setting up of the Committee. These dangers may be as follows:

- (i) The proposed committee would be, in effect, a negation of what Parliament had deliberately done in setting up a public corporation; it willingly restricted its control.
- (ii) The setting up of this committee would mean renouncing this self-denying ordinance. As Herbert Morrison bluntly put it, 'Those who want detailed parliamentary accountability, must plump for state departmental management; those who favour publicly owned industry being vested in a Public Corporation must be prepared to face to consequences, namely, some limitation on detailed accountability.'
- (iii) Lord Keith characterized it as 'institutionalizing in a terrifying form the parliamentary question.'
- (iv) It is contended that the Committee on Public Undertakings is likely to concern itself with the day-to-day functioning of the enterprises. This would

cripple the spirit of adventurousness and boldness in making decisions. Thus, the principal advantages claimed for Public Corporation 'possessed of the initiative and flexibility of private enterprise' would be rendered ineffective. Herbert Morrison feared that the proposed committee would create 'a rather red tape, unadventurous and conventionally Civil Service frame of mind.' Sir Geoffrey Hayworth expressed a similar opinion. He said, 'If people came to looking at everything I did in a year, after the event the shareholders would be horrified because they would see that some of these decisions were quite wrong in the light of after-events. The mere fact, therefore, that I felt that someone was looking over my shoulder all the time and was going to examine these things any time later, the less I would be inclined to take a decision and the less decisive I would become, and pretty well certainly, the less would be the result.'

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- (v) The duplication of parliamentary committees is likely to lessen the responsibilities of the existing bodies, and may lead to disharmony and conflict among them. This argument may easily be countered, however, by public enterprises from a separate area and a separate pattern. The sphere of activity of the proposed committee can easily be separated from the area of activities of other committees.
- (vi) The constitution of the committee would lead to a terrific increase in official record keeping.
- (vii) Lastly, the crux of the problem lies not in acquiring more information concerning the public enterprises, but in how best to make use of the information Parliament already has.

There were some arguments in the favour of the Parliamentary Committees put forward by some people. These arguments are:

- (i) First, the Parliament, being a busy body, is precluded from giving adequate time and attention to the problems of an over-increasing number of public enterprises. There is an apparent need for a smaller body drawing its personnel from amongst the members of Parliament and functioning under its subordination.
- (ii) The Parliament is too unwieldy as a body to discuss affairs relating to public enterprises in a systematic and coherent way. It is further handicapped by lack of requisite expertise insofar as an overwhelming number of its members who have little understanding of the complex problems confronting the enterprises, and consequently, not in a position, even if they so desire, to exercise vigilance over them. A standing committee would keep itself as well as the Parliament informed about the aims, activities, and problems of the Corporation.
- (iii) The members would acquire a certain degree of knowledge about these enterprises, and this would enable Parliament to perform its functions in

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relation to them more effectively and in a meaningful way. Discussions and debates would be informed and effective.

- (iv) As the Krishna Menon Committee indicated, the parliamentary procedures are inadequate and inappropriate for ensuring accountability to Parliament. There are many inhibitions and restrictions; and what is worse, even speeches are delivered for constituency consumption and from party angles. Hence such a committee will keep a check on these kinds of speeches, which later will be more democratic and result oriented.
- (v) The Public Accounts Committee and the Estimates Committee are not fit instruments for exercising control over public enterprises. The former engages itself in a sort of post-mortem examination of the public accounts. This is largely a negative function. For exercising meaningful and effective control over public enterprises, the Parliament needs some kind of guidance on the basis of a review of past and present functioning and policies of the enterprises. This task could have been performed by the Estimates Committee. In practice, however, it could not do this, primarily because of a very wide area falling within the jurisdiction of the committee. Furthermore, both these committees are overworked.
- (vi) The public enterprises are comparatively late arrivals on the scene, requiring a new kind of parliamentary control and supervision. This can best be achieved by constituting a special committee.
- (vii) The officials of the public corporation have, at present, little opportunity of resenting their case or of explaining difficulties confronted by the corporation. The proposed committee would serve as a liaison between Parliament and the corporations, resulting in better understanding and mutual cooperation.
- (viii) The proposed committee would act as the guardian of public interest. It will bring the statutory corporations in touch with public and parliamentary opinion. A corporation may simply thrive at the expense of the general consumer. The committee would prevent the corporation from being, in anyway, 'featherbedded'.
- (ix) Lastly, the British experience supports the demand for such a committee. The working of the British Select Committee on nationalized Industries demonstrates the general usefulness of such a body in India as well.

Check Your Progress

1. How much capital stock of a Public Sector Undertaking is owned by the government?
2. How many members are there in Parliamentary Committee on Public Undertakings?

5.3 AUTONOMY

Public undertakings in India, except the departmental undertakings, enjoy a measure of autonomy. They are not answerable to the Parliament in the way of departmental enterprises are. While in the case of departmental undertakings the management is fully responsible to the Parliament, it is under no such obligation regarding other forms of public enterprises, except to a limited extent. The corporation or/and company form of undertakings are normally run on commercial lines and, being largely autonomous in character, are not responsible to the Parliament in the ordinary sense of the term. The question of autonomy of public corporations came under detailed study by the Damodar Valley Corporation Enquiry Committee, 1952, Paul Appleby's examination of Administration of Government's Industrial and Commercial Enterprises, 1956, Chagla Inquiry Commission, 1958 and the Krishna Menon Committee (appointed by the Indian Nation Congress Party), 1959. In the light of the recommendations of these committees and some other studies, the union government decided in November 1961 to increase the quantum of autonomy of the public undertakings in the fields of personnel, finance and administration. A year later, rules relating to import licenses and release of foreign exchange were further relaxed. It is thus universally admitted that the autonomy of public undertakings must be scrupulously honoured. However, these enterprises cannot be made entirely free from responsibility to the people for a number of reasons:

- (i) The fact that we have opted for a planned economy implies that no major economic unit in India, whether in the private or public sector, can enjoy undiluted autonomy in its major decisions which must be taken in the context of the overall national objective.
- (ii) The governmental controls intrinsically applicable to an industrial activity ought to be applied fully to public enterprises engaged in that of activity.
- (iii) That control over the private sector designed to protect the interests of workers and consumers ought not to lapse in the case of public sector undertakings.
- (iv) That propitious conditions must be created for the realization of special needs expected of public enterprises.

Objectives

The principal objectives of control over public enterprises may be summarized as follows:

- (i) **Promotion of efficiency:** By efficiency is meant the optimum use of men, materials and money invested in the enterprise. Efficiency here is used in its positive sense; as the realization of good results.
- (ii) **Attainment of national objectives:** There are certain purposes common to all enterprises, such as, earning surpluses for general economic

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development, training of personnel in skills, a contented and motivated personnel, workers' participation in management, etc. It is necessary that these objectives are specified with regard to each enterprise and revised from time to time.

- (iii) **Attainment of targeted results:** Priorities once chosen from among a set of alternatives ought to be realized by the enterprise concerned and the system of control has to concern itself with the necessary scrutiny of achieving these targets. It is necessary that such ends are fairly clearly laid down in government regulations and directives issued from time to time.
- (iv) **Regulation of power concentration:** Concentration of power may occur in the case of ministers, civil servants or directors. For example, the power of ministers to make appointments to the management, boards of corporations and companies is a potential source of power concentration. Similarly, a large number of directorships held by senior civil servants is another instance of power concentration. In certain cases, the managements of such undertakings may abuse or misuse their powers.

Nature of Control

Three points deserve attention in this respect. In the first place, there is a definite lack of uniformity in the nature, extent and type of powers reserved to government over different forms of public undertakings. The problem of control of public enterprises is thus not of a single uniform pattern. The channels of control vary with the organizational form of the enterprise. Even the substantive content of control varies from one public enterprise to another according to its exact socioeconomic role. Lastly, the very history of the organization of an enterprise in the public sector sometimes has a bearing on the system of control. Thus, while a departmental undertaking is under the full control of the minister, companies and corporations are free of detailed ministerial or parliamentary control and enjoy a large measure of operational autonomy. Secondly, there is no significant difference in the matter of control between statutory corporations and government companies. Thirdly, there exists some confusion in the matter of division of responsibilities between the government and the management of the enterprise in the field of public accountability.

Instruments of Control

Public control over public enterprises is exercised through three main agencies – the minister, the Parliament and special agencies. These agencies of control are discussed below.

Ministerial control

The general principle adopted is to reserve such powers to government as are required by them to determine questions of policy, to see that the programmes of

public enterprises conform to the plan, to ensure that the enterprise is being run on commercial lines in accordance with the government directives, and subject to these considerations invest the management boards of the enterprises with the power necessary to carry on their day-to-day administration on business and commercial lines with a view to achieving their prescribed objectives and obligations. Generally, the ministerial control is exercised in the fields of administration and finance.

In the administrative, field the controlling powers of the minister concerned are exercised in the following matters:

- (i) The government is empowered to appoint the chairman and members of the board of management and the managing director. In addition, the government retains the power of approval of appointment to posts carrying salaries above a certain limit, namely, ₹2,250 a month.
- (ii) Under certain conditions, the government can remove from office any member of the management board.
- (iii) If a particular board of management fails to carry out the purposes for which it was set up or if it fails to carry out the directives issued by the government, the latter can supersede it and appoint in a new board.
- (iv) The government is authorized to frame rules and regulations to facilitate the working of these enterprises. It can prescribe forms, lay down procedures and even prescribe the activities to be undertaken.
- (v) The government can institute enquiries into the working of a corporation. Such an inquiry committee was appointed in the case of the Damodar Valley Corporation in 1952.
- (vi) The power of issuing directives is by far the most important power to be exercised by a minister. Clause 48 of the Damodar Valley Corporation enjoins upon it to be guided by such instructions on question of policy as may be given to it by the Central Government. A sub-clause of the same clause lays down that, if any dispute arises between the Central Government and the Corporation as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.

Ministers exercise control over the working of public undertakings in the financial field as follows:

- (i) Ministers are authorised to appoint a financial advisor on the governing board of a corporation. Such advisor, as has been described above in the case of the DVC, exercise a short of veto over matters affecting expenditure and the financial policy of the government.
- (ii) The sanction of the government is necessary to (i) sanction capital expenditure above a certain amount, (ii) for approving variation in estimates of over

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10% and (iii) for matters connected with borrowings, investments securities, distribution of profits, etc. For instance, in the case of Hindustan Steel (Private) Limited, approval of the central government is necessary for increase of capital, issue of new shares, reduction of capital borrowing of money and its terms, issue of bonds, debentures and other borrowing of money and its terms, issue of bonds, debentures and other securities, any programme of capital expenditure for an amount exceeding '40 lakhs, winding up of the company, etc.

- (iii) The approval of the government is required regarding the forms for maintaining the accounts of the enterprise and for their audit. Usually the audit of accounts is done by the auditors appointed by the government.
- (iv) The government also controls the fixation of prices of goods produced by the enterprises as well as the quantum and rate of payment for services rendered. These matters cannot be settled on purely economic grounds and wider issues of public interest have to be kept in view.

In actual practice the relationship between ministers and public undertakings has not worked smoothly or fairly. Experience shows that ministers are usually chary of issuing clear directives in writing as they are supposed to do and take responsibility for such directives before the Parliament. They have instead chosen to depend upon influence and secure compliance of their wishes through informal means like appointment of 'trustworthy', 'reliable', and 'dependable' persons chairmen and members of governing boards ; deputizing serving government officers to executive posts in public undertakings and making the status of heads of public undertakings inferior to that of the Secretary to the ministry concerned. The result is that there is neither autonomy nor control. Whatever the reasons may be, the tendency to rely on influence or pressure rather than formal directions is misplaced in the relations between ministers and that nationalized industries. Ministers must be prepared to face up to the responsibilities they have assumed.

Parliamentary control

Public enterprises are owned by the state and are created by investment from public funds and must, therefore, be subject to the accountability to which all activities financial from public funds are subjected, namely, to the Parliament which is not merely the custodian of public funds but also represents the shareholders, that is, the tax-payers. 'The relation between the Parliament and public enterprises has to be considered within the overall equation of the parliament-minister-enterprise relationship. Members of Parliament feel a keen sense of responsibility for the efficiency and achievements of public enterprises. They, therefore, want ministers to answer for the shortcomings and difficulties and failures of the public enterprises. Faced with this detailed and continuous scrutiny by parliament, the responsible

minister has little choice but to keep himself informed on all matters that relate to a public enterprise including matters of day-to-day administration.’

It is generally agreed that the scrutiny that Parliament exercises over the working of public enterprises should not extend to matters of day-to-day administration. In fact, this principle has been accepted and incorporated in the rules framed by the ‘scope of admissibility of questions’ and the rules governing the working of the Committee on Public Undertakings. The real difficulty arises when individual cases have to be interpreted to determine whether they are matters of policy or of day-to-day ready and infallible tests. According to the ARC Report on Public Undertakings, any objectives and obligations cannot be described as a mere matter of day-to-day administration. In the same way, all matters except those which have a bearing on any established policy of government, should ordinarily be treated as matters of routine administration.

Parliamentary control over public enterprises is exercised principally through questions, adjournment motions, debates and parliamentary committees. We shall now briefly discuss these instruments.

Questions: There has been considerable discussion on the scope of admissibility of questions relating to the working of public corporations and government companies and certain broad principles have been laid down. These principles and guidelines do not make any distinction between a corporation and a company. According to these principles, questions relating to a policy, to an act or omission of an act on the part of a minister or a matter of public interest are admitted as starred questions for oral answer; questions which call for information of a statistical nature are generally put down for written reply; and questions which clearly relate to routine administration are normally disallowed. It is well known that a question can be disallowed if its admission is deemed prejudicial to the safety of the state and a minister has a right to decline to disclose information on grounds of public interest. It is noteworthy that the scope of admissibility of questions is much less restrictive in India than in other countries.

Debates: The performance of public undertakings can form the subject of debate in Parliament in several ways, namely, raising half an hour discussion or of two hours; debate on the President’s address, debates on bills and resolutions, and budget debates. There is little doubt that the debate, as an instrument of control, is more diffused and less pointed and effective than examination by a parliamentary committee. It should also be noted that the value of a debate depends largely on the adequacy and quality of information submitted to Parliament.

Reports: Every statutory corporation is obliged under law to submit an annual report on its policies, activities and programmes during the previous year to the government. This report is also expected to indicate the nature of activities and programmes to be undertaken next year. A copy of such a report together with the report of the auditors is laid before both houses of parliament. The Companies

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Act of 1956 makes a similar stipulation in the case of government companies. Besides such reports, the Bureau of Public Enterprises brings out a consolidated annual report on the working of industrial and commercial enterprises of the government. An analysis of these reports shows that even though some reports give a lot of detailed information, yet sometimes the wealth of details obscures the main item that should catch the eye of the members. However, a majority of reports give only sketchy information. It is true that the Company Law administration has prescribed certain guidelines in this respect but these are too general and do not prescribe any specific form and suggest the necessary indices that may be adopted for reporting performance to the Parliament.

Parliamentary Committees: Important among these committees are the Public Accounts Committee, the Estimates Committee and the Parliamentary Committee on two former committees used to exercise control over public undertakings, but these were not found fit to exercise such control effectively. For one thing, the public accounts committee engages itself in a sort of post-mortem examination of public accounts, which is a negative role. The estimates committee could have performed the role of a reviewing body so far as the functioning of public enterprises was concerned and could also give useful guidance for the future. In fact, the estimates committee did perform such a role till 1964. However, the Estimates Committee was already an overworked body because of a very wide area falling within its jurisdiction. It was therefore, rightly decided to create a separate committee for the purpose.

The parliamentary committee on Public Undertakings consists of not more than fifteen members, ten from the Lok Sabha and five from the Rajya Sabha, elected by the concerned house every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. However, a minister cannot be elected as a member. The term of office is one year but there is no bar to re-election of the same members. One of the members is elected as the chairman of the committee.

The functions of the committee are:

- (i) To examine the reports and accounts of the above public undertakings.
- (ii) To examine the reports, if any, of the Comptroller and Auditor-General on public undertakings.
- (iv) To examine, in the context of the autonomy and efficiency of the public undertakings, whether their affairs are being managed in accordance with sound business principles and prudent commercial practices.
- (v) To exercise such other functions vested in the committee on Public Accounts and the Committee on Estimates in relation to the specified public undertakings as may be allotted to the committee by the Speaker from time to time. The committee, however, is excluded from examining and investigating matters of major government policy as distinct from business

or commercial functions of these public undertakings, matters of day-to-day administration, and matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is set up.

From the very beginning the committee decided to select a few undertakings for detailed study each year. The committee selects six or seven undertakings of different categories for examination in depth each year. In addition, it takes up one subject on the working of undertaking for horizontal study, e.g., materials management, each year. The committee has also examined the working of state government owned industries in the public sector on request. The Administrative Reforms Commission has recommended that the committee 'many consider taking up for the examination a group of undertakings falling within one major area of enterprise and bringing out a consolidated report thereon.' The government's decision on it was that it was a matter for the committee itself to consider. The committee did consider the recommendation but decided to continue its old practice.

The committee has achieved its objectives in many ways. In the first place, the Parliament now gets more reliable information about the working of public enterprises. Secondly, it has the satisfaction that its control over public undertakings is now more effective. Thirdly, on their part, the public undertakings come to know their defects, weaknesses and shortcomings and can remove them. Lastly, the committee also acts as a lobby for ventilating the grievances of these undertakings before the Parliament.

Control through Specialized Agencies

Under this head we shall discuss the Comptroller and Auditor-general and the Bureau of Public Enterprises.

Audit: The government commercial concerns, the accounts of which are subject to the audit of the Comptroller and Auditor-General, fall under three categories: departmental enterprises, government companies and public corporations.

The annual budgets of government companies are not subject to vote by the Parliament; only the total grants in respect of their capital investment programmes contributed by the government in the form of either the purchase of share capital or grant of loans are subject to parliamentary vote. It appears that two parallel sets of auditors conduct the audit of the account of these companies, namely, the statutory auditors of the companies who audit the accounts according to the principles of commercial audit and the Comptroller and Auditor-General who conducts the audit of the same accounts more or less on the principles of financial audit applicable to government departments. Under the Indian Companies Act these professional auditors (usually private firms of chartered accountants) are appointed by the union government on the advice of the Comptroller and Auditor-General who can also direct the manner in which the company accounts are to be audited. He can also conduct test or supplementary audit if not satisfied with the

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audit of professional auditors. The observations of supplementary audit are incorporated in the annual audit report submitted by him to the Parliament. The Act provides that the professional auditors of the company shall submit a copy of their audit report to the C & AG who has the right to comment upon or supplement the audit report in any manner he deems fit.

Public corporations are mostly free from regulatory and prohibitory statutes applicable to the expenditure of public funds and are not ordinarily subjected to budgeting and audit procedures applicable to ministries, departments or other governmental agencies. The budgets of such corporations are not voted by the Parliament; only the total grants in respect of their capital investment programmes financed by the government are voted. The accountability of such autonomous statutory corporations is, therefore, assured by their relevant statutes providing for the maintenance of accounts as prescribed of audit these corporations fall under three categories:

- (i) There are corporations like Air India, Damodar Valley Corporation and Indian Airlines Corporation in respect of which the responsibility of audit has been entrusted entirely to the C & AG.
- (ii) There are corporations like the Industrial Finance Corporation and the Central Warehousing Corporation whose audit is done by professional auditors, i.e., private firms of chartered accountants. These auditors are appointed by the central government in consultation with the C & AG, who also retains the right to undertake such supplementary audit as he may consider necessary either on his own motion or on a request from the government.
- (iii) There are still other corporations like the Reserve Bank of India, Life Insurance Corporation of India and Food Corporation of India for which the audit is done exclusively by the private firms of chartered accountants and the C & AG does not come into the picture at all. Such corporations are required to submit their annual reports and accounts directly to the Parliament.

Achievements of the Committee on Public Undertakings

Since its inception in May 1964, the Committee has presented 515 reports so far. Of these, 258 are the original reports and 257 are reports on action taken by the Government on earlier reports of the Committee. Out of 258 original reports, 33 are in the nature of horizontal studies on various aspects of working of the public undertakings. From November 2000, the Committee has started presenting to Parliament the Study Tour Reports pertaining to the functioning of individual undertakings with full-fledged recommendations / observations. The Committee has so far presented 51 Study Tour Reports.

Check Your Progress

3. When and by whom was the Krishna Menon Committee appointed?
4. Name three institutions for which the audit is done exclusively by private firms.

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5.4 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

1. The whole of the capital stock or 51% of it is owned by the government (Central, State or States as the case may be) in a Public Sector Undertaking.
2. The committee consists of 22 members, 15 elected by the Lok Sabha and 7 elected by the Rajya Sabha.
3. Krishna Menon Committee was appointed by the Indian National Congress Party in 1959.
4. Three institutions for which the audit is done exclusively by private firms are Reserve Bank of India, Life Insurance Corporation of India and Food Corporation of India.

5.5 SUMMARY

- Public enterprises and traditional government do not differ in any significant way. In fact, they function on more or less a similar pattern.
- The total number of departmental undertakings controlled by the central and state governments in India is 298
- Departmental undertakings are easily formed by the government as they do not require any registration formalities.
- A great advantage of the government undertakings is that they work with set structural pattern and fixed procedures.
- But this form lacks managerial flexibility which is essential for effective operation. The Krishna Menon Report on State Undertakings in India sets out the limitations of this form.
- When an organization goes into partnership, it takes about 20 odd people into consideration. The number of people cannot exceed from 20.
- All the directors, or a majority of them, are appointed by the government depending upon the extent to which private capital is participating in the PSU.

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- It is generally exempted from the personnel; budget, accounting, and audit laws and procedures applicable to Government departments.
- A new form of organization for managing public enterprises has been evolved in the shape of public corporation.
- This sort of public corporation is an autonomous corporate body set up under a special Act of Parliament or State Legislature.
- A public corporation is managed by a Board of Directors appointed by the Government. However, its employees need not necessarily be civil servants. They can be employed on terms and conditions lay down by the corporation itself.
- V. Mavalankar, the first Speaker of the Lok Sabha, had, in a letter addressed to the Prime Minister, advocated the appointment of a standing parliamentary committee to examine the working of autonomous Public Corporations.
- Public undertakings in India, except the departmental undertakings, enjoy a measure of autonomy. They are not answerable to the Parliament in the way of departmental enterprises are.
- In the first place, there is a definite lack of uniformity in the nature, extent and type of powers reserved to government over different forms of public undertakings.
- Lastly, the very history of the organization of an enterprise in the public sector sometimes has a bearing on the system of control.
- Secondly, there is no significant difference in the matter of control between statutory corporations and government companies.
- Thirdly, there exists some confusion in the matter of division of responsibilities between the government and the management of the enterprise in the field of public accountability.
- The government can institute enquiries into the working of a corporation. Such an inquiry committee was appointed in the case of the Damodar Valley Corporation in 1952.
- The government also controls the fixation of prices of goods produced by the enterprises as well as the quantum and rate of payment for services rendered.
- It is generally agreed that the scrutiny that Parliament exercises over the working of public enterprises should not extend to matters of day-to-day administration.
- Parliamentary control over public enterprises is exercised principally through questions, adjournment motions, debates and parliamentary committees.
- The performance of public undertakings can form the subject of debate in Parliament in several ways.

- Every statutory corporation is obliged under law to submit an annual report on its policies, activities and programmes during the previous year to the government.
- There are corporations like Air India, Damodar Valley Corporation and Indian Airlines Corporation in respect of which the responsibility of audit has been entrusted entirely to the C & AG.

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5.6 KEY WORDS

- **Sovereign:** It refers to possessing supreme or ultimate power.
- **Subsidiary:** It refers to a company controlled by a holding company.
- **Treasury:** It is the funds or revenue of a state, institution, or society.
- **Audit:** It is an official inspection of an organization's accounts, typically by an independent body.
- **Red Tape:** It means excessive bureaucracy or adherence to official rules and formalities.
- **Autonomous:** It means having the freedom to govern itself or control its own affairs.

5.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Explain the advantages and disadvantages of the joint stock companies.
2. What are Government of Public Corporations? Discuss its characteristics.
3. Describe the advantages and disadvantages of Public Corporations.
4. Write a short-note on the parliamentary control on public enterprises.

Long-Answer Questions

1. Give a detailed description of PSUs and their various forms. Discuss each type separately.
2. Discuss the principal characteristics of departmental undertakings. What are its limitations?
3. Elaborate on the need for a Parliamentary Committee on Public Undertakings. Explain its functions.
4. 'Public undertakings in India, except the departmental undertakings, enjoy a measure of autonomy.' Discuss.

5. Assess the principal objectives of control over public enterprises. What is the nature of control levied?

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5.8 FURTHER READINGS

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UNIT 6 ALL INDIA SERVICES

Structure

- 6.0 Introduction
- 6.1 Objectives
- 6.2 Central Services and Union Public Service Commission
- 6.3 Answers to Check Your Progress Questions
- 6.4 Summary
- 6.5 Key Words
- 6.6 Self Assessment Questions and Not Exercises
- 6.7 Further Readings

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6.0 INTRODUCTION

The Union Public Service Commission is India's most prominent recruiting body. It is responsible for appointing as well as conducting exams for All India services and group A & group B of Central services. Civil Services of India, namely the Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS) constitutes what is called the All India Services (AIS). Officers of these three services adhere to the All India Services Rules relating to pay, conduct, leave, various allowances etc. A common unique feature of the All India Services is that the members of these services are recruited by the Central government, but their services are placed under various State cadres, and they have the duty to serve both under the State and under the Centre. Due to the federal form of government of the country, this is considered one of the tools that makes union government stronger than state governments. Most of the specialized fields in civil services in India belong to the central services. The Central Civil Services (CCS) are concerned directly with the administration and permanent bureaucracy of the Government of India. The Central Civil Services are further classified into two groups, namely Group A and Group B, both of which are gazetted.

6.1 OBJECTIVES

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

- Explain the role of Union Public Service Commission
- Describe the various types of Central Services
- Explain various types of All India Services such as IAS, IFS and IPS

- Discuss the significance of All India Services

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6.2 CENTRAL SERVICES AND UNION PUBLIC SERVICE COMMISSION

These services are composed of officers, who at any time, may be at the disposal of either the Centre or the State. The officers of these services are recruited on an all-India basis with common qualifications and uniform scales of pay, and notwithstanding their division among the states, each of them forms a single service with a common status and a common standard of rights and remuneration.

The three All India Civil Services of India are: the Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS). The recruitment to these services is made through the Union Public Service Commission on the basis of the annual competitive Civil Services Examination.

The Constitution also provides for the All India Cadre of Civil Services. It adopts specifically the IAS and the IPS cadres which had already been created earlier (Article 312-2). It empowers the Union Parliament to create more of such all India services whenever it is deemed necessary or expedient in the national interest, provided the Council of States (the Upper House/Rajya Sabha) passes a resolution to the effect supported by not less than two-third of the members present and voting (Article 312-1). Since the Council of States is composed of the Central Administration representatives of different States, its support will ensure the consent of the States to the creation of new Services. The Constitution also authorizes Parliament to regulate by law the recruitment and the conditions of services of persons appointed to these Services. Accordingly, the All India Service Act was passed by Parliament in October 1951. After the introduction of the Constitution, the Indian Forest Service has been set up on 1 July 1966. The All India Services Act, 1951, empowers the Government of India to make, after consultation with state governments, rules for the regulation of recruitment and conditions of service of the persons appointed to the All India Services.

In 1951, All India Services Act was passed. By virtue of powers conferred by sub-section (1) of Section (3) of this Act, the Central Government framed new sets of rules and regulations pertaining to the All India Services. It became necessary because the old rules at certain places had become redundant. The rules that were in force before commencement of the Act were also allowed to continue. Thus, there came into existence two sets of rules regulating the conditions of All India Services. The old rules made by the Secretary of State, or the Governor General in Council, which regulated the conditions of service of ICS and IP officers, and the new rules made under the 1951 Act were applicable to the officers of the Indian Administrative and Police Services.

All India Services are controlled by the Central Government. Selected candidates are appointed to different state cadres, and as and when required they

also move to Central Government jobs on deputation. As an All India Service, it is under the ultimate control of the Union Government, but is divided into State cadres, each under the immediate control of a State Government. The salary and the pension of these officers are met by the States. But the disciplinary control and imposition of penalties rest with the Central Government which is guided, in this respect, by the advice of the Union Public Service Commission.

Union Public Service Commission

Indianization of the superior Civil Services became one of the major demands of the political movement which compelled the British Indian Government to consider setting up of a Public Service Commission for recruitment. The first Public Service Commission was set up on 1 October, 1926. However, its limited advisory functions failed to satisfy the people's aspirations and the continued stress on this aspect by the leaders of our freedom movement resulted in the setting up of the Federal Public Service Commission under the Government of India Act, 1935. The Constituent Assembly, after Independence, saw the need for giving a secure and autonomous status to Public Service Commissions both at Federal and Provincial levels for ensuring unbiased recruitment to Civil Services. In the new Constitution of India, the Union Public Service Commission got Constitutional status as an autonomous entity.

The Union Public Service Commission has been established under Article 315 of the Constitution of India. The Commission consists of a Chairman and 10 Members. The terms and conditions of service of Chairman and Members of the Commission are governed by the Union Public Service Commission (Members) Regulations, 1969. The Commission works through a Secretariat headed by a Secretary with two Additional Secretaries, a number of Joint Secretaries, Deputy Secretaries and other supporting staff.

The following are duties and role of the Union Public Service Commission under the Constitution:

- (i) Recruitment to services and posts under the Union through conduct of competitive examinations.
- (ii) Recruitment to services and posts under the Central Government by selection through interviews.
- (iii) Advising on the suitability of officers for appointment on promotion as well as transfer-on-deputation.
- (iv) Advising the Government on all matters relating to methods of recruitment to various services and posts.
- (v) Disciplinary cases relating to different civil services.
- (vi) Miscellaneous matters relating to grant of extraordinary pensions, reimbursement of legal expenses, etc.

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Indian Administrative Service (IAS)

The Indian Administrative Service (IAS) is the direct descendant of the old Indian Civil Service. On appointment, the officers are posted to different State cadres. The strength of each State cadre, however, is so fixed as to include a reserve of officers who can be deputed for service under the Union Government for one or more 'tenures' of three, four or five years before they return to the State cadre. This ensures that the Union Government has at its disposal the services of officers with first-hand knowledge and experience of conditions in the States, while the State governments have the advantage of their officers being familiar with the policies and programmes of the Union Government. Such an arrangement works for the mutual benefit of both governments. The majority of individual officers have an opportunity of serving at least once under the Union Government; many have more than one such spell. The practice of rotating senior officers in and out of the Secretariat position is known in official parlance as the tenure system.

IAS Officers are trained to handle government affairs well. This being the main responsibility, every civil servant is assigned to a particular office which deals with policy matters related to that area. The policy matters are framed, modified, interpreted in this office under the direct supervision of the Administrative Officer in consultation with the Minister. The implementation of policies is also done on the advice of the Officer. Cabinet Secretary stands at the top of the government machinery involved in policy-making followed by Secretary, Additional Secretary, Joint Secretary, Director, Under Secretary and Junior Scale Officers in that order. These appointments are filled by civil servants according to seniority in the Civil Services. In the process of decision-making, a number of officers give their views and suggestions to the Minister who weighs the matter and makes a decision considering the issue involved.

The implementation process involves supervision and touring of the officials to the pertaining areas and matters. The allocation of enormous funds to and by the field officers calls for supervision, and the officials concerned have to reply to queries made in Parliament for which they must remain well informed.

The civil servant has also to represent the Government in another country or in International forums. At the level of Deputy Secretary, he is even authorized to sign agreements on behalf of the Government.

Another distinctive feature of this Service is its multipurpose character. It is composed of 'generalist administrators' who are expected, from time to time, to hold posts involving a wide variety of duties and functions; for example, maintenance of law and order, collection of revenue, regulation of trade, commerce and industry, welfare activities development and extension work, etc. Thus, this Service is a kind of generalist service, and its officers are liable for posting in almost any branch of the administration.

A civil servant begins his career in the state with 2 years in probation. This period includes spending time at training schools, Secretariat, field offices or in a District Magistrate's office. He is given the position of Sub-Magistrate and has to look after the law and order and general administration including developmental work in the area under his charge. After the probation is over and 2 years of services as a junior scale officer, the officer is put in the senior scale. Then he may function as District Magistrate, Managing Director of a Public Enterprise or Director of a Department. Senior Time Scale comprises the senior grade, Junior Administrative Grade and the Selection Grade. Selection Grade is given on promotion after 13 years of regular service and officers are then appointed as Secretaries/Special Secretaries to the State Government. The next promotion within the State is that of a Commissioner and Secretary. This promotion also entitles them to the Super Time Scale. Then after 25 years of regular service, an IAS officer may be promoted to above Super Time Scale; designated as Principal Secretaries/Financial Commissioners in states.

Each State has many Secretaries/Principal Secretaries and only one Chief Secretary. Some appointments of Secretaries are considered more prestigious than others, e.g., the Finance Secretary, Development Commissioners, Home Secretary, and hence they enjoy the salary of a Principal Secretary. Chief Secretary in the State is the top ranking civil servant and may be assisted by Additional Chief Secretaries. In some cadres/states, e.g., New Delhi, Financial Commissioner and other high ranking secretaries enjoy the pay of the Chief Secretary.

In the District, the senior most person is the Collector or Deputy Commissioner or District Magistrate. The DM/Collector/DC handle the affairs of the District including development functions. He tours all rural sectors inspecting specific projects, disputed sites, and looks into the problems of people even on the spot.

At the divisional level, the Divisional Commissioner is in charge of his division. His role is to oversee law and order, and general administration and developmental work. Appeals against the Divisional Commissioner are heard by the Chairman of the Board of Revenue.

Indian Forest Service (IFS)

The modern Indian Forest Service was established in the year 1966 under the All India Services Act, 1951. The first Inspector General of Forests, Hari Singh, was instrumental in the development of the IFS. India's Forest Policy was created in 1894, and revised in 1952 and again in 1988.

Recruitment to the Forest Service is made through the Indian Forest Service Examination conducted by Union Public Service Commission annually. Entry is open to candidates who hold a Bachelor's degree with at least one of the subjects namely, Animal Husbandry and Veterinary Science, Botany, Chemistry, Geology, Mathematics, Physics, Statistics and Zoology, or a Bachelor's degree in Agriculture

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or Forestry or Agricultural Engineering from a recognized University or equivalent, and who are between the ages of 21 and 30 as on July 1 of the year of the examination.

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Its pay scale and status is lower than that of the two original all India Services—the IAS and the IPS. The recruitment is done through an exclusive examination conducted by the Union Public Service Commission which consists of a written test and interview. Though it is an All India Service, its nature is not that of a generalized civil service; but is specialized and functional. It is managed by the Department of Personnel and Administrative Reforms which is in charge of making rules of recruitment, discipline and conditions of service regarding All India Services. After selection, the appointees undergo a foundational course lasting three months along with successful candidates of the other All India and Central Services. After the foundation course, the probationers move to Academy, the Indian Forest Institute at Dehradun, for a rigorous two-year training course. In the end of the training, they have to pass an examination before final posting. The Indian Forest Service is cadre-based as in the case of other All India Services. A member of this Service can come to the Centre on deputation but has to go back to his cadre when deputation is over. Immediately, after being posted in any office within the cadre, the probationers are still kept on probation for one year; then they get regular posting at different offices in the same cadre. The outer parameter of the operational area is a state or union territory.

Indian Police Service (IPS)

The Indian Police Service simply known as Indian Police or IPS is responsible for internal security, public safety and law and order. In 1948, the British Imperial Police (IP) was replaced by the Indian Police Service. The IPS is not a law enforcement agency in its own right; rather it is the body to which all senior police officers belong regardless of the agency for whom they work.

The Indian Police Service is an original All India Service, which differs from IAS in two ways: (i) most of the officers in this service work only in the state since there are only a few police posts at the Centre, and (ii) its pay scale and status are lower than those of the IAS. The officers of the IPS are recruited by UPSC examination which recruits all members of the IAS, IFS and other Central Civil Services.

Recruits to the IPS are first given a five months foundational training and later special training at the Sardar Patel National Police Academy, Hyderabad. The subjects of study and the training is drill, handling of weapons, etc., which have a direct bearing on the normal work of a police officer. The syllabus of training includes studies of crime psychology, scientific aids in detection of crime, methods of combating corruption, and emergency relief. After completing one-year training, the probationer passes an examination conducted by the UPSC.

The IPS officer takes charge as a Deputy Superintendent of Police (DSP) of a Sub-division after probation of 2 years. The tenure of this post is normally 2 years. The next appointment is as Additional Superintendent of Police, then as Superintendent of Police or Deputy Commissioner of Police, and then as Deputy Inspector General of Police or Additional Commissioner of Police.

IPS officers also work in the national government agencies such as Intelligence Bureau, Research and Analysis Wing, Central Bureau of Investigation, etc. IPS officers also get highly placed in the Central Secretariat or the other protective forces such as Director General of Border Security Force, the Central Reserve Police Force and the Central Industrial Security Force, etc.

The Director General of Police or Commissioner of Police is the head of the entire police force of the State and below him is the Additional DGP/Special Police Commissioner. The Inspector General or Joint Commissioner of Police is at the head of certain specialized police force like Criminal Investigation Department, Home Guards, etc.

As an All India Service, it is under the ultimate control of the Union Government; but is divided into state cadres, each under the immediate control of a state government. The Indian Police Service is managed by the Ministry of Home Affairs, though the general policies relating to its personnel are determined by the Department of Personnel and Administrative Reforms.

Significance of All India Services

The Indian arrangement creating a common pool of officers, who are in the exclusive employ of neither the centre nor the states and fill the top posts in both Union and State administrations, comes nearest to the ideal of joint action, cooperation and coordination, between the two levels of government as envisaged in a federal polity.

These services have a national vision and perspective, and so are important bulwarks against parochial and regional thinking. It is realized that the members of these services act as instrument of national integration.

Their national perspective and occasional interaction with international institutions facilitate the resolving of state and regional problems from a wide perspective and improves the quality of policy and decisional systems.

The calibre of the officials is substantially high as they are selected on the basis of all India competitive examinations. They come from varied educational backgrounds with having good academic records, and they are able to bring rationality and innovation into the conduct of official business.

Experience at the central and state levels enables the officers of these services to build bridges between these two integral levels of the federal system.

As most of the direct recruited officials to the All India Services work away from their home-state, they bring to their work objectivity and impartiality.

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Check Your Progress

1. What are the three all India Civil Services?
2. When was the All India Service Act passed by the Parliament?
3. When was the first Public Service Commission set up?
4. Under which article was the Union Public Service Commission established?
5. When was the modern Indian Forest Service established?

6.3 ANSWERS TO CHECK YOUR PROGRESS

1. The three All India Civil Services Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS).
2. The All India Service Act was passed by the Parliament in October 1951.
3. The first Public Service Commission was set up on 1 October 1926.
4. The Union Public Service Commission has been established under Article 315 of the Constitution of India.
5. The modern Indian Forest Service was established in the year 1966.

6.4 SUMMARY

- These services are composed of officers, who at any time, may be at the disposal of either the Centre or the State.
- The three all India Civil Services of India are: the Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS).
- The Constitution also provides for the all India cadre of Civil Services.
- The All India Services Act, 1951, empowers the Government of India to make, after consultation with state governments, rules for the regulation of recruitment and conditions of service of the persons appointed to the All India Services.
- The first Public Service Commission was set up on 1 October, 1926.
- The Union Public Service Commission has been established under Article 315 of the Constitution of India.
- The Indian Administrative Service (IAS) is the direct descendant of the old Indian Civil Service.

- IAS Officers are trained to handle government affairs well. This being the main responsibility, every civil servant is assigned to a particular office which deals with policy matters related to that area.
- A civil servant begins his career in the state with 2 years in probation. This period includes spending time at training schools, Secretariat, field offices or in a District Magistrate's office.
- Each State has many Secretaries/Principal Secretaries and only one Chief Secretary.
- The modern Indian Forest Service was established in the year 1966 under the All India Services Act, 1951.
- The Indian Police Service simply known as Indian Police or IPS is responsible for internal security, public safety and law and order.
- These services have a national vision and perspective, and so are important bulwarks against parochial and regional thinking.

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6.5 KEY WORDS

- **Cadre:** It refers to a small group of people specially trained for a particular purpose or profession.
- **Indianisation:** It was a process introduced in the later period of British India (early 20th century) whereby Indian officers were promoted to more senior positions in government services, formerly reserved for Europeans.
- **Probation:** It is a process of testing or observing the character or abilities of a person who is new to a role or job.

6.6 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the Union Public Service Commission.
2. What is the significance of All India Services?

Long-Answer Questions

1. Distinguish between Central Services and All India Services.
2. Discuss in detail about Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS).

6.7 FURTHER READINGS

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BLOCK - III
STATE ADMINISTRATION

*Governor, Chief Minister
and Council of Ministers*

**UNIT 7 GOVERNOR, CHIEF
MINISTER AND COUNCIL
OF MINISTERS**

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Structure

- 7.0 Introduction
- 7.1 Objectives
- 7.2 Governor: Powers and Functions
- 7.3 Chief Minister
- 7.4 Council of Ministers in State Government
- 7.5 Answers to Check Your Progress
- 7.6 Summary
- 7.7 Key Words
- 7.8 Self Assessment Questions and Exercises
- 7.9 Further Readings

7.0 INTRODUCTION

In India, every state has a state government to look into its own affairs. The states have their own executive and legislature. The state executive comprises the Governor and the Council of Ministers presided by the Chief Minister. As the State legislature is concerned, some States have only house in their legislature and are called uni-cameral while some States have two chambers or houses called bi-cameral. The Governor is an integral part of the State legislature.

The Constitution provides for the post of the Governor to be the Head of a State in India. He is appointed by the President of India. The tenure of a Governor is five years. But he can be dismissed from the office before the expiry of his full term by the President. The Governor may also resign on his own. His term of office may be extended and he may be transferred to any other state. However, the State Government cannot remove the Governor from his post.

The Governor appoints the State Council of Ministers. He appoints the leader of the majority party in the Legislative Assembly as the Chief Minister and takes his advice to appoint other ministers of the Council. The State Council of Ministers has three categories of ministers- Cabinet Ministers, Ministers of States and Deputy Ministers. It is compulsory for all the Ministers, including the Chief Minister to be the members of the State legislature. If a Minister is not a member of the State legislature at the time of his appointment, then he must become a

member within a period of six months from the date of his taking over charge as minister.

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7.1 OBJECTIVES

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

- Discuss the powers and functions of a Governor
- Describe the role of a Chief Minister
- Explain the working of Council of Ministers in the State Government

7.2 GOVERNOR: POWERS AND FUNCTIONS

In accordance with the federal characteristics, the Constitution of India envisages two tiers of government, one at the level of the Union, and the other at the level of the states. Part IV of the Constitution of India lays down the structure of the state governments and stipulates a parliamentary form of government like that for the Centre.

In accordance with the parliamentary framework, like the Union Government, the State Governments also have two forms of Executive—the constitutional head and the real executive. The Governor is the constitutional head of the state and the Chief Minister is the real executive of the state.

The ambiguity about the dual role of the Governor, his or her powers and functions has provoked sharp debates and controversies both in terms of nature of the federation and Union-State relations.

Office of the Governor

Let us discuss the various aspects of the office of the Governor:

A. Appointment: According to Article 153 of the Constitution, each state in India has a Governor and the executive power of the state is vested in him. He is appointed by the President of India for a term of 5 years and holds office during the pleasure of the President (Article 156). This means that a Governor can be removed by the President at any time even before the expiry of the term.

Regarding the appointment of the Governor, there have been the following two conventions in India:

- (i) The Governor is appointed from outside the state concerned. This convention is there to ensure the impartiality of the Governor in state politics. However, there have been instances when this convention was not followed.
- (ii) The states are consulted by the Centre in the appointment of the Governor. However, this practice is also not always followed in every appointment.

A study of the persons appointed as Governors clearly reveals that a considerable number of retired politicians have been appointed as the Governors. Besides, retired bureaucrats, judges and retired army officials have also been made the Governors. Thus, frequently, the Governors have been accused of playing in favour of the party-in-power at the Centre.

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B. Qualification: The Constitution prescribes the following qualifications for a person to become a Governor:

- (a) He must be a citizen of India
- (b) He must have completed the age of 35
- (c) He should not be a Member of Parliament or State Legislature
- (d) He shall not hold any office of profit

Powers and Functions of the Governor

The powers and functions of the Governor can be categorized as follows:

(a) Executive Powers: The Governor appoints the Chief Minister and his or her Council of Ministers. However, following the Parliamentary form of government norms, they are responsible to the State Assembly and remain in power until they enjoy the confidence of the State Assembly. The Governor also appoints the Advocate General, and the members of the State Police Service Commission.

All the executive actions of the state are done in the name of the Governor. It is the duty of the Chief Minister to communicate the Governor all the decisions of the Council of Ministers relating to the administration of the state and proposals for legislation.

(b) Legislative Powers: The State Legislature consists of the Governor and the State Legislative Assembly. Thus, he or she is an integral part of the legislature and enjoys a variety of powers. Governor may summon, address, prorogue and dissolve the legislature. When a bill is passed by the legislature, it has to be presented to the Governor and the Governor shall declare either that he or she assents to the bill or that he or she withholds assent or that he or she reserves the bill for the consideration of the President. Article 213 empowers the Governor to promulgate ordinances during the recess of the legislature. He or she also has the power of causing to be laid before the state legislature the annual financial statement and recommending money bills.

(c) Judicial Powers: The Governor of a state has the power to grant pardon, reprieve, respite or remission of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

(d) Discretionary Powers: Apart from the normal functions which the Governor exercises as a constitutional head, he or she exercises certain

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discretionary powers. Some of them have been expressly conferred on him or her, some other flow by necessary implication.

Article 163 (1) states the Governor should act according to the advice of the Cabinet except when he or she is required by the Constitution to act in his or her discretion. Article 163 (2) confers the Governors the blanket discretion to decide when they are required to act in their discretion. The Governor's satisfaction, as well as certain responsibilities, therefore, becomes vulnerable to the discretionary power.

With regard to the discretionary power by implication, they are significant in two matters. One is with regard to the appointment of Chief Minister when neither a single party nor a combination of parties emerges from the election with a clear majority. Related to this is also the question of dismissal on the loss of majority support. The second matter is with regard to making a report to President under Article 356 about his or her satisfaction that a situation has arisen in which the Government of state cannot be carried on in accordance with the provisions of the Constitution, thereby recommending the imposition of the President's rule.

The above-mentioned powers were meant by the Constitution-makers to be used for extraordinary and emergency situations. But in practice, not only these, but also some normal powers, like that of reservation of bills for the consideration of the President, have been used in quite controversial manners, which suggests partisan motives thereby creating tensions between Union–State relations.

A. Position and Role of Governor

From the above description, there emerge some very significant characteristics about the office of Governor, which have important bearings on state politics. To begin with, the Constitution intended that the Governor should be the instrument to maintain the fundamental equilibrium between the government and the people of the state and to ensure that the mandates of the Constitution are respected in the State. That is, with regard to the office of the Governor, Article 159 says that the Governor shall, to the best of his or her ability, 'preserve, protect and defend the Constitution and the law' and will devote himself or herself 'to the service and well-being of the people' of the state.

Thus, the Constitution of India envisages a dual role for the Governor of a state:

- (i) As the Constitutional head of the state
- (ii) As the agent of the Centre

B. Governor as the head of the state

The Governor as the head of the state works under the parameters of parliamentary democracy. Thus, he or she acts as a nominal head and exercises his or her functions strictly according to the 'aid and advice' of the Council of Ministers. Though the administration is carried out in the name of the Governor, the real authority is exercised by the Chief Minister and his Council of Ministers, who are collectively responsible to the Legislative Assembly. After the fourth General Elections in 1967,

the monopoly of political power by the Congress party was broken and the non-Congress governments were formed in seven states. This phenomenon continues even today where no one party is capable of forming governments in both the Union and in many of the States. This changed scenario redrafted and redefined the position and role of the Governor in state politics. The Governors became actively involved in state politics and invariably acted in the interests of the party-in-power at the Centre. They also used their discretionary powers for their party purposes and thus made the office of the Governor highly controversial, with the result that there was a demand to abolish the office of the Governor.

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C. Governor as an agent of the Centre

According to K.M. Munshi, 'Governor is the watch-dog of constitutional propriety and the link which binds the State to the Centre, thus securing the constitutional unity of India.' The Governor performs the following functions as the agent of the Centre in the states:

- (a) The Union Government is responsible for good governance in all the states. In case of the constitutional breakdown of state machinery, the Governor may recommend President's rule or emergency in the state under Article 356.
- (b) The Governor sends his or her report regarding the affairs of the state to the President, periodically.
- (c) The Centre has the power to issue directives to the states and it is the duty of the Governor to see that such directives are followed by the state government.
- (d) The Governor of a state can reserve a bill passed by the State Legislature for the consideration of the President. Moreover, certain types of bills must be reserved by the Governor for the President's consideration.

Check Your Progress

1. Which part of the Constitution of India lays down the structure of the state governments?
2. Who appoints the Governor?

7.3 CHIEF MINISTER

Taking the analogy of the parliamentary system of governance at the state level, the Constitution provides for the office of the Chief Minister to be the real executive of the state. He symbolizes ruling power structure and wields more authority than anybody else in the state.

However, the philosophy underlying the creation of a democratic set-up in the state under the Indian Constitution appears to be guided by the compulsions of the unity and consistency in the governance of the country as a whole rather than

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ensuring to each state a fair degree of functional autonomy in the true spirit of the federal structure of the Indian polity. Consequently, the position of the Chief Minister, rather than being that of a democratic ruler with wide-ranging powers and functions, appears to be that of a local ruler with many fetters put on his functional autonomy in the form of the vast discretionary powers afforded to the centrally nominated Governor, who can impair the effectiveness of the Chief Minister as the real ruler of the state elected by the people.

Appointment of the Chief Minister

The Chief Minister is appointed by the Governor, the executive head of the state, who invites the leader of the majority party in the Legislative Assembly to form the government. However, in practice, the appointment of the Chief Ministers in the states has become more of a game to be played by the Central government through the office of the Governor and other political manoeuvring (more so in the states where none of the parties are able to secure a majority support in the Legislative Assembly), than the simple constitutional proposition that the Chief Minister shall be appointed by state governments. Such situations are exploited by the Centre in order to either keep the functioning of the state government in accordance with its needs and aspirations, or to destabilize the government to install a new puppet government in the state.

The Constitution says nothing about the qualification of the Chief Minister. Under the Constitution, all that is required is that such a person is a citizen of India and possesses such qualifications, as are required for becoming a member of the Legislative Assembly. Such a person could be a member of either house of the legislature or even an outsider. Although constitutionally a non-legislator does not stand barred from becoming a minister or a Chief Minister, he or she must, however, become a member of the legislature within 6 months, failing which he or she is liable to forfeit his or her office.

What holds good in the appointment of the Chief Minister also holds true in regard to his or her removal from the office. The Constitution provides that the Chief Minister holds office during the pleasure of the Governor. In practice, the pleasure of the Governor becomes the majority support in the Legislative Assembly under Article 164(2) of the Constitution. However, what happens in practice is that the removal of the Chief Minister is rarely the decision of the Governor. Acting as an agent of the Centre, the Governor 'removes' the Chief Minister at the behest of the Central Government.

Consequently, Article 356 of the Constitution (President's rule in the states), the instrumentality through which the duly elected governments in the states are generally ousted, has become one of the most abhorred articles of the Constitution by the protagonists of the state autonomy in the country.

Powers and Functions of the Chief Ministers

The Chief Minister, being the real executive head of the state, enjoys vast powers and functions. They are as follows:

1. He or she is the working head of the state government and as such, he or she advises the Governor in matters relating to the selection of his or her ministers, change in their portfolios and their removal from his or her government.
2. He or she presides over the meetings of his or her Council of Ministers and sees to it that the principle of collective responsibility is maintained. He or she may, thus, advise a minister to resign from his or her post or may advise the Governor to dismiss a minister in case he or she differs from the policy of the Cabinet.
3. He or she communicates to the Governor such information relating to the administration of the state of affairs and proposals of legislation as he or she may call for.
4. He or she furnishes to the Governor information relating to the administration of the state.
5. He or she places a matter for the consideration of the Council of Ministers where the Governor requires him or her to have the decision of the government. He or she thus, acts as the sole channel of communication between his or her ministers and the Governor.
6. Likewise, the Chief Minister is the sole channel of communication between his or her ministers and the legislature. All bills, resolutions, etc. that are moved in the legislature must have his or her prior approval. Criticism of his or her government is answered by him or her.
7. He or she may resign any time and then advise the Governor to summon such and such person for the installation of another ministry or to dissolve the House and thereby place the state under the President's Rule.
8. Though, in theory, all appointments are made by the Governor, in practice, the power of patronage vests with the Chief Minister. He or she is consulted about the appointment of judges of the state High Court. No posting and transfer can take place in the state without his or her approval. He or she is consulted in the appointment of State Advocate General and the members of State Public Service Commission.

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Position of the Chief Minister

The position of a Chief Minister in the state is akin to that of the Prime Minister at the central level, at least, in terms of the broad scheme of the parliamentary system of governance, if not in terms of the substantive holding of the power in ultimate analysis.

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To begin with, the Chief Minister has a relatively free hand in deciding the shape and size of his or her government. However, if the Chief Minister belongs to a national party or heads a coalition, his or her hands become tied even in using his or her prerogative of selecting his or her own ministers and allocating portfolios to them as he or she has to either consult the party high command or take the prior approval of the coalition partners before announcing the names and ministries of various ministers. Chief Ministers having a regional base and comfortable majority in the State Legislatures are in a better and a safer position. Still all Chief Ministers have to ensure that all social segments of the society are represented in the ministries; also, there has to be regionally-balanced distribution of the ministries, in addition to having capable people manning the vital departments like Home, Finance, and so on.

The position of the Chief Minister is pivotal as he or she has unhindered power to reshuffle his or her Council of Ministers.

The relationship of the Chief Minister with the MLAs of the Legislative Assembly depends on two factors: the standing of the Chief Minister in front of the MLAs and the attitude of the former towards the latter. If the Chief Minister does not command a comfortable majority in the Assembly, his or her position becomes quite precarious in front of the MLAs and he or she is in a vulnerable position. In substance, a democratic rather than an authoritarian attitude of the Chief Minister towards the MLAs and the legislature itself needs to be the norm of the effective and all-embracing functioning of the Chief Minister.

Since the Prime Minister is the real custodian of the executive power of the Central government, a regular and harmonious contact between him or her and the Chief Minister goes a long way in ensuring the trouble-free conduct of relations between the state and the Central governments.

The fundamental source of the Chief Minister's prime position in the planning process emanates from his or her association with the Planning Commission and the National Development Council (NDC), the apex bodies of the planning system in the country. Strictly, though the Chief Ministers are not a part of the Planning Commission, their participation in the formulation of the Five Year Plans is ensured through the mechanism of the NDC. The NDC consists of the Prime Minister, some key Union Ministers and Chief Ministers of all states and executive heads of the Union Territories. The Chief Ministers also remain in touch with the Planning Commission in order to ensure the smooth flow of funds for the implementation of several centrally sponsored developmental schemes in the state.

From the above discussion, it is clear that the Chief Minister of a state is vested with many powers, but his or her real position depends on his or her personality, political experience, administrative capability, position in the party organization at the state level, backing and equation with the Central leadership, and when he or she enjoys support of a single majority party or of a coalition government.

Check Your Progress

3. Who appoints the Chief Minister?
4. What is the significance of Article 356?

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7.4 COUNCIL OF MINISTERS IN STATE GOVERNMENT

Following the model of the parliamentary government, the real government of the state consists of the Council of Ministers headed by the Chief Minister. In theory, the Council of Ministers and the Chief Minister exist to aid and advise the Governor. However, in practice, the Governor has to act on the advice of the Council of Ministers.

The Council of Ministers is the chief executive body. The quality of the state administration is largely conditioned by the leadership and the direction is provided by the ministers. In short, extraordinary political power is vested in this small group of persons.

Organization

The Governor appoints the Chief Minister and on the advice of the Chief Minister, he or she appoints the other ministers. However, as mentioned previously, the Chief Minister is not as free to select his or her team as the convention would have us believe. The size of the State Council of Ministers was not previously specified in the Constitution. Thus, the Chief Ministers were prone to have an unwieldy Council of Ministers in order to satisfy all the factions contending for power in the state government. But with the passage of the Ninety-First Constitution Amendment Act, 2003, the size of the ministries is limited to only 15 per cent of the total membership of the State Legislative Assembly. In this way, a remarkable improvement has been brought about in regard to the frivolous elements finding a place in the Council of Ministers.

Working of the Council of Ministers

The Council of Ministers is collectively responsible to the Legislative Assembly. This means that every member of the Council of Ministers accepts responsibility for every decision of the cabinet. If a minister is unable to accept responsibility, the only alternative left for him or her is to resign, as there is collective responsibility.

The minister is the political head of the department, whose administrative head is a secretary, who is a career civil servant. Ordinarily, matters pertaining to a department are dealt with by the minister-in-charge. But all important cases are required to be brought before the cabinet for direct discussion.

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Check Your Progress

5. Who heads the Council of Ministers in states?

7.5 ANSWERS TO CHECK YOUR PROGRESS

1. Part IV of the Constitution of India lays down the structure of the state governments.
2. The Governor is appointed by the President of India for a term of 5 years.
3. The Chief Minister is appointed by the Governor.
4. Article 356 of the Constitution talks about President's rule in the states.
5. Council of Ministers is headed by the Chief Minister of the state.

7.6 SUMMARY

- In accordance with the federal characteristics, the Constitution of India envisages two tiers of government, one at the level of the Union, and the other at the level of the states.
- The Governor is the constitutional head of the state and the Chief Minister is the real executive of the state.
- According to Article 153 of the Constitution, each state in India has a Governor and the executive power of the state is vested in him.
- A study of the persons appointed as Governors clearly reveals that a considerable number of retired politicians have been appointed as the Governors.
- The Governor appoints the Chief Minister and his or her Council of Ministers.
- However, following the Parliamentary form of government norms, they are responsible to the State Assembly and remain in power until they enjoy the confidence of the State Assembly.
- The State Legislature consists of the Governor and the State Legislative Assembly.
- Article 163 (1) states the Governor should act according to the advice of the Cabinet except when he or she is required by the Constitution to act in his or her discretion.
- The Governor as the head of the state works under the parameters of parliamentary democracy.
- Thus, he or she acts as a nominal head and exercises his or her functions strictly according to the 'aid and advice' of the Council of Ministers.

- Taking the analogy of the parliamentary system of governance at the state level, the Constitution provides for the office of the Chief Minister to be the real executive of the state.
- The Constitution says nothing about the qualification of the Chief Minister.
- The Chief Minister, being the real executive head of the state, enjoys vast powers and functions.
- The position of a Chief Minister in the state is akin to that of the Prime Minister at the central level, at least, in terms of the broad scheme of the parliamentary system of governance .
- Following the model of the parliamentary government, the real government of the state consists of the Council of Ministers headed by the Chief Minister.
- The Council of Ministers is collectively responsible to the Legislative Assembly.
- The minister is the political head of the department, whose administrative head is a secretary, who is a career civil servant.

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7.7 KEY WORDS

- **Summon:** It means to authoritatively call on (someone) to be present as a defendant or witness in a law court.
- **President's rule:** It is the suspension of state government and imposition of direct Central Government rule in a state.
- **Discretionary:** It refers to something that is optional.
- **Pivotal:** Something of crucial importance in relation to the development or success of something else.

7.8 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Discuss the various aspects of the office of the Governor.
2. Elaborate on the dual role of the Governor of a state as per the Constitution of India.
3. Describe the process of appointing the Chief Minister.

Long-Answer Questions

1. Explain in detail the powers and functions of the Governor.
2. Discuss the powers and functions of the Chief Ministers. What is the position of the Chief Minister in a state?
3. Examine and explain the working of the Council of Ministers.

7.9 FURTHER READINGS

NOTES

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UNIT 8 STATE LEVEL ADMINISTRATION

NOTES

Structure

- 8.0 Introduction
- 8.1 Objectives
- 8.2 Chief Secretary
- 8.3 State Secretariat
- 8.4 Directorate
- 8.5 Field Offices
- 8.6 Answers to Check Your Progress Questions
- 8.7 Summary
- 8.8 Key Words
- 8.9 Self Assessment Questions and Exercises
- 8.10 Further Readings

8.0 INTRODUCTION

State administration comes in Part VI of the Constitution. The executive power of the state lies with the Governor. These powers are exercised by the Governor either directly or through the officers subordinate to him. The administration of a state is run by both the Governor and the council of ministers and at the head of the council of ministers there is the Chief Minister.

In this unit, you will study in detail about three important positions in state administration, namely Chief Secretary, State Secretariat and Directorate. Field Offices are also listed in this unit.

In several respects the state secretariat is a repetition of the central secretariat. Both secretariats consist of career bureaucrats. Often, a very senior and experienced IAS officer is appointed to the post of Chief Secretary, practically during the later part of his service life. In the state administration the Chief Secretary is the most important person. He is called the “King of the secretariat”.

A directorate is a section of a government department in charge of a particular activity. The state administration is divided into different departments e.g., agriculture department, education department, transport department etcetera. Each department has a head, known in Indian and state administrative system as directorate.

8.1 OBJECTIVES

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

- Discuss the role and significance of Chief Secretary
- Explain the functions of State Secretariat
- Describe the meaning of Directorate and list some of the Field Offices

8.2 CHIEF SECRETARY

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The Chief Secretary is the title of a senior civil servant in members of the Commonwealth of Nations, and, historically, in the British Empire. Prior to the dissolution of the colonies, the Chief Secretary was the second most important official in a colony of the British Empire after the Governor.

In India, each state and some Union Territories have Chief Secretaries. As such the Chief Secretary serves as Chief of all government staff in the state and is the Secretary of the State Cabinet of Ministers. The post of Chief Secretary is encadred within the Indian Administrative Service meaning that only an IAS officer may hold this position. The Chief Secretary holds the same rank as a Secretary to the Government of India and the post falls within the “above super timescale-fixed”. Other positions in this pay scale are Additional or Special Chief Secretary and Special Secretary to the Government of India. By tradition the senior most IAS officer of the state cadre is chosen as the Chief Secretary but in many cases this is not so. The Chief Secretary heads the Department of General Administration as well.

Role and Significance of Chief Secretary

The powers and functions of the Chief Secretary are mentioned in the ‘Rule of Business’ framed by a State Government.

- He acts as the principal advisor to the Chief Minister on all the matters of the State administration.
- He acts as a Secretary to the State Cabinet.
- He is the administrative head of the Cabinet Secretariat and attends the meeting of the Cabinet and its sub-committees, if necessary.
- He prepares the agenda for the Cabinet meetings and keeps records of its proceedings.
- He acts as the head of the State Civil Services.
- He deals with all the cases related to appointment, transfers, promotion of senior State Civil Servants.
- He is the conscience-keeper to all the State Civil Servants.
- He is the chief coordinator of the State administration.
- He ensures inter-departmental co-ordination.
- He is the Chairman of co-ordination committees set up for inter-departmental disputes.
- He presides over the meetings of the departments’ Secretaries.
- Presides over the conferences attended by the Divisional Commissioners, the District Collectors and the heads of the departments of district administrations to effect coordination.

- He acts as the administrative head of some secretariat departments.
- In most cases, the General Administration Department, Personnel Department, Planning Department and Administrative Reforms Department are directly under the charge of the Chief Secretary.
- The General Administration Department is the most important department in the State Secretariat and its political head is the Chief Minister.
- He is generally a Chairman or an important member of the committees set up to take high level policy decisions during a crisis situation.
- He acts as the crisis administrator-in-chief and virtually represents the State Government for all the officers concerned with relief operations.
- He acts as the Residual Legatee and looks after all those matters which do not fall into the purview of other Secretaries.
- He acts as the Secretary, by rotation, of the Zonal Council of which the State concerned is a member.
- He acts as the chief public relations officer (PRO) of the State Government.
- He attends the meetings of the National Development Council.
- He acts as a spokesman of the State Government.
- He plays a significant role in the administration of law and order and planning.
- He exercises general supervision and control over the entire State Secretariat.
- He has administrative control over the Secretariat building, the staff attached to the Ministers, the central record branch, the Secretariat Library, the conservancy and watch and ward staff of the Secretariat departments.
- He is the principal channel of communication between the concerned State Government and the Central Government and other State Governments.
- He attends the annually held Chief Secretaries conference presided over by the Cabinet Secretary.
- He acts as the chief advisor to the Governor, if the Central advisors are not appointed and the President's rule is imposed in the State.
- There is no office in the Union Government which can be equated to that of the Chief Secretary in the State.

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8.3 STATE SECRETARIAT

The role of State Secretariat has been ever expanding since the time of its formation. There are a multitude of issues which the state governments have to deal with in their day-to-day administration, and accordingly the role and functions of the Secretariat have also increased accordingly, as it is the Secretariat which aids and advises the Government in the exercise of its duties.

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State Secretariats, like their central counterpart, play a major role in the administration of the state. They are the principal advisers to the Minister, head of the department(s) under their charge, responsible for carrying out the policies and decisions made by the political chief, and finally, represent his departments before the committees of the Legislature. In case of administration at the state level, it is the Governor, appointed by the Indian President, who is the head of state. The Governor, appointed for a five-year term by the President, is the head of State. He is advised by the Ministry, called Council of Ministers, headed by the Chief Minister, in the conduction of the State's administration. In practice, however, he is only the constitutional head; the real repository of power is the Ministry with the Chief Minister at its head. The Ministry is a part of, and collectively responsible to, the State Legislature in India. The business of the Government is allocated to the Ministers by assigning one or more departments or a part of a department to the charge of a Minister. It is usual, however, for a Minister to be in charge of a number of departments dealing with more or less allied subjects. He is the political head of the department, whose administrative head is, as at the Centre, a Secretary who is a career civil servant.

The expression 'Secretariat' is used to refer to the complex of departments whose heads, administratively, are Secretaries and politically, Ministers. The Secretary is the Secretary to the Government as a whole, not to the individual Minister. He is normally a generalist civil servant, but in the case of the Public Works Department, the chief engineer is usually the Secretary. The number of Secretariat departments is usually greater than the number of Secretaries. The practice normally, is to entrust more than one department to the charge of one Secretary.

A department consists of officers and the Office. Among officers are included, besides the Secretary, the Deputy Secretary, Under Secretary and/or Assistant Secretary. There may also be Additional and Joint Secretaries in the larger departments. Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries are all (except those belonging to the Secretariat Civil Service) subject to the well-known tenure system, and are appointed to the Secretariat for a fixed term. The only exception to the tenure system is the Chief Secretary. The Office comprises the Superintendent (or Section Officer), Assistants, Upper Division Clerks, Lower Division Clerks, stenotypists, and typists. Unlike officers, the Office constitutes the permanent element in the Secretariat system.

The number of Secretariat departments naturally varies from State to State, ranging between 11 and 34. Most States, however, have the following Secretariat departments: General Administration, Home, Revenue, Food and Agriculture, Planning, Panchayati Raj, Finance, Law, Public Works, Irrigation and Power, Education, Industries, Cooperation, Transport, Local Government, Jails, Labour and Employment and Excise and Taxation.

Among the basic functions which the Secretariat needs to perform, mention may be made of the following.

General Functions of State Secretariat

General functions of the State Secretariat deal with the following matters- all matters of general policy; inter-departmental coordination; matters involving the framing of new legal enactments of rules or amendments in the existing ones. Cases involving interpretation or relaxation of existing rules or government orders; correspondence with the Government of India and other State Governments; all matters relating to the preparation or adoption of new plan schemes, and important modifications in the existing schemes; review of the progress of the plan schemes- both physical and financial; inspection reports and tour notes recorded by heads of departments; all India conferences and important conferences at the State level; Public Accounts Committee, Estimates Committee; Assembly/Parliament questions; delegation of powers; litigation notices under section 80 CPC; appeals, revisions, etc., within the powers of the state governments in India.

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8.4 DIRECTORATE

A directorate is an agency usually headed by a director, often a subdivision of a major government department. Some directorates at the central level in India include the Directorate General of Civil Aviation (India), which is the India's civil safety watch and responsible for investigation for aviation incidents; the enforcement directorate, which is a law enforcement agency and economic intelligence agency responsible for enforcing economic laws and fighting economic crime in India, etc. Different states have different types of directorates. For example, the state of Rajasthan has a Directorate of Agriculture and a Directorate of Education among others while Kerala has directorates on Agriculture Development and Farmers' Welfare, Animal Husbandry, Archaeology, Archives, Ayurveda Medical Education, Backward Classes Development, etc.

8.5 FIELD OFFICES

Some of the field officer of directorate are listed below.

Regional/Field Offices (Central Government)

- Census of Kerala
- Census of Orissa
- Directorate of Census Operation, Rajasthan
- Directorate of Census Operation, Madhya Pradesh
- Directorate of Census Operations, Chandigarh

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- Directorate of Census Operations, Gujarat
- Directorate of Census Operations, Karnataka
- Directorate of Census Operations, Punjab, Chandigarh
- Directorate of Census Operations Tamil Nadu
- Central Industrial Security Force (CSIF), South Zone, Chennai
- Frontier Headquarters Border Security Force, Tripura
- India Disaster Resource Network, IDRN
- Multi Purpose National Identity Card
- North Bengal Frontier, Border Security Force
- Punjab Frontier, Border Security Force
- Rustamji Institute of Technology (RJIT)
- South Bengal Frontier, Border Security Force
- Town Official Language Implementation Committee, Ahmedabad

Check Your Progress

1. Who acts as the spokesman of the state government?
2. What does the expression 'Secretariat' mean in a government?
3. What is the number of Secretariat departments in a state?

8.6 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

1. The Chief secretary acts as a spokesman of the state government.
2. The expression 'Secretariat' is used to refer to the complex of departments whose heads, administratively, are Secretaries and politically, Ministers.
3. The number of Secretariat departments naturally varies from State to State, ranging between 11 and 34.

8.7 SUMMARY

- The Chief Secretary is the title of a senior civil servant in members of the Commonwealth of Nations, and, historically, in the British Empire.
- In India, each state and some Union Territories have Chief Secretaries.
- As such the Chief Secretary serves as Chief of all government staff in the state and is the Secretary of the State Cabinet of Ministers.

- The powers and functions of the Chief Secretary are mentioned in the ‘Rule of Business’ framed by a State Government.
- The role of State Secretariat has been ever expanding since the time of its formation. There are a multitude of issues which the state governments have to deal with in their day-to-day administration.
- State Secretariats, like their central counterpart, play a major role in the administration of the state.
- The Governor, appointed for a five-year term by the President, is the head of State.
- He is advised by the Ministry, called Council of Ministers, headed by the Chief Minister, in the conduction of the State’s administration.
- A department consists of officers and the Office. Among officers are included, besides the Secretary, the Deputy Secretary, Under Secretary and/or Assistant Secretary.
- A directorate is an agency usually headed by a director, often a subdivision of a major government department.

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8.8 KEY WORDS

- **Commonwealth of Nations:** The Commonwealth of Nations is a voluntary association of 53 sovereign states.
- **Residual Legatee:** It refers to the person or persons named in a will to receive any residue left in an estate after the bequests of specific items are made.

8.9 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Question

1. What is the role of a State Secretariat in the administration of the state?
2. Write a short note on the general functions of State Secretariat.
3. List the various field officer of a directorate?

Long-Answer Question

1. Who is a Chief Secretary? Discuss the powers and functions of the Chief Secretary as mentioned in the ‘Rule of Business’ framed by a State Government.
2. Discuss directorates of the Central Government.

8.10 FURTHER READINGS

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- Maheshwari. 2001. *Indian Administration (Sixth Edition)*. Hyderabad: Orient Blackswan.
- Arora, Ramesh Kumar. 1995. *Indian Public Administration: Institutions and Issues*. New Delhi: New Age International.
- Chakrabarty, Bidyut and Prakash Chand. 2019. *Indian Administration: Evolution and Practice*. New Delhi: SAGE Publications.

UNIT 9 DISTRICT COLLECTORATE

Structure

- 9.0 Introduction
- 9.1 Objectives
- 9.2 An Introduction to District Collectorate
 - 9.2.1 Institution of District Collector / Deputy Commissioner
 - 9.2.2 Functions of a Collector
- 9.3 Changing Role of District Collector
- 9.4 Answers to Check Your Progress Questions
- 9.5 Summary
- 9.6 Key Words
- 9.7 Self Assessment Questions and Exercises
- 9.8 Further Readings

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9.0 INTRODUCTION

Historically the district, in some form or the other has been the most important unit of administration in the Indian sub-continent. The evolution of district administration in Mughal times and those of the East India Company has to be understood in light of the fact that neither had a legislative wing. Executive commands originated from the Emperor or the Governor General, or from the provincial governors, and were executed by the sub-provincial authorities, howsoever designated. With the constitutionally mandated establishment of Panchayati Raj Institutions and Municipal bodies, it has become important to analyse and assess the role of the district administration.

For many State Government bodies, the Collector had an important role in determining how, where and what quantity of their services were to be delivered. This unit explains the need and role of a District Collectorate and traces the trajectory of the role mapping the changes it has gone through over a period of time.

9.1 OBJECTIVES

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

- Discuss the meaning and functions of a District Collector
- Examine the changing role of a District Collector

9.2 AN INTRODUCTION TO DISTRICT COLLECTORATE

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The British Parliament was the first legislature in respect of India in modern times and enactments created and gave substance to the district head of administration, known variously as the Collector (in respect of revenue administration), the District Magistrate (in respect of administration of criminal justice) or the Deputy Commissioner (in respect of General Administration and special functions / powers under local tenancy laws).

Until the 73rd and 74th amendments to the Constitution, the governance structure of India was two-tiered comprising the Union Government and the State Governments. At the district level, apart from discharging the responsibilities cast by specific enactments, the Collectors performed such administrative tasks as were assigned to them by the State governments. After Independence, the single greatest accretion to the responsibilities of the district administrator came through expansion of rural development programmes. As the number of activities, institutions and departments involved in rural development increased, the coordinating and synthesizing role of the Collector in the development efforts of the government assumed greater importance.

With the constitutionally mandated establishment of Panchayati Raj Institutions and Municipal bodies, it has become necessary to re-examine and re-define the role of the district administration. It is imperative that the devolution of decision making to local levels should face no impediments. It is equally imperative that the unique administrative experience, expertise and credibility of the office of the District Collector built up over a period of two hundred years is properly utilized.

The linkages and relationship between the State government and the District Collector cannot be examined in isolation from the linkages existing between the district offices and local bodies. There is a high degree of complementarity between them. This section examines their functioning and tries to suggest an environment for a responsive and citizen friendly district administration in line with the principles of decentralization and subsidiary.

The overall administrative structure presently prevailing at the district and sub-district levels in the country consists of the following three components.

1. Administration of regulatory functions under the leadership of the Collector and District Magistrate, such as law and order, land revenue / reforms, excise, registration, treasury, civil supplies and social welfare. This domain also includes oversight over primary departments of the

government e.g. agriculture, animal husbandry, and primary and school education.

2. District / sub-district level offices of the line departments of the State Government and their agencies, such as PWD, irrigation, health, industries etc. which have had stronger accountability relationship with the State headquarters rather than with the District Collector.
3. Local bodies (Panchayati Raj Institutions and Municipal bodies) which, after the 73rd and 74th amendment of the Constitution, have become the third tier of government and are to be empowered to handle subjects pertaining to development of the local areas as illustratively listed in the Eleventh and Twelfth Schedule of the Constitution.

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9.2.1 Institution of District Collector / Deputy Commissioner

Till some years ago, in most of the States, the District Collector was the head of the government at the district level, responsible for a diverse portfolio of functions ranging from delivery of essential services, land revenue administration, execution of rural development programmes, disaster management, maintenance of law and order and collection of excise and transport revenue. As such, virtually all the instruments of the State Government that operated at the local levels did so in conjunction with the Collector's office either formally or informally. In this regard, structurally diverse arrangements were built up over time. The relationships and reporting structures range from the Collectors undertaking broad oversight/supervision of the activities undertaken by line departments- to specific day-to-day management of some services. For many State Government bodies, the Collector had an important role in determining how, where and what quantity of their services were to be delivered.

Evolution and change

Till the 1960s, when programmes of rural development were at a nascent stage, the Collector's job seemed to be carefully organized with land reforms, revenue collection, law and order, food and civil supplies, welfare and relief/rehabilitation being the principal areas of his responsibility. The needs of the people were limited, their interaction with the government was infrequent and the bureaucratic set up seemed to be dedicated. Under these circumstances, the office of the Collector was a strong and effective institution.

In the years that followed, a large number of new projects/schemes were initiated by various departments of the Government, with the Collector as the notional head of the District Monitoring Committee. Apart from making a formal review in monthly/quarterly coordination meetings, the Collector had a somewhat limited role in such matters. Towards the beginning of the 1980s, the development

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of rural areas got a further thrust and the government initiated a large number of Centrally Sponsored/State sector schemes in agriculture, rural development, primary education and healthcare. Though, separate instruments were created for their execution, the Collector, in most of the cases, was given the overall supervisory charge of the programmes in the districts. The Collector and his administration were expected to be omniscient and omnipotent; capable of providing solutions to all the problems.

But after the introduction of the Panchayati Raj system in the country (post 1993), most of the development functions have been taken away from the Collector's domain, although the State Governments feel it convenient to use this institution to exercise control over the PRIs.

Need for a Collector in the District

The post of District Collector has been the most important feature of field administration in India for the last two hundred years. Before Independence, when the economy was primarily agrarian, the Collector as head of the land revenue administration also enjoying wide powers under criminal laws, was considered the ultimate guardian figure - responsible for the well-being of residents in his jurisdiction - the representative of the British Empire, capable of doing anything and everything. In the post-Independence era, when the economy diversified, and the pace of industrialization and growth of tertiary activities picked up, other functionaries too gained in importance. But, even now, in most parts of the country, excepting metropolitan/mega cities, the Collector is the most recognized face of the administration; he is considered to be the principal representative of the government at the district level, who could be approached to solve virtually all problems ranging from land disputes, to scarcity of essential commodities, to inadequacy of relief in times of crisis, to community disputes and even to issues of family discords.

9.2.2 Functions of a Collector

At present the portfolio of the Collector's office generally includes the following functions and activities (though there may be variations across the States):

- Acting as the Head of Land and Revenue Administration, including responsibility for District Finance (expenditure and audit);
- Acting as the District Head of the Executive Magistracy and overall supervision of law and order and security and some say in the police matters;
- Acting as Licensing and Regulatory Authority in respect of the various special laws such as Arms, Explosive and Cinematography Acts etc. in the District;
- Conducting elections — for Parliament, State Legislature and Local Bodies;

- As the Officer-in-charge of Disaster Management;
- As the guardian of public lands with the responsibility to prevent and remove encroachments which are often a source of tension between vested interests and the district administration;
- Public service delivery, either by facilitating or directly delivering services assigned to the district administration from other departments. (In this respect, the Collector often acts as Chairman of the Board for Parastatals, or as Chairman or Member of various standing and inter-departmental committees);
- Facilitating interaction between civil society and the State Government;
- Handling issues of local cadre management such as recruitment, in-service training and public service delivery, either by facilitating or directly delivering services assigned to the district administration from other departments. (In this respect, the Collector often acts as Chairman of the Board for Parastatals, or as Chairman or Member of various standing and inter-departmental committees);
- Working as the Chief Information and Grievance Redressal Officer of the district.

The functions of a collector may be discussed under the following heads:

1. **General administration:** The District Collector/Magistrate has specific powers entrusted to him under several Union and State enactments. These statutory powers have to be exercised with care and responsibility. The Collector is also the Chairman of a large number of Committees at the district level. A list of the Committees chaired by the District Collector in Anantapur District of Andhra Pradesh was obtained from the Collector by the Administrative Reforms Commission and is given below as an illustration.
 1. Irrigation Development Board (IDB)
 2. Vigilance & Monitoring Committee on SC/ST Atrocities
 3. District Forestry Advisory Committee
 4. AP Water, Land & Tree Act Implementation Committee (APWALTA Act)
 5. District Rajak Welfare Committee
 6. District Naibrambana Welfare Committee
 7. District Joint Staff Council Committee – Employees Unions/Associations

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8. AP Employees Welfare Fund District Committee
9. Registration of Existing & New Aquaculture Fish Ponds Committee
10. District Midday Meals Monitoring Committee (Primary Education)
11. District Selection Committee for Recruitment of Teachers
12. District BC Service Co-operative Society
13. District ST Sub-plan
14. District SC Service Co-operative Society Ltd.
15. District Task Force Committee of Mines & Geology
16. District Hospital Development Society
17. District Level Review Committee of Bankers
18. District Consultative Committee of Bankers
19. District Advisory Committee for Renewable Energy (NEDCAP)
20. District Statue Committee
21. District Official Language Committee
22. District Disaster Management Committee
23. District Executive Committee for 108 Emergency Services
24. District Level Minimum Wages Committee for Unskilled Labourers
25. District Horticulture Mission
26. District AIDS Prevention and Control Society
27. District Tourism Committee
28. District Negotiation Committee for Finalization of Market Value of Lands purchased for acquisition
29. District Committee on Regularization of Encroachments
30. District Arms Purchase Committee
31. District Road Safety Committee
32. District RTA Committee (Regional Transport Authority)
33. ATMA Committee (Agriculture)
34. District Level Committee for TRICOR
35. District Selection Committee for Recruitment of Doctors on Contract Basis
36. District Level Co-ordination Committee for Women Development and Child Welfare (ICDS)

37. District Selection Committee for recruitment of Anganwadi Workers and Anganwadi Helpers. (ICDS)
38. District Level Committee for Implementation of Girl Child Protection Scheme (ICDS)
39. District Level Committee for Anti Trafficking (ICDS)
40. District Level Committee for CM/PM package (Pasukranthi/ Kaheera Kranthi)
41. Andhra Pradesh Micro Irrigation Project, Anantapur
42. District Food Advisory Committee
43. Anantapur Society for Employment and Training (ANSET)
44. Urban Market Value Anomalies Rectification Committee (Registration Department)
45. Management Committee for AP Study Circle for BCs
46. District Single Window Clearance Committee (Industries Department)
47. District Level Committee for Incentives (Industries Department)
48. District Level PMRY Committee (Industries Department)
49. District Industries Promotion Committee (DIC)
50. District Level Juvenile Welfare Committee

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2. **Land and revenue administration:** The land revenue administration in a State operates at four administrative levels – district, sub-division, tehsil/taluka/block and village. The Collector/Deputy Commissioner is the head of the revenue administration at the district level and is the custodian of government land and properties under his jurisdiction. He is assisted by the Additional Collector(s) and other officers of the State Civil Service. The revenue work at the Collectorate is divided into various Sections headed by a Superintendent who in turn, is assisted by ministerial staff.

Each district comprises of revenue sub-divisions. The sub-divisional level revenue offices are supervised by Deputy Collectors/Extra Asst Commissioners who are designated as sub-divisional officers under whom other subordinates such as officials in charge of revenue circles work. Sub-Divisional level officers of various departments such as Food and Civil Supplies, Excise, Social Welfare etc. work as branch officers of their district establishments.

Within each (sub) division, there exist a number of blocks/talukas/tehsils. The tehsil/block level revenue offices are headed by Tehsildars/

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COs. It is at this level that there is a direct interface of the government with the public and the image of the Revenue Administration largely depends on the efficient and effective functioning of these officials. At the village level, the States usually, have a designated revenue official called Patwari/ Revenue Karamchari. In some States, the Executive Officer of the Gram Panchayat or GP Secretary may double up as the Patwari to handle revenue functions as well.

3. **Disaster management:** Disasters both natural as well as man-made such as floods, drought, forest fires, earthquakes, factory fires, major accidents, environmental mishaps and riots etc., pose a big threat to the lives and properties of the people in the districts. Some districts are more prone to specific types of disasters than others and hence they require measures for continuous vigilance monitoring and prevention. The Collector is the Chairman of the District Disaster Management Committee (DDMC), which is responsible for making advance, plans to mitigate the effect of calamities and for providing both immediate as well as long term assistance to the affected people. The assistance may be in terms of rescue, immediate shelter, availability of food and emergent healthcare. The Collector is authorized by the government to grant gratuitous relief to the affected families and to take such measures as are necessary to reduce hardships caused by the disaster.
4. **Civil supplies, public distribution and social welfare:** The Collector oversees the arrangements for provision of essential commodities to citizens through the Public Distribution System (PDS). The PDS operates through a chain of fair price shops that issue rationed quantities of wheat, rice, sugar, kerosene, etc. at subsidized rates to various categories of less privileged people through ration cards. The District Food and Supply Officer controls and supervises the activities of these shops under overall superintendence of the Collector. This department has the responsibility to ensure that basic commodities such as food grains, sugar, oil, coal, etc. remain available to the people at the reasonable prices in the district. It has powers to penalize the hoarders of essential commodities, take steps to deal with adulteration in diesel/petrol/other commodities and to ensure proper usage of weights and measures etc.
5. **Excise, transport, mining, labour laws, elections and legal affairs:** The Collector provides substantial contribution to the State budget through excise and transport revenue. He is the controlling

officers for subordinate formations of these two departments in the district. For excise functions, he is assisted by Assistant/

Deputy Excise Commissioners/Superintendent and Excise Inspectors whereas the District Transport Officer, one or two Motor Vehicle Inspectors and Enforcement Officers help him in collection of transport revenue.

The Collector is the Chief Mining officer of the district and exercises powers to grant prospecting license and mining lease under provisions of the Mines and Minerals (development and regulation) Act, 1957. The Collector has also been vested with powers under some labour laws such as Bonded Labour (Abolition) Act 1976 and Workmen's Compensation Act, 1923.

For elections, the Collector is the District Election Officer (DEO) and is responsible for (a) preparation / updation of electoral rolls and (b) for holding free and fair elections in his jurisdiction. Under election laws, he is the Returning Officer (RO) for the Parliamentary elections. In other cases, his juniors function as Returning Officers; but he still remains the District Election Officer.

The Collector is the principal officer of the State Law Department at the district level and in this capacity he has a major role in the appointment of Government Counsels for District Courts.

6. **Census, protocol, general administration, treasury management/ district accounts office related work:** The Collector is the overall in-charge of the Treasury in the district and is responsible for sending detailed accounts of financial transactions taking place in the district to the office of the Accountant General. He is also responsible for census, protocol and other related works.
7. **Exercising functions and powers under various Union and state laws:** The Collector exercises several functions and powers under a large number of Union and State Laws on a diverse range of subjects such as those dealing with Land Acquisition, Tenancy of Land, Abolition of Debt Bondage, Money Lending, manufacture and sale of liquor and opium, settlement in Forests, distribution of essential commodities, Arms & Explosives, encroachment on government land, granting license for minor minerals, conduct of Exams, recovery of Public Demands, grant of Homestead, Workmens Compensation and regulation of Sarais and Inns.
8. Public relations department, NIC, other miscellaneous functions assigned by the State Government/coordination with civil society

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The Collector is the head of the public relations department of the government at the district level and is responsible for disseminating information on the working of the government to the print and electronic media and the general public.

9. Coordination with line departments/other agencies of the State/ Union Government: Coordination among various departments of the State Governments is one of the major activities of the District Collector. Most of the State Governments give due regard to the views of the Collector whenever there is need for inter-departmental interaction at the field level. Even other agencies look to him for guidance and support for effective implementation of their programmes and activities.

10. As chief officer of the proposed district government: As per recommendations made earlier, each district would ultimately need to have a District Council comprising of representatives of both rural and urban bodies.

The District Collector would function as the Chief Officer of this Council. The District Collector-cum-Chief Officer would have dual responsibility and would be fully accountable to the elected District Government on all local matters, and to the State Government on all regulatory matters not delegated to the District Government.

11. Implementation of Right to Information Act at the district level: The Right to Information Act, 2005 is a landmark legislation which is increasingly being viewed as an important tool for empowerment of the poor and the weak. Availability of information to the general public and clarity about functioning of governmental institutions are essential components of good governance. This Act promotes transparency, accountability, predictability and participation. A whole set of institutions has been created at the national as well as at the state level to ensure that organizations of the government comply with the provisions of the Act and enhance citizen centricity in governance. It is now more than three years since the law was enacted. There is a common perception that the impact of this legislation has not percolated in a significant way beyond the State capital. The Commission feels that the functioning of the lower level officials of the State and District Administration should be much more responsive and proactive to the needs and concerns of the citizen. There is need to strengthen the compliance machinery at the district level to enforce provisions of the RTI Act and to reduce the element of delay and subjectivity in the

functioning of the lower level formations of the government. This could be done by creating a special RTI Cell in the office of the Collector, whose functions could be reviewed by the Collector himself at regular periodicity.

District Collectorate

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ARC Recommendations on the Office of the District Collector

- There is need to realign the functions of the Deputy Commissioners/ District Collector so that he concentrates on the core functions such as land and revenue Administration, maintenance of law and order, disaster management, public distribution and civil supplies, excise, elections, transport, census, protocol, general administration, treasury management and Coordination with various agencies/departments.
- The Commission reiterates its recommendations regarding the Land Title Management System made in its eleventh Report on e-Governance. It should be one of the primary duties of the District Collector to perform the task envisaged in the aforesaid recommendations.
- There is need to strengthen the compliance machinery at the district level to enforce provisions of the RTI Act and to reduce the element of delay and subjectivity in the functioning of the lower level formations of the government. This should be done by creating a special RTI Cell in the office of the Collector, whose functions should be reviewed by the Collector at regular periodicity.
- Officers may be posted as District Magistrates early in their career, but in complex and problem-prone districts an IAS officer should be posted as DM only on completion of 10-12 years of service.
- Steps should be taken to ensure that the Collector plays an effective coordination role in activities and programmes of other departments at the district level.

Check Your Progress

1. When was the Panchayati Raj system introduced in the country?
2. The land revenue administration in a State operates at how many administrative levels?

9.3 CHANGING ROLE OF DISTRICT COLLECTOR

The Oxford Concise Dictionary defines a district as a territory marked off for special administrative purposes. This definition gives a fair idea of what exactly a

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district in India is. The basic territorial unit of administration in India is the district, and district administration is the total management of public affairs within this unit. The institution of District Magistrate/ District Collector, as it exists today, was created and developed during the British Rule and has become a unique feature of Indian Public Administration by the time the country became independent in 1947.

Through the political complexion of the country changed after independence, the institution of District Collector/Magistrate was remained. It would be worthwhile to trace the chronology of the post of Collector.

Early period

There has been a remarkable continuity of the basic form of the district as a unit of administration. To go as far back as we can, the code of Manu describes the general form of administration. The code of Manu starts with the village as the basic unit. He describes the village as a more or less self-contained republic, a social group in a state of stable economic equilibrium, a political group running its own affairs as a community in a state of balance. Each village had its headman. About thousand villages were placed in the charge of an official. This figure of thousand is of importance even today because it closely appropriates the all Indian average of about 1100 villages to a district.

The rudiments of the system of territorial administration can be traced to times of the Mauryas. During this time, the kingdom was divided into convenient territorial units and each unit was placed under a representative of the king. This official, who roughly corresponded to the present day Collector, was called the *Rajuka* and was appointed over 'many hundred thousand men', having immense powers of awarding rewards or punishment. Essentially a revenue officer was also there who conducted some of the judicial functions. He not only collected land revenue but also maintained roads in proper condition, promoted trade and industry and carried out public works such as irrigation.

The system of territorial administration also existed under the Gupta regime. The empire was divided into provinces, probably known as the *Desas*, the provinces into divisions known as the *Bhuktis*, and the division into districts, called the *Visayas*. The *Visyapati*, was considered as the district officer who administered the state business in the district. It was his significant duty to collect taxes and revenues and maintain law and order. He has a military force for performing the functions.

Mughal period

During Mughal administration the nearest equivalent of the district was the *Sarkar*. Although it came to be spelt during the British period as *Circar*, it really is *Sarkar*; and that is what it literally was, namely, the government in its total manifestation, in a conveniently demarcated geographical unit. It was during this period that the

entire empire was divided into *subas*, the *subas* into *sarkars*, and the *sarkars* into *parganas*. The *sarkar* which was the counterpart of the modern district was under a triumpirate, viz. *Amalguzar* or *Amil*, *Qazi*, and *Mir Adil* and *Faujdar*. At the head of the administration in the *sarkar* was the *Faujdar*, a military officer who served as a direct representative of the Emperor and worked under the guidance and supervision of the provincial governor. The *Faujdar* could report directly to the Central Government in times of emergency and sought its assistance in the restoration of peace. According to the Constitution of the Mughal government, the collection of revenue was vested in the hands of officers called *Amalguzar* or *Amil*. He was considered the chief revenue officer of the district. His duty was to encourage the *raiyats* to bring waste lands into cultivation and to take all such measures as he deemed essential for the promotion of agriculture and for the protection of peasants either against natural calamities or the oppressive conducts of groups and individuals. He was authorised to advance loans to the peasants and supervise the work of the district treasury. He also exercised a certain degree of judicial authority in the settlement of disputed claims during assessment. He was, however, neither a judicial officer nor a chief executive officer of a *Sarkar*. The civil judicial function of Government in the district was vested in the hands of *Qazi* and *Mir Adil*.

This, however, constituted the official organ of district administration under the Mughals. In addition to this, there was a non-official organ consisting either of village communities of joint proprietors, or government assignees and zamindars whose local influence either obscured or altogether obliterated the rights of such communities. During the vigour of the Mughal Government, both the organs worked together in harmony, the latter being subordinated to the former.

In the Mughal system of the district administration, it was not the District Revenue Officer but the *Faujdar* who occupied a dominant position in the district. This is mainly because the local community or the zamindar who was rooted in it did most of the collections and in addition kept the peace of the country as a subordinate instrument of the *Faujdar* who has the superintendence of district administration as a whole without any immediate responsibility for the collection.

Although somewhat in disarray due to the political instability which followed the dissolution of Mughal Rule, this was the state in which British inherited the administration of the country.

British Period: The development of the office of the Collector

It was in 1765 the East India Company was granted the *Diwani*, i.e., civil administration of Bengal, Bihar and Orissa. In practice, however, the Company did not take over the whole civil administration. Its interest was limited to the collection of revenue. The dual administration introduced by Clive was an utter

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failure. The divided responsibility of administration led to ‘masterless confusion’ and the province was thrown into complete chaos.

Administratively speaking, the Company’s first experiment in Bengal was the appointment of its covenanted servants as supervisor to several existing districts in 1769–70. This was no ordinary appointment. For this appointment, there was born a service which has been the envy of many societies and we find in the supervisors the predecessors of the present day District Collectors. The supervisors were required under their instrument of instructions to report on the state, produce and capacity of the lands as well as on the amount of revenues, the cesses and all demands which were made on the *raiyats* by government and others. They were also to look into the state of justice, and their instrument of instruction made it clear that within the limits of their charge they were not only to be concerned with the collections, but to acquire a general knowledge of all that affected the districts. The scheme of supervisor, however, failed largely due to their being, for the most part, untrained and inexperienced.

In the year 1772, the East India Company made a historic decision to stand forth as *diwan* and to take upon themselves, by the agencies of their own servants, the entire care and administration of revenues, and appointed collectors to superintend the revenue collection and to reside in the courts. Therefore, the office of the collector today was first time constructed by the Government of Warren Hastings under the regulation of 14 May 1772, which provided for the appointment of such an officer in each district.

The function attached to the office of Collector exceeded those of his Mughal counterparts, the Amalguzar. The jurisdiction of the Collector extended not only over revenue cases but also to title suits which under the Mughal system was in competence of a separate judicial officer. The Collector actually presided over the Civil Courts established in the districts reconstituted in the year 1772. In each district a Criminal Court was also established. The administration of the criminal justice was also under the supervision and control of the Collectors.

It was soon after 1787 and under the Regulation formulated on 27 June 1787 that the District Collectors were occupied with judicial and magisterial powers. The Collectors of the district also received the power and authority over the police of the district. The transformation of power from Collector to Magistrate is well known in Bengal. It was in the year 1793 that the judicial and police powers were stripped from the hands of Bengal District Collectors but soon in the year 1811, the power was again handed to the Collectors and since then the District Collectors of Bengal are known by the name of District Magistrate. It was during the British Colonial period that their term Divisional Commissioner, District Magistrate and District Collector came into being.

With the inauguration of provincial autonomy in the year 1937 under the Government of India Act of 1935, the District Magistrate/District Collector ceased to be the representative of the British Government and came to be an agent of the popular government. The change in his position was reflected in a corresponding change in the nature of his work. He and his subordinates have to spend part of their energy in supplying to the Ministers information which was needed to answer questions put by the members of legislature. The District Magistrate came to be more and more involved with the interpretation and enforcement of the newly passed social and economic legislation. He had to be engaged more and more in the rural development for which he was really not trained. The grinding poverty, illiteracy, disease and ignorance of the rural people posed fresh challenges for the District Magistrate/District Collector.

The problems created by the Second World War added new dimensions to the functions of the Collector/Magistrate and imposed several additional responsibilities on him such as recruitment to the armed forces, taking care of families of those in the forces, civil defence measures, etc.

On the eve of independence, in 1947, the District Magistrate/District Collector had become something of a jack of all trades. He had no effective control over the activities of specialised departments in the districts even though he was generally given charge of the satisfactory functioning of each department.

Check Your Progress

3. What was a collector called during the time of the Mauryas?
4. According to the Constitution of the Mughal government, the collection of revenue was vested in the hands of which officer?

9.4 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

1. The Panchayati Raj system was introduced in the country in 1993.
2. The land revenue administration in a State operates at four administrative levels – district, sub-division, tehsil/taluka/block and village.
3. A collector was called Rajuka during the time of the Mauryas.
4. According to the Constitution of the Mughal government, the collection of revenue was vested in the hands of officers called Amalguzar or Amil.

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9.5 SUMMARY

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- Historically the district, in some form or the other has been the most important unit of administration in the Indian sub-continent.
- With the constitutionally mandated establishment of Panchayati Raj Institutions and Municipal bodies, it has become necessary to re-examine and re-define the role of the district administration.
- The linkages and relationship between the State government and the District Collector cannot be examined in isolation from the linkages existing between the district offices and local bodies.
- . Towards the beginning of the 1980s, the development of rural areas got a further thrust and the government initiated a large number of Centrally Sponsored/State sector schemes.
- But after the introduction of the Panchayati Raj system in the country (post 1993), most of the development functions have been taken away from the Collector's domain.
- The post of District Collector has been the most important feature of field administration in India for the last two hundred years.
- But, even now, in most parts of the country, excepting metropolitan/mega cities, the Collector is the most recognized face of the administration.
- The District Collector/Magistrate has specific powers entrusted to him under several Union and State enactments. These statutory powers have to be exercised with care and responsibility.
- The Collector is also the Chairman of a large number of Committees at the district level.
- The Collector/Deputy Commissioner is the head of the revenue administration at the district level and is the custodian of government land and properties under his jurisdiction.
- Within each (sub) division, there exist a number of blocks/talukas/tehsils.
- Some districts are more prone to specific types of disasters than others and hence they require measures for continuous vigilance monitoring and prevention.
- The Collector oversees the arrangements for provision of essential commodities to citizens through the Public Distribution System (PDS).

- The PDS operates through a chain of fair price shops that issue rationed quantities of wheat, rice, sugar, kerosene, etc. at subsidized rates to various categories of less privileged people through ration cards.
- Coordination among various departments of the State Governments is one of the major activities of the District Collector.
- Most of the State Governments give due regard to the views of the Collector whenever there is need for inter-departmental interaction at the field level.
- The Oxford Concise Dictionary defines a district as a territory marked off for special administrative purposes. This definition gives a fair idea of what exactly a district in India is.
- The system of territorial administration also existed under the Gupta regime.
- During Mughal administration the nearest equivalent of the district was the *Sarkar*. Although it came to be spelt during the British period as *Circar*, it really is *Sarkar*.
- In the Mughal system of the district administration, it was not the District Revenue Officer but the Faujdar who occupied a dominant position in the district.
- It was soon after 1787 and under the Regulation formulated on 27 June 1787 that the District Collectors were occupied with judicial and magisterial powers.
- The problems created by the Second World War added new dimensions to the functions of the Collector/Magistrate and imposed several additional responsibilities on him.

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9.6 KEY WORDS

- **Panchayati Raj:** It generally refers to the system of local self-government in India.
- **Agrarian:** Relating to cultivated land or the cultivation of land.
- **Grievance:** It is an official statement of a complaint over something believed to be wrong or unfair.
- **Vigilance:** It is the action or state of keeping careful watch for possible danger or difficulties.
- **Electoral Rolls:** It is an official list of the people in a district who are entitled to vote in an election.

9.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

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Short-Answer Questions

1. What is the role of District Disaster Management Committee (DDMC)?
2. Why was there a need for a Collector at the district level?

Long-Answer Questions

1. Discuss the overall administrative structure presently prevailing at the district and sub-district levels.
2. Explain in detail how of the office of the Collector developed over time.

9.8 FURTHER READINGS

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UNIT 10 STATE PUBLIC SERVICES

Structure

- 10.0 Introduction
- 10.1 Objectives
- 10.2 State Public Services
- 10.3 State Public Services Commission and Training
- 10.4 Answers to Check Your Progress Questions
- 10.5 Summary
- 10.6 Key Words
- 10.7 Self Assessment Questions and Exercises
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10.0 INTRODUCTION

The origin of the Public Service Commission in India is found in the First Dispatch of the Government of India on the Indian Constitutional Reforms on the 5th March, 1919 which referred to the need for setting up some permanent office charged with the regulation of service matters. This concept of a body intended to be charged primarily with the regulation of service matters, found a somewhat more practical shape in the Government of India Act, 1919. Section 96(C) of the Act provided for the establishment in India of a Public Service Commission which should “discharge, in regard to recruitment and control of the Public Services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council”.

A State Public Service Commission performs all functions in respect of the state services as the UPSC does in relation to the Central services: It conducts examinations for appointments to the services of the state.

This unit focuses on the selection, classification and functions of State Public Services.

10.1 OBJECTIVES

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

- Discuss the features of State Public Services
- Explain the selection process of state services
- Elaborate on the functions and evaluation of State Public Services Commission

10.2 STATE PUBLIC SERVICES

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In the Indian federal polity, there are two levels of governments existing, one at the Centre and the other one at the state level. The State Civil Services also known as Provincial Civil Services. The recruitments for these services are conducted by the states of India independently. The State Civil Services deal with subjects such as land revenue, agriculture, forests, education, etc. The officers of the State Civil Services are recruited by different States through the State Public Service Commissions. The categories of services to which candidates are selected through the State Civil Services (SCS) examination are as under:

- State Civil Services, Class-I (SCS)
- State Police Service, Class-I (SPS)
- Block Development Officer
- Tehsildar/Talukadar/Assistant Collector
- Excise and Taxation Officer
- District Employment Officer
- District Treasury Officer
- District Welfare Officer
- Assistant Registrar Cooperative Societies
- District Food and Supplies Controller/Officer
- Any other Class-I/Class-II service notified as per rules by the concerned State

Administrative efficiency and standard can be obtained from the calibre, quality, training and integrity of the members of the Public Services. Besides, as the Constitution aims at establishing a Welfare State, the work of the administration becomes manifold, and the successful operation of these activities depends upon the availability of people of vision, ability, honesty, loyalty, and right type of recruitments to the administration.

The state governments would consider formulating and enforcing a code of ethics for state services similar to the draft code being considered for introduction at the central level. All the above services offer excellent avenues in the middle level administration. After putting in a certain number of years in the State Service, the officers of SCS and SPS may expect to be promoted to the IAS and IPS respectively, with some antedate seniority. In the SCS, the officers get posted as Sub-Divisional Magistrates/Deputy Collectors, Land Acquisition Collectors, Additional District Magistrates, Municipal Administrators, Under/Deputy Joint Secretaries, Deputy/Joint /Additional Directors or Assistant Commissioners in the state administration. And similarly, the SPS officers are appointed as Deputy/

Additional Superintendents of Police. One main advantage of these services is that the officials gain valuable experience before getting nominated to the IAS/IPS. This enables these officers to excel in their higher postings. A candidate joining SCS/SPS at a favourable age may expect to reach the level of the Secretary or DIG Police. However, the promotion procedures vary from State to State.

Most of the other posts enumerated above are Class-II services, and they may get promotion through the SCS Class-I; and then the officers may subsequently get nominated to the IAS before their retirement.

Most of the openings in the State Civil Services are executive in nature and the officers in these services are directly responsible for implementing all schemes, plans and programmes of the Government.

Selection in State Services

State Civil Services Examination is conducted by the State Public Service Commission (SPSC). The number of vacancies depends on the requisition by the Government by considering the factors like promotions, retirements and expansion of cadre in a particular year in the concerned State.

Graduates are eligible to write this examination. The minimum age requirement is 21 years, but the upper age limit may range between 28 to 35 years, differing from State to State. However, the upper age limit is relaxed for scheduled castes/scheduled tribes, other backward class, ex-servicemen, physically handicapped and the employees of the State Government. The examination is conducted as an All-India Competition, but for the interview candidates have an upper edge if they know the language, culture and customs of the concerned State. The pattern of this examination is similar to the All India Services Examination conducted by the UPSC. Most of the big States conduct a preliminary examination to shortlist the candidates. Preliminary examination is almost on the same lines as the preliminary examination for the Civil Services Examination conducted by the UPSC, the only exception being questions about the customs, traditions, planning and problems of the State concerned.

The preliminary exam is followed by the main exam. Smaller states usually go in for main examination straightaway. The Exam pattern follows the UPSC format. The only difference usually is that the language papers—English and regional language papers—are full-fledged papers and marks obtained in these subjects are also included for preparing the final merit list. The General Studies paper contains questions on socio-economic conditions, planning, customs, culture, etc., of the particular State. The Mains are followed by a personal interview. The competition being very keen, the interviews conducted by the State Public Service Commissions assume significance. The purpose of the interview is to judge the suitability of the candidates for the State Civil Services. On the basis of performance in the Mains as well as the interview, a final merit list is drawn and candidates are duly ranked.

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The Constitutional Provisions

Power to make rules governing conditions of service are given as under:

“Article 309 of the Constitution reads that, Act of the appropriate Legislature may regulate the recruitment and conditions of service of person appointed to public services and posts in connection with the affairs of the Union or of any State:

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Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of the State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this Article, and any rule so made shall have effect subject to the provisions of any such Act”.¹

Parliament has not so far passed any law on the subject. Recruitment and the conditions of service of Central Government servants in general continue to be governed by rules made by the President under Article 309. The rules made under the Article which are relevant for the present purpose are as follows:

- (i) The CCS (Conduct) Rules, 1964.
- (ii) The CCS (CCA) Rules, 1965.
- (iii) The Railway (D&A) Rules, 1968.
- (iv) The CCS (TS) Rules, 1965.

Article 310 lays down that every person who is a member of civil service of state or holds a civil post under a State Legislature, holds office during the pleasure of the governor.

Article 315 (1) provides that there shall be a public service commission for each state.

Article 315 (2) provides that two or more states may agree that there shall be one public service commission for that group of states and , if a resolution to that effect is passed by the house or, where there are two houses, provide for the appointment of a joint State Public Service Commission to serve the needs of those states.

Article 315 (3) lays down that the Governor of a state can request the UPSC to serve all or any of the needs of the state, after the approval of the President.

Article 316 provides the Chairman and members of a state PSC are appointed by the Governor of the State, but the members of a Joint Commission are appointed by the President. As nearly as may be, one-half of the members of every state PSC should be persons, who on the dates of their respective appointments have held office for at least ten years, either under the government of India or under the government of a state.²

The state civil services do not include services under local authorities, rural and urban. The state government thus exercises powers to make rules providing for the making of first appointment, method of appointment, number and character of posts and conditions of service in respect of the state and subordinate services. It is the final authority in respect of matters connected with such services and no appeal or representation lies to any other authority outside the states. The state service, in brief, consists of such services as the state government may, from time to time, declare by notification in the Official Gazette to be included in that category.

Regarding recruitment of various posts in state services, under the terms of the Constitution's article 320 (3), the State Public Service Commission is empowered to advise the State Government in all matters relating to methods of requirement to civil services and for civil posts. Secondly, service under government is generally not a matter of contract but tenure subject to the pleasure of the Governor/President as per Article 310 (1). However, the doctrine of pleasure operates under certain limitations. Article 311, according to which (i) no member of the civil service shall be dismissed or removed by an authority subordinate to that by which he was appointed, and no such person shall be dismissed or removed or reduced in rank except after an enquiry in which he has been informed by the charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such enquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed.

Classification of State Services

There is a large body of state government employees who takes multifarious responsibilities and are in various grade and skills. From administrators and professional experts to unskilled labourers, almost every conceivable calling is represented in this cast body of public servant.

Although there is considerable uniformity in conditions of service for public servants, there is a need for providing a gradation of skills and equipment, educational as well as technical, for the performance of duties of different complexities and responsibilities. It is also important to group posts according to the departments to which they belong and the qualifications required for holders of the posts. Hence, there are separate services for each of the major departments and each of these services is divided into two major grades. All the posts are grouped under the State Central Services—Class I and Class II. Another classification of the services and posts under the state government on the basis of status and rank is the distinction between the gazetted and non-gazetted services posts. A gazetted officer is one who holds charge of an office, his duties are mostly supervisory or directory; and his appointment, leave, transfer or posting is notified in the gazette. However, another method of classifying state services is their division into four categories Class I, Class II, Class III and Class IV.

In state, Class-I services are generally constituted for posts which are equivalent in status and responsibility to those qualified as senior posts in the cadres

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of All India Services. These services were created as a follow-up of the recommendations of Lee Commission in 1924, which recommended the gradual abolition of All India Services that were to be replaced to be class-I Services. A number of such services were, therefore, set up between 1924–1947 as replacement of the All India Services.³ In addition, certain new services were constituted as the state government extended the scope of their activities to new fields like industries, civil supply, cooperation, fisheries, sale tax etc., almost every department has its own Class-I Service. These posts also do not carry a uniform scale of pay. The pay scale differs from department to department. There is also provision for a selection grade in various state services. The appointments to Class I posts are made by promotion from Class II posts, and there exists a fixed quota of such posts in each department. In some cases, these posts are filled by direct recruitment through the State Public Service Commission by means of interviews.

The Class-II Services constitute the posts which are of lower status and responsibility than those in Class-I services, which are considered less important to require that the power of making appointments to them should be vested in the state government; and that they should be included in the category of gazette posts. The origin of the provincial services goes back to the recommendation of the Royal Commission on Public Services of 1886–87. Its recommendation to create such services was approved by the Secretary of State for India, and in 1892 the Government of India authorized the local government to establish their provincial services. There is no uniform scale of pay for this class of service as well. For example in Madhya Pradesh, there are categories in Class-II posts which includes services like state civil service—deputy collector, state accounts service, state police service, sales tax officers and employment officer. Recruitment to these services is made partly by examination and partly by selection through the State Public Service Commission. Thus, the State Public Service Commission holds every year a combined competitive examination to select candidates for state civil service, state account service, state police service, sales tax officer, assistant registrar, cooperative societies and employment officer. This examination is conducted on the model of the combined competitive examination for Indian Administrative Service and Allied Services held by the Union Public Service. And then, there are posts in Class II like lecturers in government colleges, assistant medical officers, inspectors of schools and the like, and written tests are held in which specialists in the subject concerned and departmental representatives concerned are invited to participate.

Besides direct recruitment, there is a provision for recruitment by promotion from below i.e., Class-III posts, and usually a quota if fixed for such promotion. Promotions are made on the basis of the recommendation by the Departmental Promotion Committees in consultation with the State Public Service Commission.

Class-III Services are for each department consisting of various subordinate or executive and ministerial posts. The executive category includes officers like Tehsildar, Deputy/Assistance Inspectors of schools, Sub-Inspector of Police,

teachers of secondary schools etc., ministerial or clerical services include clerks, stenographers, assistant superintendent, head clerks and superintendents. Recruitment to these services is made partly by open competitive examination and by selection. For example, in Madhya Pradesh, the annual combined competitive examination for the state services includes Class-III Services like subordinate class service, cooperative inspector/extension officers, sales tax inspector, excise sub-inspector, transport sub-inspector and sub-registrar.

The Class-IV Services are also arranged department-wise. Before Independence, all these services were considered as inferior. This class consists of peons, messengers, orderlies, attendants, watchmen etc. A common characteristics of these posts is being unskilled or semi-skilled and manual in nature. The scope of promotion for Class III and IV services is rather less, though of late there are cases of promotion of peons to the posts of clerks and typists. But this is done if they have acquired necessary level of education and skills. As in the cadre of other classes of service, there is no uniformity in the pay scales of posts comprising this class. Recruitment to these posts is made by district officers or other officers on a local basis.

Check Your Progress

1. Which services are also known as the Provincial Civil Services?
2. The State Civil Services examination is conducted by which commission?

10.3 STATE PUBLIC SERVICES COMMISSION AND TRAINING

Although the Government of India Act, 1919, provided for the establishment of a Public Service Commission in India for the Union, it was silent on the setting up of such commissions in the provinces. Yet, the Act provided that provincial legislatures could create, by legislation, such commissions. The Madras Legislative council accordingly passed an Act for this purpose in 1929 and a commission was set up in the same year.⁴

The Simon Commission which reported in 1930 was also of the view that separate public service commissions should be set up in each province to protect the service from political influence. Two or more provinces could also collaborate to constitute a joint commission.

The First Round Table Conference of 1930 appointed services sub-committee presided over by Sir Jowitt to consider questions related to the services. It adopted a resolution to the effect that in every province a Statutory Public Service Commission be appointed by the governors of the respective provinces. The Constitutional proposals of the British Government as published in a White Paper in 1933 also provided for the establishment of PSCs in the provinces. It also referred to the possibility of joint commissions, and in case not possible, it

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suggested that its functions could be entrusted to the Public Service Commission of the Union Government.

The Government of India Act, 1935, accordingly provided in Section 264 that there shall be Public Service Commission for each province. Punjab, North-West Frontier Province and Sind constituted among them one Public Service Commission. Similarly, Bihar, Orissa and the Central Provinces joined hand to form one commission.

The recruitment to provincial civil services before the setting up of the Public Service Commissions was being done by Staff Selection board of different provinces and presidencies. There was recruitment examinations conducted in the advanced provinces. But these were only experimental in nature and not based on the scientific pattern as envisaged by Macaulay.

Today in independent India, each state has its own public service commission; while the UPSC helps the Union Territories for making recruitment to their services. Their composition, salaries, etc., may vary from one state to another, but the basic structure, functions and condition of service which are expressly provided in the Constitution are similar. Articles 315 to 320, which relate to the UPSC, stipulate similar provisions for the state State Public Service Commissions, barring a few exceptions. The Constitutional Provisions in relation to setting up and the detailed working of the State Public Service Commissions are already mentioned earlier in this Unit.

Appointment and term of office

As per Article 316, the Chairman and member of a Public Service Commission are appointed by the Governor of the State, but the members of a Joint Commission are appointed by the President. As nearly as may be, one-half of the members of every State Public Service Commission should be persons who on the dates of their respective appointments have held office for at least 10 years either under the Government of India or under the government of a state.

If the office of the Chairman becomes vacant or the incumbent is unable to perform his duty, the governor may appoint one of the members to act as Chairman till a new one is appointed or the incumbent resumes office. The Administrative Reforms Commission (ARC), in its report on personnel administration had recommended that while making appointments of members of State Public Service Commissions, the governor of a state should consult the Chairman of the UPSC and the Chairman of the concerned State Public Service Commission. The latter may be consulted with regard to the appointment of his own successor. A member selected from among government officers should have held office under a state government or the Central Government for at least 10 years and should have occupied the position of secretary to government or head of a department of a state or a post of equivalent rank under the Central Government or a comparable position in an institution of higher education. Further, members selected from among non-officials should have practised at least for 10 years in a recognized profession

like teaching, law, medicine, engineering, science, technology, accountancy or administration.

The minimum academic qualification for membership of a commission should be a university degree. The ARC also suggested that at least one of the members of a State Public Service Commission should belong to a different state. Though the recommendations are sound, these have not been given serious attention by the Constitutional authorities. It is obvious that political considerations in making appointments to Public Service Commissions are too strong to be ignored by the men in power.

Tenure and removal

The Constitution stipulates that the Governor determines the number of members of the Commission.⁵ At least half of the members of Commission are persons with a minimum of 10 years of experience under the Central Government or a state government. Members are appointed by the Governor for a term of six years or until the age of 62 years.

Before 1976, the age limit was 60 years, but by the Forty-First Amendment Act of 1976, it was increased to 62 years. Article 316 also provides that a member of a State Public Service Commission can resign addressing the resignation to the Governor. A person who holds office as a state Public Service Commission or Chairman is ineligible for reappointment to that office. However, a member may be appointed to the post of Chairman of the State Public Service Commission and all the members and Chairman of a State Public Service Commission are eligible for appointment to the UPSC as Chairman or as members. Though the Governor is the appointing authority, the members can be removed only by the President. It is a rare case of the appointing and the removing authorities being different but this provision was introduced with the purpose of ensuring the independence of a commission and keeping it free of political influences. The President can remove a member on grounds of misbehaviour after the Supreme Court has conducted an enquiry on the request of the president and has reported that the member ought to be removed. During the period of enquiry, the Governor can suspend the concerned member or Chairman pending the orders of the President who in turn has to wait for the decision of the Supreme Court.

Conditions of service of the members are determined by the Governor, but the Constitution stipulates that these shall not be revised to their disadvantage. Implicit in the foregoing are certain safeguards to ensure the Commission's independence.⁶ A member of a State Public Service Commission on retirement or otherwise can be appointed as chairman or member of UPSC, or as chairman of that or any other State Service Commission. As in the case of UPSC, the State Public Service Commission submits its annual report to the Governor. The Governor goes through the report to be placed before the state legislature along with the cases in which the government has not accepted the advice of the Commission. In such cases, the government has to record the reasons for non-acceptance or rejection of the recommendations.⁷

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The State Public Service Commission performs the same functions in regard to its respective states public services as are performed by the Union Public Service Commission in regard to the Union Government. Two or more states may agree that there should be one public service commission for them. If a resolution to that effect is passed by the House or by each house of legislature (where there are two houses) of the respective states. Parliament may by law provide for the appointment of a Joint State Public Service Commission to serve the needs of those states. The chairman and other members of this Joint Commission are also appointed by the President.

Functions

The functions of the State Public Service Commissions are mentioned in Article 320 of the Indian Constitution. Further, Article 321 says that the legislature of a state may provide for the exercise of additional functions by a state Public Service Commission. The functions of these commissions are as under:

- (i) It is the duty of the State Public Service Commissions to conduct examinations for the appointment to the services of the state.
- (ii) The State Public Service Commissions will be consulted by the state government on the following issues:
 - (a) On all matters relating to methods of recruitment to civil services and for civil posts.
 - (b) On the principles to be followed while making appointment, promotions and transfers to the civil services and posts.
 - (c) On all disciplinary matters of a person serving the government of a state in a civil capacity including memorials or petitions relating to such matters.
 - (d) On any claim by a person who is serving or has served the government in a civil capacity that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to have been done in the execution of his duty shall be paid out of the Consolidated Fund of the state.
 - (e) On any claim for the award of a pension in respect of injuries sustained by a person while serving under the government in a civil capacity and any question as to the amount of any such award.
- (iii) It is the duty of the State Public Service Commission to advice on any matter so referred to it by the governor of the State. The governor can by rules and regulations specify the matters in which the State Public Service Commission shall not be consulted. All such regulations made by the governor of the state shall be laid for not less than 14 days before the House, or both the Houses, of the state legislature as soon as possible after they are made and shall be subject to modifications by way of repeal or amendments as the legislature of the state may make during the session in which they are so laid.

- (iv) The State Public Service Commissions like their counterpart at the Union level function purely as advisory bodies. Not only is the advice not binding upon the government, but the government cannot act mechanically upon such advice without applying its mind to the matter in question. If the government acts blindly, the order would be vitiated by mala fides.⁸

The provisions which have been made regarding the UPSC also apply here. A state government ought to consult the State Public Service Commission, but in case the government fails to do so, the decision of the government cannot be invalidated by a court of law. It is noteworthy that the acts or decisions of a State Public Service Commission can be subject to judicial review and can be challenged in a court of law on the same four grounds that apply to the UPSC.

- (v) In order to maintain a uniform pattern of recruitment in every state, the Chairman of all the State Public Service Commissions meet the Chairman of the UPSC periodically. The Chairman of the UPSC presides over these meetings. The functions of a State Public Service Commissions [pertaining to recruitment are much the same as those of the UPSCs as regards to promotions to all India Services the State Public Service Commissions have no role. Separate selection boards are set up for that purpose.

Evaluation of the State PSC

The functions of the State PSCs are not as extensive as its counterparts in Britain and USA who perform duties relating to the training of the civil servants and subsequent career development. Secondly, the provision of Clause 3 of Article 320 has been abused in many cases by some of the state governments by removing certain posts from the purview of the commission. There are instances of ad hoc appointments for longer periods and when the incumbent appear before the commission, they are ultimately not selected. This practice violates the very basis for which the public service commission exists. Thirdly, in comparison to the number of rejection of recommendations of UPSC by the Union Government, the cases of rejection of recommendations of the State Public Service Commissions by the state governments are larger in number. Lastly, the commissions adopt such procedures in the selection that it takes very long time to complete the process of selection. Sometimes, it takes more than a year.

Check Your Progress

3. Which act provided for the establishment of a Public Service Commission in India for the Union?
4. When was the First Round Table Conference conducted?
5. Who appoints the members of Public Service Commission and for what period?

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10.4 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

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1. The State Civil Services also known as Provincial Civil Services.
2. The State Civil Services examination is conducted by the State Public Service Commission (SPSC)
3. The Government of India Act, 1919, provided for the establishment of a Public Service Commission in India for the Union.
4. The First Round Table Conference was conducted in 1930.
5. Members of Public Service Commission are appointed by the Governor for a term of six years or until the age of 62 years.

10.5 SUMMARY

- In the Indian federal polity, there are two levels of governments existing, one at the centre and the other one at the state level.
- The State Civil Services also known as Provincial Civil Services. The recruitments for these services are conducted by the states of India independently.
- Administrative efficiency and standard can be obtained from the calibre, quality, training and integrity of the members of the Public Services.
- State Civil Services Examination is conducted by the State Public Service Commission (SPSC).
- The number of vacancies depends on the requisition by the Government by considering the factors like promotions, retirements and expansion of cadre in a particular year in the concerned State.
- Recruitment and the conditions of service of Central Government servants in general continue to be governed by rules made by the President under Article 309.
- There is a large body of state government employees who takes multifarious responsibilities and are in various grade and skills.
- From administrators and professional experts to unskilled labourers, almost every conceivable calling is represented in this cast body of public servant.
- In state, Class-I services are generally constituted for posts which are equivalent in status and responsibility to those qualified as senior posts in the cadres of all India services.

- Although the Government of India Act, 1919, provided for the establishment of a Public Service Commission in India for the Union, it was silent on the setting up of such commissions in the provinces.
- The First Round Table Conference of 1930 appointed services sub-committee presided over by Sir Jowitt to consider questions related to the services.
- As per Article 316, the Chairman and member of a Public Service Commission are appointed by the Governor of the State, but the members of a Joint Commission are appointed by the President.
- The minimum academic qualification for membership of a commission should be a university degree.
- The functions of the State Public Service Commissions are mentioned in Article 320 of the Indian Constitution.
- The functions of the State PSCs are not as extensive as its counterparts in Britain and USA who perform duties relating to the training of the civil servants and subsequent career development.

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10.6 KEY WORDS

- **Enumerate:** It means to mention (a number of things) one by one.
- **Preliminary:** It means preceding or done in preparation for something fuller or more important.
- **Gazette:** It refers to a journal or a newspaper.
- **Multifarious:** It refers to things that are many and of various types.

10.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Describe the procedure for selection in State services.
2. What is the procedure for the appointment of a member of Public Service Commission.

Long-Answer Questions

1. Discuss classification of state services into four categories - Class I, Class II, Class III and Class IV in detail.
2. Give a detailed description of the functions of the State Public Service Commissions. Explain how the functions have evolved over time.

10.8 FURTHER READINGS

NOTES

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BLOCK - IV
FEDERAL SYSTEM

Indian Federal System

UNIT 11 INDIAN FEDERAL SYSTEM

NOTES

Structure

- 11.0 Introduction
- 11.1 Objectives
- 11.2 Centre, State, Financial and Administrative Relations
- 11.3 Answers to Check Your Progress Questions
- 11.4 Summary
- 11.5 Key Words
- 11.6 Self Assessment Questions and Exercises
- 11.7 Further Readings

11.0 INTRODUCTION

An institutional mechanism that accommodates two sets of polities namely centre or national level and provincial or regional level is called federalism. Both the sets of polities are autonomous in its own sphere wherein each level of the polity has distinct powers and responsibilities. Each also has a separate system of government. A written constitution, considered to be supreme and also the source of the power of both sets of government, usually discusses the details of this federalism or dual system of government. Certain subjects, which are the concern of a nation as a whole, for example, defense or currency, are the responsibility of the union or central government.

Whereas regional or state government handles regional or local matters. The judiciary has the powers to resolve the disputes and conflicts between the centre and the state. This unit discusses the Indian federal system in detail. The relations between the centre and the state are discussed in detail.

11.1 OBJECTIVES

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

- Discuss the relations between centre and the state
- Explain the administrative and financial relations between centre and state
- Describe the machinery for inter-state relations

11.2 CENTRE, STATE, FINANCIAL AND ADMINISTRATIVE RELATIONS

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A study of the Centre–State relations in the Indian Constitution shows that the Makers of the Constitution gave more powers to the Centre as compared to the state. The logic behind this was that a more potent federalism (that is, more powerful states) would have weakened the feelings of national unity. The trauma of partition, the problem of integration of princely states and the need for planned economic development for removing backwardness, poverty and food shortage prompted the Constitution makers to establish a strong centre.

The nature of Centre–State relations emerges from the starting point where formally and in the wording of the Constitution, India does not designate itself as a federal state, rather a ‘Union of States’. The reason is the Indian federation was not the result of an agreement, and therefore, no state in India had the right to secede. The Constitution of India conceived of the division of the country into states for administrative convenience. It sought to achieve a smooth working relationship between the two levels of the Union and the states by tilting heavily in favour of the Union in all fields of legislative, administrative and fiscal relations.

Articles 245 to 254 deal with the distribution of legislative powers between the Union and the states. Articles 245 to 246 provide that the Union Parliament shall have exclusive jurisdiction to make laws for the whole or any part of the territory of India, with regard to all matters included in the Union List. The subjects in the Union List are of national importance and include among its ninety-seven items—defence, foreign affairs, currency, and so forth.

The states have been empowered to make laws on all matters included in the State List. The State List in its sixty-six entries includes law and order, local government, public health, education and agriculture, and others.

A third list, that is, a Concurrent List has also been provided in the Constitution. The forty-seven entries in the Concurrent List include the legal system, trade and industry and economic and social planning. Both the Centre and the state governments can legislate on the subjects of the Concurrent List but in case of conflict between the Union and the state governments, the Union law prevails.

The Constitution also enumerates certain conditions in which the Union Parliament is authorized to make laws on a subject mentioned in the State List. These conditions are as follows:

- Under Article 249, if the Rajya Sabha passes a resolution, supported by at least two-thirds of its members, present and voting, declares a particular subject to be of ‘national interest’ the Parliament becomes competent to make law on the specified state subject, for a period of not more than one year at a time.

- Under Article 250, the Parliament has the power to make laws on state subjects for the whole or any part of the territory of India during the ‘operation of a proclamation of Emergency’.
- Under Article 251, the law passed by the Parliament under Articles 249 and 250 prevails in case of its inconsistency or repugnancy with the law made by a State Legislature.
- Under Article 252, two or more states may request the Parliament to make laws for them with respect to any state matter. But such law(s) will be applicable to only those states who so desire. Subsequently, other states may also adopt that law by passing resolutions in their legislatures. Such act can be amended or repealed by the Parliament only and not by the State Legislature.

The provisions of this Article have been used by the states to surrender their powers in favour of the Union, for example, by the states of Andhra, Maharashtra, Odisha and Uttar Pradesh, authorizing the Parliament to enact laws for the control and regulation of prices.

- Under Article 253, the Parliament is competent to make laws for the whole or any part of the territory of India to implement India’s international treaties, agreements or conventions with any other country or countries. The Parliament is competent to make law for this purpose on any subject, including the state subjects.
- Any bill passed by the State Legislature can be reserved by the Governor of that state for the consent of the President. The President may veto such a law without giving any reason. Thus, in such case, the President’s power of veto is absolute. Besides, there are certain matters within the State List and the Concurrent List of which the states must take the previous sanction of the President before making laws on them.
- The states comprising the Union of India have been named in the First Schedule, yet the Constitution empowers the Parliament to admit new states to the Union or establish a new state. The Parliament can increase or decrease the areas of a state, change its name, alter its boundaries, or cause a state to completely disappear by merger or integration with adjoining states.

Administrative Relations

In the field of administration, the Centre has still more powers than it possesses in the field of legislation. Normally, the administrative powers of the Centre correspond to the matters over which it has power to make law. This is provided for under Articles 73 and 162. Union government can administer over states in the following ways:

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- According to Article 256, the executive power of every state is to be exercised in such a way as to ensure compliance with the laws made by the Parliament.
- Under Article 257, the Union Executive is empowered to give such directions to a state as may appear to the Government of India to be necessary for the purpose. Not satisfied with the general power of the Union to give directions to the states, the Constitution goes a step further and calls upon every state not to impede or prejudice the executive power of the Union in the state. The Union's powers of giving directions include certain specific matters such as: (a) The construction and maintenance of means of communication which are of national or military importance, and (b) The protection of railways within the states.
- Article 258 empowers the Union government to entrust to the state, conditionally or unconditionally, any additional functions relating to any matter to which the executive power of the Union extends. In other words, the states can be asked to exercise the executive powers of the Union. In such a case, the Union shall pay the states officials extra costs which they incur in exercising these additional functions.
- The presence of all-India services like the Indian Administrative Service, the Indian Police Service, and others further makes the authority of the central government dominant over the states. The members of these all India services are appointed by the President of India on the basis of a competitive examination held by the Union Public Service Commission. These services serve both the Centre and the states. The creation of these services is not strictly federal, for the states have no say in this matter.
- Articles 352 to 360 contain the emergency provisions which empower the President in effect to suspend the Constitution and to take over the administration of a state or states of the Indian Union if he is satisfied that there is a threat to the security of the nation, or a breakdown in the constitutional machinery of a state, or a financial emergency.
- Governors to the states are appointed by the President on the recommendations of the central government.
- Article 339(2) expressly extends the executive power of the Union to give directions to a state with regard to the drawing up and execution of schemes specified in the direction, to be essential for the welfare of the scheduled tribes in the state.

Machinery for Inter-State Relations

The emphasis in the Constitution is on administrative cooperation and hence provisions are made for it.

1. The Constitution has an important provision embodied in Article 262 dealing with the waters of inter-state rivers and river valleys. Thus, under this Article,

Parliament may establish an inter-state agency to adjudicate disputes and complaints with regard to the use, distribution or control of waters of inter-state rivers or river-valleys. An inter-state council has been established by the President on a permanent basis.

2. Article 263 provides for the establishment of another inter-state Council to enquire into, and to advise upon the disputes between the Centre and the states, or amongst the states themselves.
3. Besides, there is a framework of voluntary cooperation at administrative level for resolving problems that may arise between the Centre and the state. The Constitution provides for inter-state delegation of functions, which makes operation of Indian federalism adequately flexible. Thus, where it is inconvenient for one government to carry out its administrative functions directly, it may have those functions executed through the other state governments.
4. The States Reorganization Act of 1956 grouped the states into five Zonal Councils. They do not constitute a layer of government between the Centre and the states; they are advisory bodies. The Zonal Council consists of the Union Home Minister, who is the Chairman and the Chief Ministers in the Zone. The idea was to provide a forum where the states could discuss and resolve inter-state disputes.

Financial Relations

The financial relations between the Centre and the states are regulated according to the provisions of Part XII of the Constitution. The Union and the State Lists also refer to the financial jurisdiction of the Centre and the state. The financial relations are, however, not a matter of concurrent jurisdiction.

A. Taxing Powers of the Centre and the States

By and large, taxes that have an interstate base are levied by the Centre and those with a local base by the states.

Articles 269 to 272 and entries 83 to 88 of the Union List deal with the taxes levied and collected by the Union. These taxes fall under five categories:

- Taxes levied by the Union but collected and appropriated by the state, for example, stamp duties, duties of excise on medicinal and toilet preparations, and so forth.
- Taxes levied and collected by the Centre and compulsorily distributed between the Union and the State.
- Taxes levied and collected by the Centre but assigned to the state, for example, taxes on railway fares and freight, estate duties, and others.
- Taxes levied and collected by the Centre may be distributed between the Union and the states, if Parliament by law so provides, for example, Union excise duties.

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- Taxes levied and collected and retained by the Centre, for example, customs, corporation tax, surcharge on income-tax, and so forth.

The State List contains nineteen items, for example, land revenue, liquor and opium excise, stamps, taxes on land and buildings, taxes on vehicles, and others. Every state is entitled to levy, collect and appropriate these taxes.

B. Grants-in-Aid

A remarkable feature of the Constitution is the provision of three types of grants-in-aid by the Centre to the states:

- Article 275 makes specific provisions for grants-in-aid given to the states which are in need of assistance, particularly for the implementation of their development schemes.
- Grants-in-aid under Article 282 may be made for any public purpose.
- Grants under Article 273 are given to the states of Assam, Bihar, Odisha and West Bengal in lieu of the export of jute and jute products.

C. Consolidated Fund

Under Article 266, a Consolidated Fund for the central government and a separate Consolidated Fund for each of the states have been created.

The purpose of creating these funds was to ensure that no appropriation can be made from these funds without the authority of the law so that the salaries and other allowances of the President, the Union ministers, judges of the Supreme Court and high courts, and so forth could regularly be paid without being a votable item of the budget.

D. Contingency Fund

Article 267 provides for the establishment of a Contingency Fund of India (CFI), and similar contingency fund for each of the states, so that the advances may be made to the Centre and the state respectively for meeting unforeseen expenditure, pending the legislative authorization.

Finance Commission of India

Article 264 provides for the creation of a Finance Commission of India, and Articles 280 and 281 deal with its composition, powers and functions. The members of the Finance Commission shall be appointed by the President. The Commission makes recommendations on the distribution of shared and shareable taxes and other assignments between the Centre and the states, or among the states themselves.

Planning Commission/Niti Aayog

The Planning Commission was established in 1949 by a resolution of the cabinet with a purpose to suggest measures for augmenting the resources of the country, their effective and balanced utilization, determining the priorities, stages, progress and machinery of planning in the country. It is an extra-constitutional agency, which

fulfills the role of an advisory technical body in the field of planning. It is responsible for formulating Five-Year Plans for national development. The plans finalized by the Commission are discussed and finally approved by the National Development Council.

The National Institution for Transforming India (NITI) Aayog is a think tank that has been established by the Indian government to replace the Planning Commission. The stated objective for the establishment of the NITI Aayog is to foster involvement and participation in the economic policy-making process by the State Governments of India. The scrapping of the Planning Commission was announced by Prime Minister Modi on his Independence Day address from the Red Fort in 2014. Like the Planning Commission, the chairman of the Niti Aayog is the PM. The governing council of the Niti Aayog consists of all the Chief Ministers of all the States and Union territories with Legislatures and lieutenant governors of other Union Territories. Along with them, experts with domain knowledge are also invited by the PM to be a part of the think tank.

The functions of the Niti Aayog are as follows:

- a. To evolve a shared vision of national development priorities sectors and strategies with the active involvement of States in the light of national objectives.
- b. To foster cooperative federalism through structured support initiatives and mechanisms with the States on a continuous basis, recognizing that strong States make a strong nation.
- c. To develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government.
- d. To ensure, on areas that are specifically referred to it, that the interests of national security are incorporated in economic strategy and policy.
- e. To pay special attention to the sections of our society that may be at risk of not benefitting adequately from economic progress.
- f. To design strategic and long-term policy and programme frameworks and initiatives and monitor their progress and their efficacy. The lessons learnt through monitoring and feedback will be used for making innovative improvements, including necessary mid-course corrections.
- g. To provide advice and encourage partnerships between key stakeholders and national and international like-minded Think tanks, as well as educational and policy research institutions.
- h. To create a knowledge, innovation and entrepreneurial support system through a collaborative community of national and international experts, practitioners and other partners.
- i. To offer a platform for resolution of inter-sectoral and inter-departmental issues in order to accelerate the implementation of the development agenda.

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- j. To maintain a state-of-the-art Resource Centre, be a repository of research on good governance and best practices in sustainable and equitable development as well as help their dissemination to stakeholders.
- k. To actively monitor and evaluate the implementation of programmes and initiatives, including the identification of the needed resources so as to strengthen the probability of success and scope of delivery.
- l. To focus on technology upgradation and capacity building for implementation of programmes and initiatives
- m. To undertake other activities as may be necessary in order to further the execution of the national development agenda, and the objectives mentioned above

National Development Council (NDC)

The NDC was constituted in August 1952. It is the highest reviewing and advisory body in the field of planning. The members of the Council are the Prime Minister, Chief Ministers of all the states, the members of the Planning Commission and since 1967, all the Union cabinet ministers. The NDC is a forum where the central government interacts with the state governments. Its purpose is to bring about cooperation between the central, state and the local governments in the huge task of development. The Five-Year Plans become operational only after they have been approved by it.

Areas of Centre-State Conflict

Despite the fact that there is a division of powers between the Centre and the states, the states are dissatisfied because they feel that the balance of power is heavily in favour of the Centre. They also feel that the Centre has used its power in such a way that there is no autonomy left to them even in matters mentioned in the State List.

Inter-State Council

Article 263 of the Constitution of India provides for the establishment of an Inter-State Council. This is the only article of the sub-chapter 'Co-ordination between States' of Chapter II -Administrative Relations of Part XI of the Constitution - Relations between the Union and the States. The text of the article reads as follows:

Article 263: Provisions with respect to an Inter-State Council - *If at any time it appears to the President that the public interest would be served by the establishment of a Council charged with the duty of -*

- (a) inquiring into and advising upon disputes which may have arisen between States;
- (b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or
- (c) making recommendations upon any such subject and in particular, recommendations for the better co-ordination of policy and action with

respect to that subject, it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organization and procedure.’

The genesis of the article can be traced directly to Section 135 of the Govt. of India Act, 1935 which provided for establishment of Inter-Provincial Council with duties identical with those of the Inter-State Council. At the time of framing of section 135 of the Government of India Act, 1935, it was felt that ‘if departments or institutions of coordination and research are to be maintained at the Centre in such matters as Agriculture, Forestry, Irrigation, Education and Public Health and if such institutions are to be able to rely on appropriations of public funds sufficient to enable them to carry on their work, the joint interest of Provincial Governments in them must be expressed in some regular and recognized machinery of Inter-Governmental consultations.’ It was also intended that the said Council should be set up as soon as the Provincial autonomy provisions of Government of India Act, 1935 came into operation.

In the Constituent Assembly debate held on 13 June 1949, the article on Inter-State Council was adopted without any debate.

Formations

As Article 263 makes it clear, the Inter-State Council is not a permanent constitutional body for coordination between the States of the Union. It can be established ‘at any time’ if it appears to the president that the public interests would be served by the establishment of such a Council.

The provision of Article 263 of the Constitution was invoked for the first time on 9 August 1952 when President by a notification established the Central Council of Health under the Chairmanship of the Union Minister of Health and Family Planning ‘to consider and recommend broad lines of policy in regard to matters concerning health in all aspects’.

By similar notifications the President established the Central Council for Local Government and Urban Development on 6 September 1954 and four Regional Councils for Sales Tax and State Excise Duties on 1 February 1968.

Check Your Progress

1. Who did the makers of the Constitution give more powers?
2. Which articles deal with the distribution of legislative powers between the Union and the states?
3. The provisions of Article 252 have been used by which states to surrender their powers in favour of the Union?
4. Which articles contain the emergency provisions?
5. Which article provides for the establishment of a Contingency Fund of India (CFI)?

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11.3 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

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1. Makers of the Constitution gave more powers to the Centre as compared to the state.
2. Articles 245 to 254 deal with the distribution of legislative powers between the Union and the states.
3. The states of Andhra, Maharashtra, Odisha and Uttar Pradesh have used the provisions of Article 252 to surrender their powers in favour of the Union.
4. Articles 352 to 360 contain the emergency provisions.
5. Article 267 provides for the establishment of a Contingency Fund of India (CFI).

11.4 SUMMARY

- A study of the Centre–State relations in the Indian Constitution shows that the Makers of the Constitution gave more powers to the Centre as compared to the state.
- The nature of Centre–State relations emerges from the starting point where formally and in the wording of the Constitution, India does not designate itself as a federal state, rather a ‘Union of States’.
- Articles 245 to 254 deal with the distribution of legislative powers between the Union and the states.
- The subjects in the Union List are of national importance and include among its ninety-seven items—defence, foreign affairs, currency, and so forth.
- The Constitution also enumerates certain conditions in which the Union Parliament is authorized to make laws on a subject mentioned in the State List.
- Any bill passed by the State Legislature can be reserved by the Governor of that state for the consent of the President.
- In the field of administration, the Centre has still more powers than it possesses in the field of legislation.
- Normally, the administrative powers of the Centre correspond to the matters over which it has power to make law.
- The presence of all-India services like the Indian Administrative Service, the Indian Police Service, and others further makes the authority of the central government dominant over the states.

- The Constitution has an important provision embodied in Article 262 dealing with the waters of inter-state rivers and river valleys.
- The States Reorganization Act of 1956 grouped the states into five Zonal Councils.
- Article 275 makes specific provisions for grants-in-aid given to the states which are in need of assistance, particularly for the implementation of their development schemes.
- Under Article 266, a Consolidated Fund for the central government and a separate Consolidated Fund for each of the states have been created.
- Article 264 provides for the creation of a Finance Commission of India, and Articles 280 and 281 deal with its composition, powers and functions.
- The Planning Commission was established in 1949 by a resolution of the cabinet.
- The NDC was constituted in August 1952. It is the highest reviewing and advisory body in the field of planning.
- The provision of Article 263 of the Constitution was invoked for the first time on 9 August 1952 when President by a notification established the Central Council of Health.

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11.5 KEY WORDS

- **Princely States:** A princely state was a vassal state under a local or regional ruler in a subsidiary alliance with the British Raj.
- **Repugnancy:** It refers to inconsistency or incompatibility of ideas or statements.
- **Surcharge:** It is an additional charge or payment.
- **Efficacy:** It refers to the ability to produce a desired or intended result.

11.6 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. What kind of relation exist between Centre and State? Elaborate.
2. What is the purpose of creating a Consolidated Fund and Contingency Fund?
3. Write a short note on National Development Council (NDC).

Long-Answer Questions

1. Explain in detail about Planning Commission/Niti Aayog.
2. Elucidate the administrative and financial relations between Centre and State.
3. Discuss about Article 263: Provisions with respect to an Inter-State Council.

11.7 FURTHER READINGS

NOTES

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UNIT 12 SPECIALIST AND GENERALIST ADMINISTRATORS

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Structure

- 12.0 Introduction
- 12.1 Objectives
- 12.2 Relationship between Generalist and Specialist Administrators
- 12.3 Minister-Civil Servant Relationship
- 12.4 Answers to Check Your Progress Questions
- 12.5 Summary
- 12.6 Key Words
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12.0 INTRODUCTION

In order to smoothly carry out its functions, the administration of all countries require different categories of personnel. To be able to perform the various administrative functions, these specific categories of personnel must have the necessary skills, knowledge and qualities. An administration has horizontal and vertical divisions. The horizontal divisions are marked according to the regional levels at which the personnel are located. The vertical divisions, on the other hand, are defined according to the functions or tasks allotted to the employees or their groups. Further, the vertical divisions are considered to belong to the generalist and the specialist categories. These categories however are not as formally defined. The basic units of the classification or categorisation of the administrative personnel in a government are its functions and tasks. By definition, a generalist is considered an administrator with no technical or specialist qualifications. Whereas, a specialist is an expert, who is confined within a specialised area or department and occupies the technical positions in administrative hierarchy. They are entrusted with the task of providing technical advice to the generalist administrator.

This unit discusses the relationship between generalist and specialist administrators. It also highlights the Minister Civil Servant relationship.

12.1 OBJECTIVES

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

- Explain the relationship between generalist and specialist administrators
- Discuss the role of generalists & specialists
- Describe the Minister Civil Servant relationship

12.2 RELATIONSHIP BETWEEN GENERALIST AND SPECIALIST ADMINISTRATORS

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Generalists and specialists are two broad functional categories in the government. They play a very important advisory role to the political executives in regard to policymaking and implementation of policies. 'The idea that breadth, vision, balance or any other requisite of high executive responsibility can be manufactured only under a liberal arts curriculum and through a limited amount of experience,' is considered to be out of tune with the needs of modern government everywhere. Much controversy has therefore arisen on the issue whether in a democratic set-up the policy formulation should be done by the generalist administrator or the specialist, or alternatively by political executive on the advice of the two parallel hierarchies—the specialists to guide it on technical points, and the generalist administrators to acquaint it with the public reaction to whatever policy is under consideration.

Role of Generalists

According to Leonard White, 'general administration is understood to mean those duties which are concerned with the formulation of policy, with the coordination and improvement of government machinery, and with general management and control of the departments'. Thus, a generalist administrator is concerned with all types of administrative process indicated by the word POSDCORB, i.e., planning, organizing, staffing, directing, coordinating, reporting, and budgeting. The generalists secure their entry in administration on the basis of their having obtained a university degree, irrespective of the subjects in it. Their having attained a certain level of education indicates the essential minimum extent of intellectual and mental development. Also the posting of a generalist civil servant in any department of the government has nothing to do with his education or any administrative experience. For example, a generalist entrant with commerce background can be posted in irrigation department. In a purely negative sense, a generalist is a person who is not an expert or a scientist. But in a positive sense, the notion of a generalist is applicable to a person who is called a professional administrator, if administration is to be regarded as a field and a profession, as that of law, engineering or medicine. In his professional capacity, a generalist possesses the skills and techniques of a manager and a kind of politician. As a manager, generalist is entrusted with the responsibility of getting things done; and as a "politician", he is responsible for interpreting the public opinion in the context of the complex social, economic and even political problems of the state.

There are various meanings attached to the term 'generalist'. In one strand of thought, particularly the British, generalist means an amateur administrator who has had education in linguistics or classics with a 'liberal education augmented by certain personal qualities of character, poise and leadership, good intuitive judgment, right feelings, and a broad background rather than narrowly specialized

knowledge and skills'. The second usage, very close to what the Second Hoover Commission of USA meant by a Senior Civil Service, identifies generalist as a "rank-in-man corps" of highly experienced administrative specialists or career executives who are available for flexible assignments and capable of furnishing essential administrative advice and necessary policy support.

There is yet another school of thought which considers a person as a generalist who is known by the proportion of administrative work actually performed compared with his specialist duties. According to this school, a specialist can turn out to be a generalist when he performs managerial or administrative duties, either in the higher hierarchies of his own functional field or outside his specific discipline. A related and fourth usage refers to a person as a generalist who combines both high competencies in professional or administrative skills with training in the area he administers. These are considered to be "super bureaucrats" who can take a large and long range view and are not limited by a narrow picture of their substantive specialization. A generalist, has, however, been traditionally defined as one who possesses no specialist or technical qualification i.e., the sense of having earlier gone through a specific vocational or professional course. But lately, even persons belonging to techno-professional disciplines such as engineering, medicine, agriculture etc., are gaining entry to the generalist fold, the assumption being that there need be no correlation between the substance of their specific knowledge and the discharge of their generalist duties, howsoever specialized some of these assignments may be.

In an organization, be it a government department or a public enterprise or any other administrative institution, as one moves up in the hierarchy, the functions become more generalist in nature. The generalist functions of policymaking and direction assume importance. These functions more or less remain the same even in technical departments like health, agriculture, etc. Hence, what seems significantly important to be a generalist, is a mental discipline, a way of thought and an angle of vision, which he acquires apart from the liberal education, and through movement from post to post with wide-ranging and diversified experiences. This helps the generalist in adopting a comprehensive yet integrative approach to a variety of problems, uncontaminated by too much knowledge about any one of them. Having known who a generalist is, now let us discuss his role in administration.

Role of Specialists

There is no doubt that present day administration has become technical, professional and specialized. The concept of 'development' viewed as a dynamic process, directed towards transformation of the entire society including socio-political and economic aspects, has a major impact on the functions of bureaucracy. If the state has to be accepted, in the process of modernization as regulator, mediator, provider of services, economic and social diagnostician, the bureaucracy has to offer the basic support to the states playing such a role.

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For doing so, the bureaucracy must be professionally equipped whether it is an administration dominated by generalists or specialists. The fact remains that everyone must be professional in the role, as without professionalism the chances of success are limited. The assumption that the technical element in the administration is a minor factor or experts do not have holistic, comprehensive approach cannot be totally correct. One of the important factors responsible for the narrow outlook of the specialists is the system of their education and training. It may not similarly be correct that generalist has all the necessary specialized elements or can fully comprehend and judge between conflicting expert advices. Hence, the services of both are required in administration.

The specialist inputs are required in tackling the complex and technical problems of modern administration which have become quite technical. Also the various areas in the administration call for varied skills, expertise and experience. In programme planning, in the scientific and technical fields, and in execution of such projects, the specialists' inputs are vitally necessary. All the policymaking and decision-making functions in jurisdiction of the government must be the responsibility of the specialists. Administration is taking charge of managing vast changes following the assumption of all developmental functions by the government in the social and economic life of the people. Administration in future is going to be characterized by new developments in the fields of science and technology, social and behavioural sciences, decision-making, human relations in management, etc. Each of these areas requires professional intention. For example, the introduction of the computer has made a significant impact on the nature of administration. It helps not only in information storage, retrieval and communication, but also in decision-making. Apart from these, even in the traditional areas of administration, there is increasing recognition of the role of specialists. For instance, a District Collector, as head of the administration at district level, in the discharge of regular functions, requires the expert advice of other specialists working in the district like the Engineers, District Health Officers, etc.

The controversy between these two groups generalist and specialist of functionaries, both of whom are necessary in modern organizations, is however age old, and still one of the fiercely fought-out issues of Public Administration. As early as in 1958, James Fesler recorded the revival of the controversy in England. After a decade, in 1968, the Fulton Report on Civil Services opened the issue afresh and provoked debate. In India, following the tradition of the Indian Civil Service (ICS) from the days of British, the supremacy of the generalists was more or less accepted initially and not very seriously challenged. The Indian Administrative Service (IAS), the successor of the ICS, gained in importance with its personnel generally occupying the top posts, both in the Central Government and the state governments, besides the positions of heads of various departments. But this predominance of the generalists in administration led to discontent which has gained momentum in recent years.

The subject of the role of specialists in the Indian administrative system has of late come to the forefront of the problems in public administration. It has emerged as perhaps the most important internal problem facing the civil service today. This can be easily sensed from the dangerously mounting frequency and intensity of agitations by various groups of specialists, especially engineers and doctors. A satisfactory solution of this problem brooks no delay in the context of the admittedly vast responsibilities resting on selections of the Indian bureaucracy for making a success of the plans and programmes being undertaken by the government. While a part of this problem is bequeathed to present day public administration by history, it is also a result of the government's refusal to recognize its gravity and a tendency to let matters drift. And even a belated recognition has till now not given sufficient evidence of a firm determination to adopt the necessary corrective measures.

Historically, the civil service in India has been designed as a generalist body with the leadership role at all levels and in all spheres of administration reserved for the Indian civil service set up in 1854. This was the concept of the Northcote-Trevelyan Report on the 'organization of the permanent civil service' in Britain submitted in 1853. This Report led stress on the superior position in the civil service being manned by the most promising young men day by day by a competitive examination on a level with the highest description of education in the country, arguing that men capable of distinguishing themselves in any of the subjects we have named and there by affording a proof that their education has not been lost upon them, would probably make themselves useful wherever they might be placed. This was the contention but elaborated with much greater pains of the 'Report on the Indian Civil Service' submitted in 1854 by Lord Macaulay, Ashburton, Melvill, Sowell and Lefevre which was popularly known as the Macaulay Report.

The Indian civil service was designed and groomed as the elite service. It was the master of all it surveyed and there was no inch of the Indian administrative territory which it could not, and did not, survey. In the days of the British rule, the experts and the specialists were fewer in number, and they were kept out as a matter of deliberate administrative policy. The members of the Indian civil services were deployed in positions of administrative leadership practically in the whole field of public administration, not excluding the specialist posts like the Director of Agriculture, Inspector Generals of Police and Post Masters General. They also manned the higher judiciary.

In India, the administrative machinery has been dominated by the generalist administrator since the British rule. There has been no significant change in it after Independence. On the contrary, there has been a tremendous growth in the size of the generalist class in the civil service. The generalist cadre of services comprise the Indian Administrative Service, the State Administrative Services and the Union Territories, and likewise the subordinate administrative services in both the units. The remaining services, both at the Centre and the states, are classified as functional services which may be equated with the specialists' class of services in the context of the generalist-specialist controversy.

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Generalists and Specialists Relationship

The issue of the relationship between the generalists and the specialists has come to the forefront on account of various factors. In the first place, they are organized in separate hierarchies, i.e., groups having supervisor–subordinate relations between various levels. That is why, the generalists and the specialists have lost contact with each other, and they look at each other with a kind of envy and suspicion. In the second place, the tasks of policymaking, control of administrative machinery and management at highest levels are allotted largely to the generalists in preference to the specialists, excluding few exceptions. In the third place, generalists are moved from one department to another, from one type of job to another, from a department to a public enterprise or local government and back, without hindrance. The specialists, on the other hand, are transferred or promoted within their respective departments.

These contrasting situations have given rise to a feeling among the generalists of being ‘administrators’ *per se* and par excellence, and an inferiority complex and a feeling of being neglected among the specialists. Posts of secretaries in the government departments and even of heads of most executive departments are reserved for the generalists. There are also salary differences in favour of the generalists. This privileged position of the generalists tends to offend the self-image of the specialists and in result their morale and confidence.

The generalists and the specialists also function in the private sector industries and business. But their relations do not suffer from bitterness or envy, as in public administration. This is so because in private administration specialists like engineers and accountants also occupy managerial and executive positions. In India, gradually, the basis of liberal university education in arts (including social sciences) and sciences for the recruitment to the Indian Civil Services has been broadened to include graduates in engineering, medicine and technology.

So, the old Macaulayan premise of liberal education based university graduates as “flowers of the earth” being the most suitable for selection as civil servants does not hold good in India today. The members of the Indian Administrative Service (IAS) occupy higher posts in various departments, both in the field and the secretariat, except those which are too technical, i.e., specialists that are occupied by the members of the Central Services. Apart from the Central Services which are included among the specialist services, scientists, legalists, engineers, economists and other cadres are also termed specialists.

The IAS incumbents like those in the Indian Police Service (IPS) and the Indian Forest Service are posted in the State administration as well as in the Central administration. But, strictly speaking, members of the IPS and the Indian Forest Service are not generalists; the IAS is really considered the only genuine generalist civil service in India. The members of the IAS begin their career in a State administration as an assistant collector/commissioner and rise to hold headship of an executive department like agriculture, social welfare, sales tax, etc., and

secretaryship of a department in the State secretariat. After a stint of 10 years or so in the State administration, some of the IAS civil servants are transferred to the Central Secretariat, and in some cases finally elevated to secretaryship of a department in ministry there. But this trend is diminishing in recent times. Specialists occupy different positions in their own departments in the field and the Secretariat. A few of them rise to the secretaryship of the respective department.

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Recommendations of the Administrative Reforms Commission

The issue of the relationship of the personnel of the Indian Administrative Service with those of the specialist services occurs at both the levels, the central and the state. The IAS is an All India Service in the sense that its personnel are recruited and appointed by the Central Government, but serves both the state governments and the Central Government. The role of the IAS in the field administration in the States, in providing manpower for appointment as District Collectors and magistrates and development officers to the posts of Zila Parishad (Chief Executive Officers, District Development Officers), is also unique. In the Government of India, the members of the IAS are appointed as secretaries, joint secretaries and deputy secretaries to various departments after having a stint of service with the state governments as a deputy secretary or a secretary. They serve the Government of India on a tenure basis for say five years, and revert to their respective states on completion of the tenure unless their tenure is extended.

Prior to the publication of the report of the Administrative Reforms Commission on Personnel Administration (April, 1969), the specialists were rarely promoted to the posts of secretaries in the Central Government or the state governments. Besides in the state governments, the members of the IAS are also appointed as heads of departments including technical ones like agriculture, animal husbandry, sales tax, etc., except police or engineering. The differences in pay scales of the IAS and the other services do exist, which add to the discontent among the members of the specialist services such as the Indian Audit and Accounts, Railways, etc., at the central; and the agricultural, engineering and other services at the state level.

There could be no two opinions about the “main considerations for the formation of the Indian Administrative Service” as stated by a Study Team of the Administrative Reforms Commission. These are to:

- (i) provide top administrative personnel to the Central Government as well as to the state governments;
- (ii) provide opportunities to the central administrative machinery for constant touch with realities and for contact with the people; (iii) provide opportunities to the state administrative machinery for acquiring a wider outlook; (iv) facilitate liaison between the Centre and the states; (v) bring about uniformity in the standards of administration; (vi) ensure that services are free from communal or party basis; and (vii) ensure contentment and sense of security in the services.

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The Administrative Reforms Commission (ARC) maintained that in view of the complexities of the governmental functions today, it needs a diversity of skills for the administration of various programmes of development; that many of these skills are not available; and that these considerations have a great bearing on the staffing policies of the government. One of the major recommendations of the ARC was that all posts requiring close and intimate familiarity with a subject matter, i.e., a function should be put into a separate cadre (i.e., service). These posts should 'form a functional service and should, therefore, be earmarked for the officers of the service.

However, the movement of persons at various levels in the functional service is not to be automatic but through careful selection at each level. The unified grading structure recommended by the ARC sought to help the process of selection. 'The ARC recognized, however, that there would be many posts which would not require subject matter (functional) specialization but would call for broad conceptual and managerial skills. These are the policy level posts of secretaries in the secretariat. For these posts, no single functional service is uniquely qualified. These posts are very important, so the Commission suggested that they should not be manned as at present but by a different method. The method recommended by the Commission is to hold an examination to all officers of higher services with 8–12 years of experience in government and test them for their suitability to occupy higher-level policy positions. This examination should be designed to assess the candidate's capacity for communication, clarity of thought, overall managerial ability, power of analysis and comprehension of current social, economic and political issues.

The ARC has suggested that after the officers are selected on the basis of this examination, they should be allotted to one of the eight specialities mentioned by the Commission, according to their background and aptitude. These specialities are: (i) personnel and manpower; (ii) economic administration (including planning); (iii) financial administration; (iv) agricultural administration; (v) industrial administration, (vi) social and educational administration; (vii) internal security and defence; and (viii) general administration.

After this allotment, the careers of these officers would be within the selected speciality, but there would be judicious job rotation of these officers in related areas. Criticisms could be offered on these categories of functional professionalization of the civil services in India at the higher policymaking level, as also on the mode of examination to be held at the mid-career of the civil servants for selections to this level. But the recommendations of the ARC on the matter ensured the pre-eminence of the generalist Indian Administrative Service as well as justice to the highly qualified and experienced among the specialists in respect of their claims to the higher-level posts in policymaking. Similar professionalization and mode of selection was suggested by the ARC at the state level.

A suitable way out

The organization of generalists and specialists in separate hierarchies, with the policy and financial aspects of the work reserved exclusively for generalist administrators, has certain disadvantages such as slowing down the process of decision-making and management, generating inefficiency and preventing the specialists from exercising the full range of responsibilities normally associated with their professions. To overcome these and also to remove the barriers that at present debar the specialists from reaching the top levels of management, wider outlets need to be provided by suitably modifying the prevailing concept of 'monopoly of generalist' i.e., by encouraging liberal entry of specialists as administrative and policy functionaries at key levels.

More importantly, the specialists should be integrated into the main hierarchy, and along with other generalist administrators, sharing equal responsibilities in policy formulation and management. They should enjoy identical status, executive responsibility and authority which would help in preservation of their morale and confidence. Such an integration scheme enables technical experts to be in the 'central pipeline' so that technical advice and policy structures are not separated into watertight compartments. A total distinction between policymaking and executive functioning is neither possible nor desirable because policy has often to flow out of executive experience. Integrated hierarchy could be brought about by constituting a unified civil service consisting of both generalists and specialists with uniform emoluments and other conditions of service.

Of late, certain measures have been taken in India to induct specialists into higher administrative positions at the Centre as well as in the states. The Department of Atomic Energy has all along been headed by a nuclear scientist. Similarly, the Department of Space and Electronics also had technical persons as Secretaries and so is the case with the Department of Science and Technology which has a scientist as a Secretary. Scientific research organizations and departments are also dominated by scientists.

Another experiment which has been tried to give specialists due place in areas of policymaking and administration is conferring on them the ex-officio status of Joint Additional Secretary to the Government. For example, members of the Railway Board, who are heads of operating departments, are ex-officio secretaries in the Ministry of Railways. The present need obviously is for more purposive development of professionalism in administration. The base of such professionalism is not necessarily provided by a single speciality but a variety of backgrounds and disciplines. For example, the administrators of price policy must know in sufficient depth and detail all the economic implications of that particular measure.

Hence, it becomes essential for the government to organize at the top an expert layer of personnel, who though initially coming from either the generalist or

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specialist background, would need to be developed into a professionally competent group in order not merely to effectively execute programmes but also to aid and advise the top political executives in matters of important policies. The ARC was also of the opinion that there is a need for more purposive development of professionalism in public services. This could be brought about through innovative training programmes, and career planning and development. It is desirable to inculcate the desired functional specialism required for the generalists and also 'generalist' qualifications for the specialists. Though proper career planning is not being seriously thought of in public services, the Department of Personnel Training, has to think seriously in this direction.

The Central Training Division in the Department of Personnel, through training programmes like the Executive Development Programmes for senior officials, annual training conferences on specific themes etc., is trying to make both the generalists and specialists aware of the developments in the subject matter, and also about various aspects of management, programme planning etc. One of the major causes of discontent among the specialists, as discussed earlier, is the demand for higher salary and emoluments on par with the generalists. It appears that the imbalances still persist. But the government has to see to it that some kind of parity is established in the pay scales of generalists and specialists. The talent and skill of specialists needs to be suitably rewarded.

The conventional specialist vs generalist formulation is not merely fallacious, it is also thoroughly inadequate to meet the problems of present-day public administration. It is fallacious because the assumption of exclusive direct relationship between study of 'generalist' subjects such as humanities, social sciences and attributes like open-mindedness, broad vision and comprehension, sound intuitive judgment, coordinative skills etc., can neither be established nor sustained in reality. There is also the further untenable assumption that those who pursue technical disciplines, become by the mere fact of studying them, incapable of possessing these attributes.

The increasing need for both scientific concepts and theories and experiential knowledge, high quality judgment, and decision-making capacity have made such dichotomy as 'generalist vs specialist' meaningless. The important qualities which policymakers at the top must possess now, be they generalists or specialists, are high level intellectual ability, dedicated commitment to a cause, awareness of significant aspects of areas of development, a willingness to take risks and a strong determination to accomplish the desired results. Thus, the word 'versus' between the two important occupational groups needs to be replaced by the phrase 'and' so that both might team together to fulfil the determined goals. The partnership responsibility of the two groups in facing the new challenges under conditions of quickening socio-economic change is a necessary ingredient of national goal fulfilment. The necessity for collaborative role of generalists and specialists is now recognized and accepted almost everywhere.

12.3 MINISTER-CIVIL SERVANT RELATIONSHIP

In a democracy, it is the people in whom the power is vested. This vested power is exercised through the elected representatives who have the mandate to govern them for a specific term period. The civil services by virtue of its knowledge, experience and understanding of public affairs assist the elected representatives in formulating policies. The representatives are also responsible for implementing these policies.

Usually, parliamentary democracies are categorized by a permanent civil service which assists the political executive. Under the Presidential form of government (for instance like in the US), the higher levels of the civil services are, in contrast, appointed by the government of the day (spoils system).

India follows the British model. There is a clear democratic line of accountability which runs from the electorate through MPs to the Government which commands the confidence of a majority of those MPs in Parliament. The Civil Service assists the duly constituted government, which is permanent and politically impartial. Hence, Ministers are accountable to Parliament; civil servants are accountable to Ministers. This is the system that India follows. Good governance critically demands a healthy working relationship between Ministers and civil servants. While the principles governing the roles and responsibilities of Ministers and civil servants are well defined in political theory, in the actual working of this relationship this division of responsibility becomes blurred with both sides often encroaching upon the other's sphere of responsibility.

In all democracies, Ministers are responsible to the people through Parliament and this in turn leads to the civil servants being accountable to the Ministers. However, an impartial civil service is responsible not only to the government but also to the Constitution. The fundamental function of civil servants is implementing the policies of the duly elected government. That is why it is important to clearly define the division of responsibility between the civil servants and Ministers. A framework in which responsibility and accountability is well defined will certainly prove fruitful.

Check Your Progress

1. What are the two broad functional categories in the government?
2. When did the Fulton Report on Civil Services came out?
3. When was the Northcote-Trevelyan Report on the 'organization of the permanent civil service' in Britain submitted?
4. When was the 'Report on the Indian Civil Service' submitted and by whom?

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12.4 ANSWERS TO CHECK YOUR PROGRESS

1. Generalists and specialists are two broad functional categories in the government.
2. In 1968, the Fulton Report on Civil Services came out.
3. Northcote-Trevelyan Report on the 'organization of the permanent civil service' in Britain was submitted in 1853.
4. 'Report on the Indian Civil Service' was submitted in 1854 by Lord Macaulay, Ashburton, Melvill, Sowell and Lefevre.

12.5 SUMMARY

- Generalists and specialists are two broad functional categories in the government.
- They play a very important advisory role to the political executives in regard to policymaking and implementation of policies.
- Thus, a generalist administrator is concerned with all types of administrative process indicated by the word POSDCORB, i.e., planning, organizing, staffing, directing, coordinating, reporting, and budgeting.
- There are various meanings attached to the term 'generalist'.
- In one strand of thought, particularly the British, generalist means an amateur administrator who has had education in linguistics or classics.
- There is yet another school of thought which considers a person as a generalist who is known by the proportion of administrative work actually performed compared with his specialist duties.
- There is no doubt that present day administration has become technical, professional and specialized.
- The concept of 'development' viewed as a dynamic process, directed towards transformation of the entire society including socio-political and economic aspects, has a major impact on the functions of bureaucracy.
- The specialist inputs are required in tackling the complex and technical problems of modern administration which have become quite technical.
- The controversy between these two groups generalist and specialist of functionaries, both of whom are necessary in modern organizations, is however age old, and still one of the fiercely fought-out issues of Public Administration.
- The subject of the role of specialists in the Indian administrative system has of late come to the forefront of the problems in public administration.

- Historically, the civil service in India has been designed as a generalist body with the leadership role at all levels and in all spheres of administration reserved for the Indian civil service set up in 1854.
- The Indian civil service was designed and groomed as the elite service. It was the master of all it surveyed and there was no inch of the Indian administrative territory which it could not, and did not, survey.
- The issue of the relationship between the generalists and the specialists has come to the forefront on account of various factors.
- The generalists and the specialists also function in the private sector industries and business.
- The issue of the relationship of the personnel of the Indian Administrative Service with those of the specialist services occurs at both the levels, the central and the state.
- More importantly, the specialists should be integrated into the main hierarchy, and along with other generalist administrators, sharing equal responsibilities in policy formulation and management.
- The conventional specialist vs generalist formulation is not merely fallacious, it is also thoroughly inadequate to meet the problems of present-day public administration.

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12.6 KEY WORDS

- **Curriculum:** It refers to the subjects comprising a course of study in a school or college.
- **Hierarchy:** It is a system in which members of an organization or society are ranked according to relative status or authority.
- **Bureaucrat:** It refers to an official in a government department, in particular one perceived as being concerned with procedural correctness at the expense of people's needs.
- **Fallacious:** It refers to something based on a mistaken belief.

12.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Describe the role of specialists in brief.
2. Elaborate on the relationship between generalists and specialists.
3. Write a short note on recommendations of the Administrative Reforms Commission.

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Long-Answer Questions

1. What do you understand by generalists? How are they different from a specialist?
2. Describe the role of generalists in detail.
3. Elaborate the various meanings attached to the term 'generalist'.

12.8 FURTHER READINGS

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UNIT 13 INDIAN PARLIAMENT AND STATE ASSEMBLY

*Indian Parliament and
State Assembly*

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Structure

- 13.0 Introduction
- 13.1 Objectives
- 13.2 Indian Parliament: Composition, Role and Functioning
- 13.3 State Assembly: Composition, Role and Functioning
- 13.4 Answers to Check Your Progress Questions
- 13.5 Summary
- 13.6 Key Words
- 13.7 Self Assessment Questions and Exercises
- 13.8 Further Readings

13.0 INTRODUCTION

India has a bicameral parliament made of President, Rajya Sabha and Lok Sabha. States and Union Territories are represented by Rajya Sabha, while Lok Sabha represents people of India. Rajya Sabha is called the upper house of parliament. It has a fixed number of 250 members of which 238 are elected by the representatives of states and union territories while 12 members are nominated by President on account of their brilliance in literature, science, art or social service. Currently, Rajya Sabha has 245 members, of whom 233 are representatives of the States/ Union Territories and 12 are nominated by the President.

Lok Sabha is the lower house of the parliament which represents people. Article 81 deals with the Composition of the Lok Sabha. The maximum strength of Lok Sabha is 552 members of which 530 are elected from states, 20 are elected from Union Territories and 2 are nominated by President from Anglo-Indian community if the president thinks that the community is not adequately represented in the house.

The State Legislative Assembly is the lower house of a state legislature in the States and Union Territories of India. In 22 states and 2 Union Territories with unicameral state legislature, it is the sole legislative body. It is the lower house of the bicameral state legislatures in 7 states, with the upper house being State Legislative Council.

This unit discusses the role, composition and functioning of the Indian Parliament and the State Assembly.

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13.1 OBJECTIVES

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

- Explain the composition, role and functioning of the Indian Parliament
- List the qualifications required for the membership of the Parliament
- Describe the law-making procedure
- Discuss the role, composition and functioning of the State Assembly

13.2 INDIAN PARLIAMENT: COMPOSITION, ROLE AND FUNCTIONING

The Indian Parliament is the supreme representative authority of the people. It is the highest legislative organ and the national forum for the articulation of public opinion. The Parliament of India is the centre and focus of our political system. It is the federal legislature of the Indian Union with limited and specified powers. The Parliament has been entrusted with an exclusive jurisdiction in ninety-nine Union matters; a concurrent, yet superior jurisdiction in fifty-two (earlier it was forty-seven) matters included in the Concurrent List; an occasional and excessively restricted jurisdiction in sixty-six (now sixty-one) State matters; and a first and final say with respect to all matters not enumerated in any of the lists of the VII Schedule. The jurisdiction of the British Parliament, which is known as the mother of Parliaments, is absolutely unrestricted. It can make and unmake law on all matters, for all persons, and throughout the territory of Britain. The power of our Parliament is not unlimited and, hence, it cannot claim the same attributes of unlimited sovereignty, which the British Parliament has claimed and exercised in the last seven-and-a-half centuries.

The Indian Parliament is a bicameral legislature in the setting of a Parliamentary executive. The formal executive head of the State, known as the President, is an integral part of the Parliament inasmuch as the Parliament consists of the President and the two Houses, known respectively as the Rajya Sabha and the Lok Sabha. The Rajya Sabha is the federal upper chamber, while the Lok Sabha is the popularly elected lower chamber. Not only is the President an integral part of the Parliament, the Vice-President, too, is made the Ex-officio Chairman of the Rajya Sabha and is its Chief Presiding Officer. The Council of Ministers headed by the Prime Minister is to consist of the members of Parliament, barring a few temporary exceptions and is made directly and collectively accountable to the Lok Sabha. Making the formal and actual executive a part of the Parliament, and also accountable to it, has immensely added to the prestige and power of the Parliament.

Composition of the Parliament

Under Article 79, the Union Parliament consists of the President, the Council of States (Rajya Sabha) and the House of the People (Lok Sabha.)

The maximum strength of the Rajya Sabha has been fixed at 250 members, of which not more than twelve are to be nominated by the President on the ground of such matters as art, literature, science and social service.

Not more than 238 members are to be elected by the State and Union Territories in accordance with the allocation of seats in the IV Schedule. This Schedule provides and allocates 229 seats to the states and four to the Union Territories. The remaining five seats are still unallocated. The Rajya Sabha was duly constituted for the first time on 3 April 1952 and it then consisted of 204 elected and twelve nominated members. Since then, the IV Schedule has been amended a dozen times by various Acts of the Parliament, and the allocation of seats has varied from time to time in accordance with the reorganization of states, formation of new States and the addition of Union Territories.

The representatives of each State and Union Territory in the Rajya Sabha are elected by the elected members of the State Legislative Assemblies and by members of specially constituted Electoral Colleges for Union Territories. The elections are held in accordance with the system of proportional representation and the seats are, therefore, allocated to states and Union Territories in terms of the proportion of their population, as determined at the last census. The votes are cast on the basis of single transferable vote. The voters indicate their preferences in favour of three different persons (I, II and III) contesting the membership. The candidates who receive the requisite majority of votes are declared elected. Voting at these elections is secret, and the electors are not required to disclose their identity. The Rajya Sabha is not subject to dissolution; one-third of its members retire every second year.

The maximum sanctioned strength of the Lok Sabha is 552, of which 530 are to be elected by the State, 20 by the Union Territories and the remaining two to be nominated by the President from amongst the Anglo-Indian community. These 2 members are nominated and appointed by the President only if he or she is satisfied that this community has not been adequately represented in the House through the normal channels of election. The appointment of these 2 members was originally sanctioned by Article 331 only for 10 years. (Under 8th, 23rd, 45th, 62nd, 79th Amendment Acts, this provision has been extended until 2010). At present, the strength of Lok Sabha is 545.

The allocation of seats to the States and Union Territories is in proportion to their population as ascertained in the last census. In elections to the Lok Sabha, seats are reserved in various states and Union Territories for Scheduled Castes

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and Scheduled Tribes. Elections to the Lok Sabha are direct and are held on the basis of universal adult franchise. All citizens who have attained the age of 18 years on the date prescribed by the Election Commission become eligible as voters. On the basis of this universally recognized principle, fourteen General Elections have so far been held for the Lok Sabha.

When a General Election falls due, the President calls upon all parliamentary constituencies to elect members to the Lok Sabha on such dates as recommended by the Election Commission. The elections are held in accordance with the provisions of the Representation of People's Act 1951, as amended up to date, and the rules or orders made under it. As soon as the notification is issued by the President, the Election Commission declares the date for filing nominations, for scrutiny and withdrawal of nominations and the actual dates of polling. A candidate for election is required to deposit a security of ₹10,000 to make his nomination valid. In case of the candidates belonging to scheduled castes and scheduled tribes, the security deposit is only ₹ 5,000. On the expiry of the date of withdrawals, the Returning Officer prepares and publishes a list of validly nominated candidates. Sufficient number of polling stations is set up in each constituency, keeping in view that the voters do not have to travel for more than two miles to cast their votes. The voters have to appear in person on the polling booths to cast their votes as no proxy is allowed. The candidate who receives the largest number of votes polled is declared elected by the Returning Officer, who issues to him the certificate of election. It is only when the newly elected member presents the certificate of election to the Secretary of Lok Sabha that the Presiding Officer can administer to him or her the oath of this office.

Qualifications for the Membership of the Parliament

Articles 84 and 102 provide the following qualifications which the persons desiring to become members of either House of Parliament must fulfill:

- (a) He must be a citizen of India and must swear or affirm that he shall bear true faith and allegiance to the Constitution of India that he shall uphold the sovereignty and integrity of India;
- (b) In case of Rajya Sabha, he must be at least 30 years of age, and in case of Lok Sabha he must at least be 25 years;
- (c) He must not be holding any office of profit under the Government India, excepting the office of Ministers of the Union and the states, and the Speaker of Lok Sabha;
- (d) Must not have been declared by a competent court as a person of unsound mind;
- (e) Must not be an undischarged bankrupt;
- (f) Must not owe allegiance or adherence to any foreign State;

- (g) In case of Rajya Sabha, he must be an elector in the State or the Union Territory from where he is seeking the election. This condition has, however, been waived by the Union Government in March 2003.

Term of the Houses of the Parliament

Members of the Rajya Sabha are elected for a period of 6 years, one-third of them retiring every second year. This makes the Rajya Sabha a continuous and permanent chamber, never subject to dissolution. On the other hand, members of the Lok Sabha are elected for a period of 5 years. Normally, the term of each member's office as well as the life of the Lok Sabha is 5 years. If the Lok Sabha is dissolved earlier, the membership of its members automatically terminates. During the Proclamation of Emergency, under Article 352, the Parliament may extend the life of the Lok Sabha for not more than 1 year at a time, but not beyond a period of 6 months after the Proclamation of Emergency has ceased to operate. In case of extension of the Lok Sabha, the term of its members stands automatically extended.

Presiding Officers of Two Houses

For the smooth, efficient and impartial conduct of its proceedings, each House of Parliament has been empowered by the Constitution to have a Chief and a Deputy Chief Presiding Officer. The Chief Presiding Officer of the Lok Sabha is known as the Speaker and that of the Rajya Sabha is known as the Chairman. The Speaker is assisted by the Deputy Speaker; while the Chairman is assisted by the Deputy Chairman. Each House also has a chairman to preside over the House in the absence of the Chief Presiding Officers.

Speaker of the Lok Sabha

The Speaker is the most important head of the Lok Sabha. Within the walls of the House, his or her authority is supreme. The most salient feature of his office is his or her impartiality. He or she is expected to wield his authority with the 'cold neutrality of the impartial judge'. His impartiality is ensured by the provision that he or she would remain above party considerations and that he would vote only in case of a tie.

Powers and Functions of the Speaker

As the Chief Presiding Officer of the popularly elected Lok Sabha, the Speaker has been entrusted with many powers by the Constitution and the Rules of the House. He or she is the spokesman of the House. The speaker is the custodian of the privileges and immunities of the House and its members. He or she is the ex-officio President of the Indian Parliamentary Group and the Head of the Lok Sabha Secretariat.

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The following are the powers and functions of the Speaker of Lok Sabha:

- (i) The basic function of the Speaker is to preside over the sessions of the House when he or she is present in the House. As the Chief Presiding Officer of the House, he or she fixes the hour of the commencement or termination of a sitting and determines the days on which the House will sit.
- (ii) His or her decision in all parliamentary matters is final. A request may be made to him or her for reconsideration but his or her decision cannot be challenged, criticized or questioned.
- (iii) No member can speak in the Lok Sabha without the Speaker's permission. He or she also decides in what order members will speak and how long a member should continue to speak. He or she may ask a member to finish his or her speech and in case the member does not listen, he or she may order that the member's speech should not go on record. The speaker may also ask a member to withdraw unparliamentarily words.
- (iv) The Speaker permits a member to speak in his or her mother tongue if he or she does not know either English or Hindi.
- (v) The members of the House can only address to the Speaker while speaking.
- (vi) All the bills, reports, motions and resolutions are introduced with the Speaker's permission.
- (vii) The Speaker puts the motion to vote in the Lok Sabha. In case there is a tie, he or she is empowered with a casting vote. However, he or she is expected to cast his or her vote so as to retain his or her impartiality and independence.
- (viii) Except making formal statements while performing his functions, the Speaker does not, ordinarily, participate in the discussion. He or she seldom addresses the House of his or her own accord and unless requested by the members, he or she refrains from expressing his or her personal opinion.
- (ix) He or she determines a bill to be a money bill and his or her decision is final. The Speaker also certifies a money bill. The Speaker also determines whether a motion of no-confidence in the Council of Ministers is in order. He or she is also empowered to select amendment in relation to bills and motions and can refuse to allow a member to move an amendment, if he or she thinks it is unwarranted or unnecessary. Finally, his or her opinion and consent is final in determining whether a motion to adjourn the House or to postpone its regular business for discussing a matter of general public interest or urgent public importance.

- (x) The Speaker has to conduct the meetings of the House in an orderly manner. Whenever there is conundrum or indiscipline in the House, he or she has sufficient disciplinary powers to handle such a situation. He or she derives his or her disciplinary powers from the Rules of Procedure of the House and his or her decisions in the matter of discipline cannot be normally challenged. In case of grave disorder, the Speaker may adjourn the House.
- (xi) The Speaker is the chief spokesman of the House. He or she represents its collective voice to the outside world. In the first place, all communications of the House to the President are made through the Speaker in the form of a formal address. On the other hand, all the communications from the President to the House are made through the Speaker. Similarly, all communications from the Lok Sabha addressed to the Rajya Sabha are sent through the Speaker. And, it is the Speaker who receives all communications addressed to the Lok Sabha by the Rajya Sabha.
- (xii) In the event of disagreement over a bill between the Lok Sabha and the Rajya Sabha, the President calls a joint-sitting of both the Houses and the Speaker presides over the joint-sitting. In this case, his or her decisions, rulings and interpretations on matters before the Joint Session are final.
- (xiii) The Speaker regulates the debates and proceedings of the House. Even at the secret sittings, which are held at the request of the leader of the House, the Speaker determines the manners of reporting, the proceedings and the procedure to be adopted on such occasions.
- (xiv) The rules relating to asking and answering of the questions depend upon the interpretation of the Speaker. He or she has a very large discretion in this matter. He or she may cut short or increase the 'question hour'. He or she may ignore the condition of the notice period for the question and may permit a question to be asked at a short notice.

Law-Making Procedure

The primary function of the Parliament is making the law. The law proposal originates in the Parliament in the form of a bill. There are three types of bills, excluding budget that come up before the Parliament. These are as follows:

1. Ordinary or non-money bill
2. Money bill

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3. Constitution amendment bill
4. Budget

The legislative process of these bills is as follows:

- 1. Ordinary bill:** Every member of the Parliament has a right to introduce an ordinary bill and from this point of view, there are two kinds of ordinary bills: (i) Government bill, and (ii) Private Member's bill.

A Government bill is a bill moved by a minister and any bill not moved by a minister is a Private Member's bill, which means that the bill has been moved by a private member. A major part of the Parliament time is consumed by the Government's bill, while Private Member's bill has a little possibility of being passed. Only on Fridays, the Parliament devotes time on Private Member's bills.

- 2. Money bill:** Article 110 clearly defines what constitutes a 'money bill'. The Speaker of the Lok Sabha certifies whether a bill is a 'money bill' or a non-money bill.

The money bill is also passed by the Parliament by the different phases of three readings. However, there are substantial differences in the legislative process in relation to an ordinary bill. They are as follows:

- (a) Money bill can be introduced, only along with the prior recommendation of the President, in the Lok Sabha and not in the Rajya Sabha.
 - (b) After being passed by the Lok Sabha, the bill is sent to the Rajya Sabha for its recommendation. The Rajya Sabha has 14 days from the receipt of the money bill for its consideration.
 - (c) The Rajya Sabha cannot reject the money bill. It can only make recommendations.
 - (d) In case the Rajya Sabha makes recommendations, the Lok Sabha may accept or reject those recommendations. Thereafter, the bill will be directly sent to the President for his assent.
 - (e) If the Rajya Sabha does not return the money bill within 14 days, the bill will be deemed to have passed by both the Houses after the lapse of 14 days and sent to the President for his or her assent. There can be no joint sitting of both Houses on a money bill.
 - (f) The President cannot withhold his or her assent to a money bill passed by the Parliament.
- 3. Constitutional Amendments:** With regard to the amendment of the Constitution, both the Rajya Sabha and the Lok Sabha have been placed

at par. Though it is true that most of the bills to amend the Constitution had been introduced in the Lok Sabha, both the Houses have got equal powers with regard to the amending process. In order to amend the constitution, a bill must be passed by both the Houses of the Parliament. It may be mentioned in this connection that the Constitution (Twenty-Fourth Amendment) Bill, 1970, which was passed by an overwhelming majority in the Lok Sabha, was defeated in the Rajya Sabha by only a fraction of a vote and consequently the measure fell through. On October 13, 1989, Rajiv Gandhi's government suffered an unprecedented defeat in the Rajya Sabha. The Rajya Sabha refused to pass two major Constitutional amendment bills. These bills were introduced for streamlining the Panchayati Raj and reorienting the municipalities and corporations.

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- 4. Budget in Parliament:** Every year, the budget is presented before the Lok Sabha. The Finance Ministry prepares the budget. The budget is presented in two parts: (a) Railway Budget and (b) General Budget. Railway budget is presented by the Railway Minister while the general budget is presented by the Finance Minister. The budget passes through various stages, which are as follows:
- (i) **Presentation of the budget:** The railway budget is generally presented in the third week of February while the general budget is normally presented on the last working day of February. The general budget is presented along with the budget speech of the Finance Minister, which is divided in two parts A and B. Part A contains 'a general economic survey' of the country and part B deals with 'the taxation proposal' for the ensuing financial year. The budget remains a closely guarded secret until its presentation. After the budget speech, the Finance Minister introduces the finance bill, which contains the taxation proposal made by the government. There is no discussion by the members of the House on the day of the presentation of the budget.
 - (ii) **Discussion on budget:** The discussion on budget is done through two stages: (a) General discussion and (b) demands for grants for each ministry.
 - (iii) **Appropriation bill:** The next stage is the appropriation bill, which incorporates all the demands for grants voted by the Lok Sabha and the expenditures charged on the Consolidated Fund of India. The bill seeks the legal authority to be given to government to appropriate expenditure from and out of the Consolidated Fund of India.

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The appropriation bill is introduced, considered and passed in the same manner as any other bill. However, the discussion is restricted to those matters which were not covered in the debate on demands and no amendments are allowed. After the appropriation bill is passed by the Lok Sabha, the Speaker certifies it to be a money bill and sends it to the Rajya Sabha. After the Rajya Sabha's approval, as per the procedure laid down by the Constitution, the bill is sent to the President for his or her assent.

- (iv) **Finance bill:** It contains government proposals for raising revenues. The move for leave to introduce a finance bill cannot be opposed and it is forthwith put to vote. This bill has to be considered and passed by the Parliament and assented to by the President within 75 days after it is introduced. Passing of the finance bill is the final act of Parliament's financial procedure.
- (v) **Vote on account:** Sometimes, the Lok Sabha passes the Vote on Account. Vote on Account is passed normally for 2 months, when the passage of budget is delayed for some reason. During an election year, it may be passed for 3–4 months. As a convention, vote on account is treated as a formal matter and passed by the Lok Sabha without discussion. Thus, the House is able to consider the Budget at a convenient time.

Check Your Progress

1. What is the highest legislative organ of the Indian Republic?
2. The Indian Parliament is a bicameral or unicameral legislature?
3. What does the Union Parliament consist of?

13.3 STATE ASSEMBLY: COMPOSITION, ROLE AND FUNCTIONING

The composition, qualifications and powers of the state Legislative Assembly are as follows:

- **Composition:** The Constitution of India provides that in each state there shall be a Legislative Assembly. The Assembly consists of not more than 500 and not less than 60 members chosen by direct elections from territorial constituencies in the state. For the purpose of elections, each state shall be divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it, as far as practicable, be the same throughout the state.

Thus, the members of the Legislative Assembly are elected on the basis of universal adult franchise without any distinction on the basis of caste, creed or religion. However, certain seats are reserved for SCs and STs. The Governor can nominate a few Anglo-Indians if he feels that the Anglo-Indian community has not been given proper representation in the Legislative Assembly.

- **Qualification and term:** A person should have the following qualifications in order to stand in the elections of the Legislative Assembly:
 - (a) He should be a citizen of India.
 - (b) He should be more than 25 years of age.
 - (c) He should possess such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Every Legislative Assembly has a 5-year term from the date appointed for its first meeting, unless dissolved earlier. The Assembly stands automatically dissolved after 5 years. The period of 5 years, may, while a proclamation of emergency is in operation, be extended by Parliament by law for a period not exceeding 1 year at a time, and not extending, in any case, beyond a period of six months after the proclamation has ceased to operate.

As per the Constitution, the Assembly must have two sessions per year. Also, the interval between the two sessions of the Assembly must not be more than 6 months. The quorum of the Assembly should be one-tenth of the total membership of the House.

- **Powers and functions:** In all practicality, Legislature of a state means its Legislative Assembly. The Assembly has the following powers and functions to perform:
 - (i) It can make laws on any subject provided in the State List or on a subject provided under the Concurrent List, provided it does not conflict with a law already made by the Parliament.
 - (ii) It has control over the Council of Ministers. It has the right to ask questions from the ministers and it is the duty of the ministers to satisfy the members of the Assembly. The members of the Council can also pass a no-confidence motion against the government. The state government has to resign if it loses in the no-confidence motion.
 - (iii) It also controls the finances of the state. A money bill can originate only in the Legislative Assembly. The Legislative Council can only keep the money bill only for 14 days, after which it is considered passed if it has been passed by the Legislative Assembly. It may pass,

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reject the demands or reduce the amount in the budget. Thus, no tax can be imposed or withdrawn without the approval of the Legislative Assembly.

- (iv) The Legislative Assembly also has constituent powers. According to Article 368, a bill of Constitutional amendment, first passed by the Parliament, shall be referred to the states for ratification. The Assembly has to give its verdict by passing a resolution by its simple majority showing approval or disapproval of the said bill. Also, the President of India may send a bill to the House regarding change of boundary lines of the state or its reorganization to elicit its views on the subject before he recommends that such a bill be introduced in the Parliament.
- (v) The Assembly also elects its own Speaker and Deputy Speaker and may remove them by a vote of no-confidence motion. It also takes part in the election of the President of India by being a part of the electoral college. It considers the reports submitted by various independent state agencies like the State Public Service Commission, Auditor-General, etc.

Comparison between the Legislative Assembly and Legislative Council

At the Centre, the Rajya Sabha has, except in the field of money bills, co-equal powers with the Lok Sabha in all legislative matters. In the State Legislature, on the contrary, the Council is designed to play a definitely inferior role. Its functions are of an advisory nature only.

The Legislative Council has no power regarding the money bill. A money bill cannot originate in the Council. It cannot, also delay a Money Bill or make recommendations in the bill if they are not acceptable to the Legislative Assembly. In case of a non-money bill, the bill travels from the Assembly to the Council only twice. The Council only has the power of a suspensive veto, for the first time for a period of 3 months and the second time for a month. The Council also does not have the power to pass a no-confidence motion against the government. Only a no-confidence motion passed by the Legislative Assembly can result in the change of the government. Thus, the Legislative Council does not have control over the state executive. These provisions clearly establish the absolute superiority of the Assembly over the Council.

Criticism of the State Legislature

Though the State Legislatures have an admirable record of achievements to their credit, their functional working has been quite defective. Some of the drawbacks pointed out by the critics are as follows:

- (a) In states, which have bicameral legislature, the power of the Legislative Council is highly restricted. In fact, in the Legislative sphere, it has no effective voice.

- (b) From the point of view of the state autonomy, the powers of the State Legislatures are very restricted. The Sarkaria Commission has pointed out that in several cases, bills were sent to the President for his consideration by the Governor. A President can take any number of days to send back the bill accepting or rejecting it. This forms a severe erosion of state autonomy.
- (c) The members of the majority party in the Legislative Assemblies have shown scant regard for the sentiments and views of the opposition parties while framing their policy.
- (d) Defections have been a major drawback in the working of the State Legislatures.
- (e) Many a time, members had been absent from the Legislatures in large numbers, resulting in lack of quorum. Consequently, the functioning of the State Legislatures had been hampered.
- (f) Over the years, the composition of the State Legislatures has changed, with more and more groups, castes, religions, and professions being represented in them. On one hand, it is a positive feature since the Legislature is becoming truly representative. On the other hand, men and women of rural background, especially farmers and cultivators are steadily increasing their number in the Legislative Assemblies. These people cannot be expected to take a sustained interest in the highly complicated and demanding business of Legislation. Thus, over the years, State Legislatures in India have tended to become mere forums of declamatory politics than of serious engagement in the overview of the government's policies, activities and expenditure of public money.

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Check Your Progress

- 4. What is the required age in order to stand in the elections of the Legislative Assembly?
- 5. Can a money bill originate in the Legislative Council?

13.4 ANSWERS TO CHECK YOUR PROGRESS

- 1. The Indian Parliament is the highest legislative organ of the Indian Republic.
- 2. The Indian Parliament is a bicameral legislature.
- 3. Union Parliament consists of the President, the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).
- 4. The required age in order to stand in the elections of the Legislative Assembly is 25 or more.
- 5. No, a money bill cannot originate in the Legislative Council.

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13.5 SUMMARY

- The Indian Parliament is the supreme representative authority of the people. It is the highest legislative organ and the national forum for the articulation of public opinion.
- The jurisdiction of the British Parliament, which is known as the mother of Parliaments, is absolutely unrestricted. It can make and unmake law on all matters, for all persons, and throughout the territory of Britain.
- The Indian Parliament is a bicameral legislature in the setting of a Parliamentary executive.
- Not only is the President an integral part of the Parliament, the Vice-President, too, is made the Ex-officio Chairman of the Rajya Sabha and is its Chief Presiding Officer.
- Under Article 79, the Union Parliament consists of the President, the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).
- The maximum sanctioned strength of the Lok Sabha is 552, of which 530 are to be elected by the State, 20 by the Union Territories and the remaining two to be nominated by the President from amongst the Anglo-Indian community.
- The allocation of seats to the States and Union Territories is in proportion to their population as ascertained in the last census.
- When a General Election falls due, the President calls upon all parliamentary constituencies to elect members to the Lok Sabha on such dates as recommended by the Election Commission.
- Members of the Rajya Sabha are elected for a period of 6 years, one-third of them retiring every second year.
- This makes the Rajya Sabha a continuous and permanent chamber, never subject to dissolution.
- On the other hand, members of the Lok Sabha are elected for a period of 5 years.
- For the smooth, efficient and impartial conduct of its proceedings, each House of Parliament has been empowered by the Constitution to have a Chief and a Deputy Chief Presiding Officer.
- As the Chief Presiding Officer of the popularly elected Lok Sabha, the Speaker has been entrusted with many powers by the Constitution and the Rules of the House.
- The primary function of the Parliament is making the law. The law proposal originates in the Parliament in the form of a bill.

- With regard to the amendment of the Constitution, both the Rajya Sabha and the Lok Sabha have been placed at par.
- Every year, the budget is presented before the Lok Sabha.
- The Constitution of India provides that in each state there shall be a Legislative Assembly.
- The Assembly consists of not more than 500 and not less than 60 members chosen by direct elections from territorial constituencies in the state.
- At the Centre, the Rajya Sabha has, except in the field of money bills, co-equal powers with the Lok Sabha in all legislative matters.
- Though the State Legislatures have an admirable record of achievements to their credit, their functional working has been quite defective.
- Over the years, the composition of the State Legislatures has changed, with more and more groups, castes, religions, and professions being represented in them.

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13.6 KEY WORDS

- **Articulation:** It is the formation of clear and distinct sounds in speech.
- **Ex-officio:** It is by virtue of one's position or status.
- **Electoral College:** It is a body of electors chosen or appointed by a larger group.
- **Scrutiny:** It means critical observation or examination.
- **Conundrum:** It refers to confusing and difficult problem or question.

13.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. What are the qualifications required to be the membership of the Parliament?
2. Write a short note on the speaker of the Lok Sabha.
3. Describe in brief about the constitutional amendments.
4. What is the composition of a State Assembly?

Long-Answer Questions

1. Explain in detail the composition of Indian Parliament.
2. Describe the different types of bills in detail.
3. Elaborate on the roles and functions of a State Assembly.

13.8 FURTHER READINGS

NOTES

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BLOCK - V
ISSUE AREAS

*Globalisation and Indian
Administration*

**UNIT 14 GLOBALISATION AND
INDIAN ADMINISTRATION**

NOTES

Structure

- 14.0 Introduction
- 14.1 Objectives
- 14.2 Overview of Indian Administration and Globalisation
- 14.3 Impact of Information Communication Technology on Indian Administration
- 14.4 Answers to Check Your Progress Questions
- 14.5 Summary
- 14.6 Key Words
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14.0 INTRODUCTION

Globalisation is a phenomenon that has brought the world closer. By definition it is the process by which businesses or other organizations develop international influence or start operating on an international scale. The impact of globalisation leads to changing global structure of production, trade and communication.

India is witnessing revolution in telecommunication, transportation and formation of global financial markets and therefore Indian administration is also facing structural changes. The modern management processes have a foremost motive which is to increase the efficiency of the administration. Due to the integrations of the countries on global level, the principle of hierarchy has been losing its length and got flattened and downsized and has been eliminating the need for levels of bureaucracy and long chain of commands. The number of employees has been reducing. Traditional administrative processes of file keeping and pushing, secrecy in official work, long durations for completion of work, delays, lengthy processes have been replaced with data processing, automation, transparency, speedy services with the use of data communication networks. This easy access to information regarding the functioning of the administration has helped the public to express their views and opinions. Excessive controls on administrative actions have been replaced with self-controls and deregulations.

This unit discusses in detail about the Indian Administration and globalisation and also traces the impact of Information Communication Technology on Indian Administration

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14.1 OBJECTIVES

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

- Discuss the impact of globalisation on Indian administration
- Explain the impact of Information Communication Technology on Indian Administration
- Describe e-governance and its importance

14.2 INDIAN ADMINISTRATION AND GLOBALISATION

Liberalization, privatization and globalisation (LPG) are three words which probably have governed the world economy and culture for the last three decades. Liberalization is an economic term which refers to doing away with legal restrictions imposed by nations on trade with other countries (that is, freeing the economy from government control), whereas privatization means doing away with government control over public sector undertakings through disinvestment. Though globalisation is mostly viewed from an economic perspective, it has ramifications in all aspects of our life. India was forced to restructure the Indian economy on this LPG model because of a series of events that occurred in 1991.

Broadly speaking, liberalization refers to a relaxation of previous government restrictions, usually in such areas of social, political and economic policy, while privatization means the transfer of ownership, property or business from the government to the private sector. Essentially, liberalization is a neo-classical idea, which calls for the dismantling of public ownership and government regulations. It also advocates low tax rates, especially for the wealthy, as well as a focus on growth, which will eventually lead to greater prosperity for all. A concept connected with liberalization is the ‘trickledown’ effect. Trickle-down effect is an economic theory that asserts that monetary benefits directed especially by the government to big business will in turn pass down to and profit smaller businesses and the general public. Critics of liberalization assert that liberalization essentially is an economic theory that is skewed to favour the rich. They point to the increasing inequality and the concentration of wealth in places where liberalization has taken effect. To give an example, twenty three years after liberalization, India has managed to create 56 dollar billionaires, whose total wealth accounts for about 25 per cent of India’s GDP. At the same time, India has the highest number of people living under the poverty line. In fact, the Arjun Sengupta Committee Report stated in 2009 that 77 per cent of Indians, or 800 million people, live on less than ` 20 per day. As per the liberalization or the neo-liberal framework that India has adopted since 1991, more and more Indian public sector companies are being privatized or handed over to private owners. The most recent examples are the moves of the newly elected Indian government to disinvest from SAIL and Coal India.

Now let us look at the reasons why India in 1991 changed its economic direction from being a government oriented Nehruvian model to the neoliberal model.

In 1991, there was an unprecedented economic crisis facing the nation. This economic crisis may be called the balance of payment crisis. Before we go into detail about the restructuring of the Indian economy, it is necessary to understand the elements of the crisis. The crisis of 1991 was a complex external payments crisis with high fiscal and current account deficits, external borrowing to finance the deficits, rising debt service obligations, rising inflation and inadequate exchange rate adjustment. According to Bakul Dholakia, the major elements of the economic crisis were the deepening foreign exchange crisis, growing fiscal imbalances, increasing rate of inflation, the slackening of overall economic growth and the deceleration in industrial growth. The immediate causes of the crisis were the Gulf crisis and the global recession. However, the root cause of the crisis was the structure of Indian economy itself.

Let us discuss some key factors that led to the severe economic crisis in 1991:

- There was a sharp decline in foreign exchange reserves in early January 1991. In fact, India had barely enough reserves to finance the country's imports for 13 days.
- Although the country always had a sizeable trade deficit during the 1980s, the level of trade deficit increased sharply during 1990-91 to cross the '10,000 crore mark for the first time in Indian economic history.
- There was a significant deterioration in India's credit rating. Standard and Poor (S&P) reduced India's credit rating to the speculative grade. Similarly, the Japanese Bond Research Institute (JBRI) and Moody's Investors' Service lowered India's credit rating to the lowest level in the investment grade. This led to a decline in the availability of short-term credit even on relatively more stringent terms and conditions, thereby further accentuating the problem of financing the country's monthly import requirements.
- A high degree of fiscal imbalance emerged as another major problem facing the Indian economy especially after 1986. The latter half of the eighties had been marked not only by high and growing budget deficits, but also by attempts on the part of the government to create a surplus in the capital account to finance its revenue deficit. This unhealthy tendency of borrowing money to finance current consumption expenditure of the government reached an alarming proportion in 1990-91.
- The other major problems faced by the Indian economy especially during the years of the economic crisis were declining growth rates of GDP as well as industrial production and a rising rate of inflation.
- The cost of petroleum imports in 1990-1991 increased by half US \$5.7 billion due to the crisis in the Gulf in August 1990. The Gulf crisis in August

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1990 also exposed the Middle East's strategic relevance for India. Along with the rising cost of petrol, the government also had to bear the additional weight of airlifting and rehabilitating 112,000 Indian workers from the Middle East. Remittances from the Middle East also declined because of the crisis in the gulf.

- The recession that was hitting the entire world during the time also contributed to deepening the economic crisis in India.
- Finally, during the period of 1990-1991, India was also growing through a period of political instability, which added fuel to the economic crisis.

Restructuring of the Indian Economy: The LPG Model

The economic crisis of 1991 generated huge pressures on Indian policy makers. It was felt that there was an urgent requirement for evaluating the existing model of the economy and modify it according to the present circumstances. International agencies, especially the International Monetary Fund and the World Bank stressed that opening up the Indian economy and undertaking 'structural adjustment programs' were the answer. Moreover, a new government was formed in India in July 1991 under the leadership of P.V. Narasimha Rao. He appointed Manmohan Singh, a professional economist who later became India's Prime Minister, as his finance minister.

The new Finance Minister felt that extensive decontrol and de-licensing was necessary to release the productive potential of Indian entrepreneurs, reduce the period of private investment and growth slowdown and raise the underlying growth rate of the Indian economy. He also recognized that the best way to put the Balance of Payments on a long-term sustainable path was through comprehensive Liberalization of international trade, finance/capital inflows and the exchange regime. Moreover, the IMF and the World Bank granted loans to India with certain conditions that India would make changes in certain development policies and thus the idea of New Economic Policy (NEP) came into being which included three main policies namely, liberalization, privatization and globalisation.

The major measures initiated as a part of the *liberalization* and *privatization* strategy included the following:

- **Devaluation:** The devaluation of the Rupee was undertaken in order to resolve the balance of payment crisis. The Rupee was devalued by 18-19% against major currencies in the international foreign exchange market.
- **Disinvestment:** Under the Privatization scheme, many of the public sector undertakings were/ are being sold to the private sector. However, the Privatization of public sector units, especially profit making public sector units, has become controversial with many unions and political parties opposing the move.
- **Dismantling of the Industrial Licensing Regime:** The previous industrial licensing regime was completely overhauled.

- **Allowing Foreign Direct Investment (FDI):** Under the LPG model, FDI was allowed across a wide spectrum of industry.
- **Non Resident Indian Scheme** Under the new policy, the general policy and facilities for foreign direct investment which are available to foreign investors/companies are fully applicable to Non Resident Indians (NRIs) as well.
- **Throwing Open Industries Reserved For the Public Sector to Private Participation:** The Industrial Policy Resolution, 1956 had listed 17 industries under the sole domain of the state where the private sector was not allowed to operate. However, as a consequence of economic reforms most of the industries were opened to private players.
- **Abolition of the MRTP Act:** The MRTP act was considered a major instrument of the license, quota and permit raj in India. It act was subject to severe criticism on the grounds that big business houses were unable to start new enterprises because of the ceiling on asset ownership prescribed by the act. In order that the big business could be enthused to enter the core sectors like heavy industry, infrastructure, petrochemicals, electronics, etc., with big projects, the MRTP Act was scrapped.
- **Reduction of Import Duties:** After the new economic model was introduced in 1991 there was a considerable reduction in import duties.
- **Convertibility of Rupee:** The most important measure for integrating the economy of any country is to make its currency fully convertible, i.e., allowing it to determine its own exchange rate in the international market without any official intervention. India achieved full convertibility on its current account in August 1994.
- **Wide-ranging financial sector reforms:** After the new economic policy started being implemented from 1991, there were wide ranging financial sector reforms in banking, capital markets, and insurance. These included deregulating interest rates, having a strong regulation and supervisory system in place and introducing foreign as well as private sector competition.

Effects of Liberalization, Privatization and Globalisation in Development

In the post reform period, the Indian economy has been characterized by confident growth and strong macroeconomic fundamentals. India is particularly in a strong position with respect to the balance of payment situation. The following are some of the most crucial achievements of the Indian economy since the reforms that began in 1991:

- **GDP Growth Rate:** After the reforms of 1991, India gradually broke free of the 'Hindu rate of growth', which was the euphemism for the low GDP growth for 3.5% that was characteristic of the Indian economy from the 1950s to the 1980s. Real GDP growth averaged 5.7 per cent per annum in the 1990s, which accelerated further to 7.3 per cent per annum in the 2000s.

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Notably, the decade of the 2000s encompassed the inflexion point in the growth trajectory with an annual average GDP growth of about 9 per cent for the 5-year period of 2004–08. However, this growth process was interrupted by the global financial crisis. Subsequently, the average growth slowed down to around 5 per cent during the period of 2013-2014.

- **Structure of Economy:** The increase in GDP growth changed the structure of the Indian economy with a decline in the share of agriculture from 28.4 per cent in the 1990s to about 13.9 per cent in 2011–12. There was corresponding gain in the share of services, including construction, from 42.7 per cent to 59 per cent during the same period. What is, however, of concern is that the share of industry has remained unchanged at around 27 per cent of GDP. This suggests that India's growth acceleration during the last two decades has been dominated by the services sector. Another point of huge concern is that although the share of agriculture has gone down to 13.9%, there has not been a significant decrease in the percentage of population dependent on agriculture. This means that the GDP growth has not resulted in an increase in employment opportunities as was hoped.
- **Openness of the Economy:** The structure of the Indian economy also underwent a change during this period in terms of its openness. Exports and imports of goods and services have more than doubled from 23 per cent of the GDP in the 1990s to 50 per cent in the recent period of 2009–11. India's share in the world merchandise exports reached 1.3 per cent in 2009 and 1.5 per cent in 2010. It increased to 1.9 per cent in the first half of 2011, mainly due to the relatively higher Indian export growth of 55 per cent compared to the 23.1 per cent export growth of the world. If trade flows are considered alongside capital flows, the rise in the openness was even more dramatic, rising from 42 per cent of GDP in the 1990s to 106.5 per cent in the period of 2009-11. An important point is that India has made progress in diversifying its export and import markets. The share of Asia and the Association of South East Asian Nations (ASEAN) in the total trade increased from 33.3 per cent in 2000-1 to 57.3 per cent in the first half of 2011-12, while that of Europe and America fell from 26.8 per cent to 19 per cent. Since 2008-2009, the USA has been displaced by the UAE as India's largest trading partner, followed by China.
- **Foreign Direct Investment (FDI):** The openness in the capital account has resulted in a two-way movement in capital with a sharp pick-up in India's outward FDI since the mid-2000s. The uptrend in outward FDI mainly reflects the large overseas acquisition deals of Indian corporate houses to gain market share and reap economies of scale amidst the progressive liberalization of the external payments regime.

- **Inflation:** The high growth was achieved in an environment of price stability as headline wholesale price index (WPI) inflation dropped to an annual average of 5.5 per cent in the 2000s from 8.1 per cent in the 1990s. There was also similar drop in consumer price inflation. However, after the global economic crisis of 2008, inflation started increasing with the headline WPI inflation averaging over 7 per cent and the consumer price inflation crossing double digits during 2009–11. The increase in food price inflation was particularly sharp during 2009–14.
- **Foreign Exchange Reserve:** In the previous section, you came to know that one of the chief reasons for the economic crisis of 1991 was the poor levels of foreign exchange reserve. At the peak of the crisis, India's foreign exchange reserve was only sufficient to support of imports for 13 days. In contrast to that, India's foreign exchange reserves today are among some of the largest in the world. India's foreign exchange reserve was less than \$40 billion in 1990 and increased to over \$304.8 billion in 2011.

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Challenges

In spite of many successes, the Indian economy continues to suffer many shortcomings in the post-reform period. Although India's economic growth in the last two decades has been impressive, India's record in social development has been pathetic, sometimes even worse than the least developed countries of Sub-Saharan Africa. Over 47 per cent children in India are underweight, with over 46 per cent stunted in their growth. India's infant mortality rate is the highest in the world with over 15.55 lakh children under five in India dying in the year 2011. To put this failing into perspective, India's figure is more than the combined total of infant deaths of the next three nations put together. India's poverty figures are equally dismal. According to the Arjun Sengupta Report on the unorganized sector in India which looked at data from 1993-94 to 2004-2005, more than 77 per cent of the population lives on less than ₹ 20 a day. This means that India has the 'distinction' of being home to about 1/3 of the World's poor.

Another major weakness of the post reform Indian economy is that despite an increase in GDP, there has not been any corresponding increase in employment opportunities. Indeed, many scholars now call the GDP boom from the 1990s as a period of jobless growth. The agricultural sector in India is also facing serious challenges. Over 250,000 farmers committed suicide in India from the period of 1997-2007. The reason for this shocking rate of suicide was because farmers, mostly engaged in the growing BT Cotton, were unable to pay off their debts as the cost of seed, fertilizers and pesticide kept on increasing while the yields of the crops kept on decreasing. Another notable weakness of the reform process has been in fiscal consolidation. Indian governments at both the central and state levels have not been successful in reigning in the fiscal deficit. The foundation for sustainable high rate of growth in any economy lies in maintaining fiscal discipline. This has not been adequately achieved by Indian policymakers.

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To confront the challenges posed by globalisation, the government and other stakeholders need to work more closely as partners to evolve strategies more effectively. The strategies particularly need to focus on the following:

- Sustaining the growth momentum and achieving an annual average growth of 9-10 per cent in the years ahead
- Decreasing income disparities between the rich and the poor and regional disparities between states
- Checking the growth of population; India is the second highest populated country in the world after China. However, in terms of population density, India exceeds China as India's land area is almost half of China's total land.
- Boosting agricultural growth through the diversification and development of agro processing
- Finding ways to expand industry by at least 10% per year to integrate not only the surplus labour in agriculture, but also the unprecedented number of educated men and women joining the labour force every year
- Developing world-class infrastructure for sustaining growth in all the sectors of the economy
- Effecting fiscal consolidation and eliminating the revenue deficit through revenue enhancement and expenditure management
- Protecting against environmental degradation. Global warming, the depletion of natural resources, rampant deforestation due to illegal mining the production of harmful chemicals and the destruction of organic agriculture are all challenges that India faces on the environmental front. Thus, protecting the environment from degradation should be a top priority agenda of policymakers
- Reducing the budget deficit through better direction of subsidies, proper pricing mechanism and increasing taxes on the wealthy. Moreover, serious efforts should be made to contain leakages so that the money spent on social programmes actually reaches the poor.
- Empowering the population through universal education and health care. India must maximize the benefits of its youthful demographics and turn itself into the knowledge hub of the world through the application of information and communications technology (ICT) in all aspects of Indian life.

To summarize, the most significant effect of the LPG model in India has been that the common man has not been able to reap any benefit out of it. Post the reform period, the rich have become significantly richer, with India now home to numerous dollar billionaires, but at the same time, the majority of the poor have remained stagnant or in some cases their state have even deteriorated. As a result, income inequality in India has reached alarming proportions. In fact, one key reason for the socio-economic conflicts that continue to erupt in parts of India is this

inequality. Thus it can be said that development in India in the post liberalization period has primarily benefited the rich. Although, the Government in recent times has taken many initiatives towards 'inclusive growth', such as MNREGA, the Right to Food, and Pension Schemes for the old people and others, however, the benefits of it are yet to reach the people in proper way.

Check Your Progress

1. What is the full form of LPG?
2. When did the Gulf crisis take place?
3. Who was the finance minister under the leadership of P.V. Narasimha Rao?

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14.3 IMPACT OF INFORMATION COMMUNICATION TECHNOLOGY ON INDIAN ADMINISTRATION

E-governance is a form of e-business in governance comprising processes and structures involved in deliverance of electronic service to the public, i.e., citizens. It also involves collaborating with business partners of the government by conducting electronic transaction with them. Besides, it entails enabling the general public to interact with the government, through electronic means, for getting the desired services. In other words, e-governance means application of electronic means in the interaction between:

- Government and citizens
- Government and business
- Internal government operation

Ultimately, the aim is to simplify and improve governance and enable people's participation in governance through mail and internet.

E-governance is much more than just preparing some website. It ranges from the use of the Internet for the dissemination of plain web based information at its simplest level to services and online transactions on the one hand and utilising IT in the democratic process itself, i.e., election on the other hand.

E-governance implies e-democracy, wherein all forms of interaction between the electorates, that is general public, and the elected, which is the government, are performed electronically. E-government, as distinguished from e-governance, comprises a pragmatic application. It also comprises the usage of the most innovative technologies in computer and communication technologies. This may include Internet technology, for delivering efficient and cost effective services, and information and knowledge to the citizens.

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Various manifestations of e-governance initiative will be in terms of the government delivering services to citizens for transacting business, offering general information, or conducting interactions with the general public and business using such IT tools as:

- Email
- Internet websites publishing
- WAP application and publishing
- SMS connectivity
- Intranet development and usage
- Promotion of the citizen access

The advent of these other components and of Information and Communication Technology (ICT) as a highly leveraged enabling tool for delivery of services in the public and private sector has now been universally recognised. This has resulted in a redefinition of the fundamental concept of governance and also in recognising its potential to change both institutions and delivery mechanisms of services for betterment of people.

Why E-Governance

The fundamental motivation for the campaign of e-governance in India and elsewhere is a slogan-to provide SMART government 'SMART' being an acronym for Simple, Moral, Accountable, and Responsive Government, a laudable ideal, though difficult to achieve in reality. Thus, we may conceive a smart village or smart municipality or a smart state, all very difficult, but ideal models. Notwithstanding the difficulties involved in achieving this, a clear object of e-governance can be cutting the cost of governance and also minimizing the complexities of procedures by possible business process reengineering. The concomitant benefit is empowerment of people through what is called 'disintermediation'; in other words, eliminating the middleman or tout between the government and the people. For example, by doing so, property tax assessment and collection system can reduce the element of corruption in the system apart from increasing consumer convenience. The online system based on the internet will introduce contact with mediating officials, thereby reducing the possibility of malpractice. This does not, however, mean that the primary objective of e-governance is tackling corruption, even though it may be fallout of e-governance.

Evidently, the objectives of achieving such e-governance go far beyond mere simple computerization of standalone back office operation in government offices. It should mean a drastic change in the way the government operates, and this means a new and redefined set of responsibilities for the executive, legislative and the judiciary. This requires bringing about a social catharsis, which needs to be done in a comprehensive, concerted and planned manner.

Historically, it was in Chile that a real e-governance initiative was taken up as early as in 1972, when the IT applications were unheard of in government and

were limited even in business. They used techniques of IT not to just make government paperless or less of paper, but, to perform government work efficiently. They realized that transparency is the ability to regulate the conditions, not the transactions. Professor Stafford Beer implemented for President Allende of Chile, the first e-governance software that would help the government survive a severe crisis. The question that was asked to and answered by the software was whether the government would survive by getting adequate grip and control over the situation in time of a severe inflationary crisis due to economic blockade resulting from stopping of copper exports. The software did help in restoring prices back to normal, thus making the government survive. Chile thus became the first country to successfully implemented e-governance.

As the wind of e-governance blow widely through public organizations across the world, more and more governments in different countries have been harnessing the Internet and the power of IT to provide services of varied nature as illustrated in Figure 14.1.

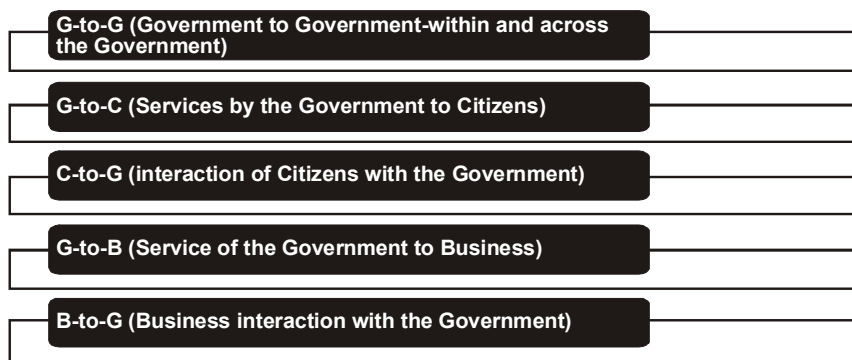


Fig. 14.1 Functions of IT

E-Governance in India

India is a classical land of diversity. This diversity spans across the culture, tradition, language, geography and the economic condition of the people. It is a country in which number of people are below poverty line. This includes people residing in underdeveloped areas, people of lower castes, street children, urban poor and rural poor.

The vulnerability of these sections of society has increased with globalisation and this section is prone to become even more marginalised-economically and socially.

Successive governments have committed themselves to addressing these divides, but effective implementation of various economic development programmes aimed at individuals belonging to these sections of society has proved an elusive goal. The Government of India recognises that the e-governance, in the context of developing countries, provides excellent opportunity for improving governance. Used imaginatively, it is a trigger for introducing various administrative reforms.

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These changes could not only go a long way in improving the quality of life of these sections of society, but could actually provide them more equitable access to economic opportunities than ever before. In this context, the Government of India views e-governance as a considerable instrument that is mainly created for changing the role and function of the governance and for enhancing the services quality that they usually provide to the citizens.

India's experience in e-governance/ICT initiatives has demonstrated significant success in improving accessibility, cutting down cost, reducing corruption, extending help and increased access to un-served groups. In this phase of experimentation, e-government initiatives have reached millions of people belonging to these sections of society. Improved access to information and services has provided economic and social development opportunities, facilitated participation and communication in policy and decision making processes and empowerment of the weakest groups. This has led to fostering a sense of ownership and building of social capital, which in turn, constitutes a basis for local revitalisation.

The Government of India, in various forums, has indicated its commitment to provide efficient and transparent government to all strata of society. E-governance is now mainly seen as a key element of the country's governance and administrative reform agenda. The Government of India inspires to provide:

- Governance that is easily understood by and accountable to the citizens, open to democratic involvement and scrutiny.
- Citizen-centric governance that will cover all its services and respect everyone as individuals by providing personalised services.
- An efficient government that delivers maximum value for taxpayers' money.

Hence, the Government of India views e-governance as a vehicle to initiate and sustain reforms by focussing on three broad areas:

- (i) Transparency
- (ii) People's participation
- (iii) Promotion of a democratic society

While pursuing these goals, it is recognised that the motivation and imperatives for adopting e-governance in a developing country like India are vastly different from those in developed countries. In countries like India, there was hardly any significant back end computerization in government before the advent of the Internet. Consequently, while planning e-governance projects today, the ubiquity, convenience and power of the Internet can be factored right from the planning stage itself. Moreover, it is neither the availability constraint nor the cost of manpower that is the drive for e-governance. Primarily, the motivations are higher efficiency, transparency, accessibility and accountability as well as reduction of procedural complexity that breeds corruption. It is also a realisation that there is no other way to effectively provide services to a population of over one billion people.

Besides, the economic and social environment is very different in India compared with that in a developed country. Here, the per-capita income is much lower. Telephone, PC, and penetration levels are low in comparison. Availability of reliable electric power supply is still a problem, particularly in rural areas. Universal literacy is still a distant goal; IT literacy is very low, both in absolute and relative terms. India has 22 official languages. Several hundreds of dialects are spoken all over the country. Less than 5 per cent of the population can speak English. Hence, e-governance needs to be planned with reference to these ground realities.

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Initiatives till date

Recognising that e-governance is playing an increasingly important role in modern Governance, various agencies of the government and civil society organization has taken a large number of initiatives across the country. Indicated below are some of the key initiatives taken in the country across some of the important citizens and business related departments:

AP Online (State Government of Andhra Pradesh)

An Integrated Citizen Services Portal providing citizen centric services such as: Birth/Death Certificates, Property Registration, Driver's License, Government Applications and Forms, Payment of taxes/utility bills, etc.

Bhoomi: Automation of land records (State government of Karnataka)

It offers computerised Record and Right Tenancy & Crops (RTC). This is mainly needed to obtain bank loans, settle land disputes etc. It also ensures increased transparency and reliability, curbing of exploitation and oppression of farmers, and significant reduction in corruption. The project of Bhoomi-Automation of Land Records has benefited 20 million rural land records covering 6.7 million farmers.

CARD: Registration project (State government of Andhra Pradesh)

Computerisation Administration Registration Department (CARD) has affected 10 million citizens for over a period of three years. It has completed registration of 2.8 million titles with titles searches made in 1.4 million cases. The system ensures transparency in valuation of property and efficient document management system. The estimated saving of 70 million man-hours of citizen time valued at ' 175 Crores. Similar initiatives in other states like SARITA (State Government of Maharashtra), STAR (Sate Government of Tamil Nadu), etc. have further built upon this initiative.

Gyandoot: Intranet in tribal district of Dhar (State government of Madhya Pradesh)

This project offers e-governance services including the following:

- Online registration of application
- Rural e-mail facility
- Village auction site

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- Information on farm products market rates (mandi)
- Online public grievance redressal
- Caste and income certificates
- Rural market

Lokmitra: (State government of Himachal Pradesh)

This offers e-governance services to its citizens such as:

- Online registration of application
- Rural e-mail facility
- Village auction site
- Information on farm products market rates (mandi)
- Online public grievance redressal
- Sending and receiving information regarding land records, caste certificate, income certificates and other official documents
- Market rate of fruits and vegetables and other items e-Mitra- Integrated Citizen Services Centre (State Government of Rajasthan)
- Implemented using a PPP (Public Private Partnership) model.
- Private Partner paid by the government department/agency
- G2C services like:
 - o Payment of electricity, telephone and water bills
 - o Ticket Reservation
 - o Payment of Taxes
 - o Filing of Passport Applications
 - o Registration of birth/death
 - o Payment by cash, cheque or credit card

The above cases of e-governance initiatives are only illustrative. Many of the state government have successfully implemented such initiatives which have positively impacted the life of citizens. Hence, e-governance provides an excellent opportunity for India to radically improve the quality of governance and thereby:

- Allow for two-way communication between government and citizen not only for services delivery but also to receive opinion of citizen on policies and government performance.
- Provide greater access to excluded groups, who have few opportunities to interact with government and benefit from its services and schemes.
- Include all sections of the society in the mainstream of development.
- Enable rural and traditionally marginalised segments of the population to gain fast and convenient access to services in their own neighbourhoods.

E-Governance in Public Administration

In India, public administration is mainly concerned with three branches, *Judiciary*, *Executive* and *Legislature*, performing action at national level, state level and grass-root level. All these administrative branches have to meet the needs and aspirations of a diverse society, which has a plethora of significant ethnic, linguistic and religious communities, and pressure/interest groups.

Therefore, good governance is very essential for the people as, it provides prospects and appropriates delivery of goods and services in an effective way. But for proper functioning of government in Public Administration, information is very important. It is a fundamental resource and has its relevance in industrial development, social development, agricultural development and rural development. The progress of a nation is mainly dependent on the use and application of social information, technical information and scientific information. Here, the Information and Communication Technology (ICT), and Informatics Networks are gradually considered as a tool for development.

In India, the government acts as a source or major generator of social and economic information for public and own use. In most of the government departments, the process of information collection is a decentralized action between the Central Government and different State Governments. For shaping the future performance of economic development and social development of a nation, flexibility in information is a basic necessary.

Harnessing the revolution of information for poverty alleviation, social cohesion and economic development in the 21st century is the subject for various National and International Conference. Informatics Network plays an imperative in the flow of information, with great pace, from the performance level to the advanced planners at micro (district, block, and village) levels, meso (state) levels, macro-meso (region covering more than one state) levels and macro (national).

Number of challenges and opportunities has been thrown by follow-ups, feedback, transaction, and Instantaneous global communication. Some of them are:

- Learning and counter learning
- Mobilisation and counter mobilisation
- Opinion creating and violating
- Progress and counter progress

In India, the distributed databases are those that cover the ends of networking the technologies of database that will bring 'power to the people' for carrying and planning responsive administration. Synthesis of Remote Sensing Technology, GIS Technology, Bio-Technology and Information Technology help in bringing various Science and Technology tools for rural development in the nation.

The Indian government in the year 1975 purposefully decided to take efficient steps for expansion and growth of information systems and operation of information

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resources, and also to set up support system that was mainly computer-based in government ministries and departments. This move was mainly taken by the government to make possible planning and implementation of programmes for the growth and development of the economic and social sector.

The Central government has a vision which stated that the government administration and its development will also improve the technical aspects of society as a whole.

Looking at this aspect, the government at Centre developed a high priority plan project named National Informatics Centre (NIC). This was mainly developed in the year 1976 under the Electronics Commission/Department of Electronic and with the help of the United Nations Development Programme (UNDP). This planned assessment to rise above 'Digital Divide' in Central Government Departments and Ministers, occupied during the Fifth Plan Period, resulted in introduction of the Central Government Informatics Development Programme in diverse Departments and Ministers with the help of National Informatics Centre (NIC). The Central Government of India in the year 1999 also developed a new Ministry of Information Technology (MIT) by integrating the Electronic and Software Export Promotion Council, National Informatics Centre (NIC), DOE.

In the Ministry of Information Technology (MIT), the National Informatics Centre (NIC) is considered to be the nodal S&T organization which is mainly created for corporate and cooperative sectors to support the decision, networking in government, and for informatics development.

In most of the Governmental departments that function in the Central, State, and District levels, NIC is one of the most important instruments of Information and Communication Technology (ICT) applications. It helps in improving the services of the government; bring transparency in the various functions of the government and last but not the least, it also helps in improving the decentralised management and planning. In order to perform all these functions, the NIC on a national scale has also established ICT Network- NICNET-with gateway nodes at about 550 District Collectorate, 35 State/UT Secretariats, and about 55 Central Government Departments mainly for IT services. In addition, NIC has also established a 'Hub based Wireless Data Network' in most of the states capitals. This usually helps in getting high speed access through NICNET. Thus, we find that NIC has played a vital role in informatics development programme in all levels of Government.

The widening use of e-governance tools and technologies is leading to distributed knowledge and power structure. It is changing the political scene and is reshaping democracy and the way citizens interact with the government. With the emergence of proactive knowledge societies, government will have no choice but to constantly improvise to bring in greater efficiency, accountability, and transparency in their functioning. Today, in Indian Administration, e-governance has become a part of the government policy for social inclusion. Its strategy is to

enhance the information technology and to help enhance people's lives. With the various tools of e-governance, there is a direct participation of the constituents in the government activities. It has changed the relationship between the citizen and the government and has brought a new concept of citizenship, both in terms of need and responsibility.

Right to Information

Information is the fundamental democratic right of any human being. Empowering the public with full information is the fundamental duty of the government. The people then become the nation's greatest asset in implementing policies and programmes of our democratic developing polity. The Right to Information is mainly made up of different rights and responsibilities namely:

- Every person's RIGHT to request information from the government and even private bodies in some cases;
- The DUTY on the government to make available the information that is demanded, except defined exceptions apply;
- The DUTY on the government to disclose proactively information that is of general public interest without the need for requests from citizens.

The Right to Information has not been mentioned specially anywhere in the Constitution of India, but it has been recognised by the Supreme Court of the country long back and has been considered as a fundamental right for proper functioning of democracy in the country. In India, the Supreme Court has acknowledged the right to information as a vital part of the right to freedom of expression and speech guaranteed by the Constitution of India under Article 19 and an essential part of life under Article 21.

The right to information shows the reality that all the information of the government belongs to the general masses. In other words, all the governmental information is not supposed to be hidden or held by the government, rather, it should be held by the people as most of the information is generated by public money and by public servants. One can have access to avail information about government decision-making process, policies, decisions, action.

The right to information is not always absolute. There is certain information that may be kept back. Leaking of such information may harm the interests of the people, thus it is good to keep those information secret. For instance, information about army force at the time of war or information about national economic policies prior to their publication. In all these cases it is valid for government officials to keep such information closed.

Right to Information can be used by the people to take initiatives in making sure that the government provides them with the services they are entitled to and the rights and benefits that are their due as citizens of India.

As we all know that the right to information applies to the whole country, across all states and Union territories (except Jammu & Kashmir) thus, one can easily avail

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information of any state on any topic from the government of that particular state. One can easily sort the problem or know the numbers through the intelligent use of the right to information. For instance:

- Parents can ask for details of grants made to government aided schools to ensure that funds are being spent properly, or check that admission are not being brought through bribes, or that funds meant for education are not being diverted for other purposes.
- People holding ration cards can check the stocks and sales registers held by ration card dealers and the food department to make sure that they are getting their proper amount of rations and that rations are not being siphoned off in their name.
- Unemployed people can ask about the criteria for giving government jobs or the status of their applications and position in the waitlist.
- Owners of small businesses can find out the basis on which licences, tax concessions or subsidies are granted by government and who the beneficiaries are. They can also check that the government is granting licences/concessions/subsidies on the basis of properly applied criteria.
- People can check on the progress of their applications for government services.
- People can also get the number of death occurred in a government hospitals and for what reasons or what the shortfall of doctors and nurses is compared with sanctioned staff.
- People can know the daily attendance of teachers in a government schools.
- People can the number of people being housed in local jails
- Know the number of inspector visit in the factories and other manufacturing units to check that they are not illegally releasing hazardous materials in the environment.

Thus, from above points it becomes clear that any citizen of India has the right to avail any sort of information that is important for him through the Right to Information Act

Right to Information Act

It is in this context, the Right to Information Act 2005 came into force with effect from 12 October 2005. In fact, it marked a new era in the dissemination in public administration in our country. The main objective of this Act is to provide a right to all citizens to secure access to information under the control of public authorities and also to promote transparency and accountability in the working of public authorities. In other words, the Right to Information Act promotes the maximum disclosure of information. In practice, this means one can get most information that is held by public authorities, subject to a few exceptions, which are designed to

protect sensitive information from being released, where its release would cause more harm than public good.

The Act allows the people access to a wide range of information held by public authorities in different forms. One can use the Act to get:

- Records
- File notings
- Information related to a private body
- Material produced by a computer or other device
- Data which is in electronic form
- Models, samples
- Papers, reports, contracts
- Logbooks, orders, circulars
- Press releases and facimiles
- Advices, opinions and e-mails
- Microfiche, microfilm, memos and documents

Under the Act, you have the:

(i) Right to certified copies

One can get certified copies or extract of documents or records and can even ask to take notes from documents and records.

(ii) Right to get samples and models

One can ask for certified samples or materials and models. For instance, one can ask for a sample of a road being built in front of their house so that they can check whether proper materials are being used in accordance with the contract.

(iii) Right to inspect records or works

One can ask to inspect any work, document or record in person. For instance, one can ask to physically inspect the construction of bridge or installation of a hand pump to make sure that the work is being undertaken according to proper service standards or one can examine government files as one way of keeping down costs so that they decide what papers they want and then ask only for copies of those they want.

(iv) Right to get information in electronic form

One has the right to get information in the form of cassettes, videos, tapes, floppies, diskettes and printouts. The Act has been drafted broadly enough so that even information held in new types of technology will be covered.

Structure

Public Information Officers have been appointed in both the Central and the State Government to provide information to those requesting for such information under

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the Act. Regular departmental officers have been appointed as Public Information Officer. But in most cases Public Relations Officers have been designated as Public Information Officer in the government. They are basically responsible for receiving and processing applications. They also have a duty to assist requesters who are having trouble making their applications. The names of the PIOs have to be prominently displayed on notice boards at all offices and on their websites. Public authorities and the government have to organise public educational programmes to advance the understanding of the public as to how to exercise the rights under the Act. As such the RTI Act brightens the prospects of public relations communicators.

Check Your Progress

4. How many official languages does India have?
5. When did the Right to Information Act come into force

14.4 ANSWERS TO CHECK YOUR PROGRESS QUESTIONS

1. The full form of LPG is liberalization, privatization and globalisation.
2. The Gulf crisis took place in August 1990.
3. Manmohan Singh was the finance minister under the leadership of P.V. Narasimha Rao.
4. India has 22 official languages.
5. The Right to Information Act 2005 came into force with effect from 12 October 2005.

14.5 SUMMARY

- Liberalization, privatization and globalisation (LPG) are three words which probably have governed the world economy and culture for the last three decades.
- Essentially, liberalization is a neo-classical idea, which calls for the dismantling of public ownership and government regulations.
- It also advocates low tax rates, especially for the wealthy, as well as a focus on growth, which will eventually lead to greater prosperity for all.
- In fact, the Arjun Sengupta Committee Report stated in 2009 that 77 per cent of Indians, or 800 million people, live on less than ₹ 20 per day.
- In 1991, there was an unprecedented economic crisis facing the nation. This economic crisis may be called the balance of payment crisis.

- There was a significant deterioration in India's credit rating. Standard and Poor (S&P) reduced India's credit rating to the speculative grade.
- A high degree of fiscal imbalance emerged as another major problem facing the Indian economy especially after 1986.
- The other major problems faced by the Indian economy especially during the years of the economic crisis were declining growth rates of GDP as well as industrial production and a rising rate of inflation.
- The economic crisis of 1991 generated huge pressures on Indian policy makers.
- It was felt that there was an urgent requirement for evaluating the existing model of the economy and modify it according to the present circumstances.
- The devaluation of the Rupee was undertaken in order to resolve the balance of payment crisis.
- Under the LPG model, FDI was allowed across a wide spectrum of industry.
- The MRTP act was considered a major instrument of the license, quota and permit raj in India.
- In the post reform period, the Indian economy has been characterized by confident growth and strong macroeconomic fundamentals.
- The increase in GDP growth changed the structure of the Indian economy with a decline in the share of agriculture from 28.4 per cent in the 1990s to about 13.9 per cent in 2011–12.
- In spite of many successes, the Indian economy continues to suffer many shortcomings in the post-reform period.
- Although India's economic growth in the last two decades has been impressive, India's record in social development has been pathetic, sometimes even worse than the least developed countries of Sub-Saharan Africa.
- Another major weakness of the post reform Indian economy is that despite an increase in GDP, there has not been any corresponding increase in employment opportunities.
- To summarize, the most significant effect of the LPG model in India has been that the common man has not been able to reap any benefit out of it.
- Post the reform period, the rich have become significantly richer, with India now home to numerous dollar billionaires, but at the same time, the majority of the poor have remained stagnant or in some cases their state have even deteriorated.
- E-governance is a form of e-business in governance comprising processes and structures involved in deliverance of electronic service to the public, i.e., citizens.

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- E-governance is much more than just preparing some website.
- The advent of these other components and of Information and Communication Technology (ICT) as a highly leveraged enabling tool for delivery of services in the public and private sector has now been universally recognised.
- The fundamental motivation for the campaign of e-governance in India and elsewhere is a slogan-to provide SMART government.
- ‘SMART’ being an acronym for Simple, Moral, Accountable, and Responsive Government, a laudable ideal, though difficult to achieve in reality.
- Evidently, the objectives of achieving such e-governance go far beyond mere simple computerization of standalone back office operation in government offices.
- Historically, it was in Chile that a real e-governance initiative was taken up as early as in 1972, when the IT applications were unheard of in government and were limited even in business.
- India is a classical land of diversity. This diversity spans across the culture, tradition, language, geography and the economic condition of the people.
- India’s experience in e-governance/ICT initiatives has demonstrated significant success in improving accessibility, cutting down cost, reducing corruption, extending help and increased access to un-served groups.
- In countries like India, there was hardly any significant back end computerization in government before the advent of the Internet.
- India has 22 official languages. Several hundreds of dialects are spoken all over the country.
- Computerisation Administration Registration Department (CARD) has affected 10 million citizens for over a period of three years.
- Many of the state government have successfully implemented such initiatives which have positively impacted the like of citizens.
- In India, public administration is mainly concerned with three branches, *Judiciary*, *Executive* and *Legislature*, performing action at national level, state level and grass-root level.
- In India, the government acts as a source or major generator of social and economic information for public and own use.
- The Central government has a vision which stated that the government administration and its development will also improve the technical aspects of society as a whole.

- The widening use of e-governance tools and technologies is leading to distributed knowledge and power structure.
- Information is the fundamental democratic right of any human being. Empowering the public with full information is the fundamental duty of the government.
- The right to information shows the reality that all the information of the government belongs to the general masses.
- It is in this context, the Right to Information Act 2005 came into force with effect from 12 October 2005.
- The main objective of this Act is to provide a right to all citizens to secure access to information under the control of public authorities and also to promote transparency and accountability in the working of public authorities.
- Public Information Officers have been appointed in both the Central and the State Government to provide information to those requesting for such information under the Act.

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14.6 KEY WORDS

- **Globalisation:** It is the process of interaction and integration among people, companies, and governments worldwide.
- **Liberalization:** It is the removal or loosening of restrictions on something, typically an economic or political system.
- **Inflation:** It refers to a situation of a sustained increase in the general price level in an economy.
- **Demographics:** It is the statistical data relating to the population and particular groups within it.
- **Catharsis:** It is the process of releasing, and thereby providing relief from, strong or repressed emotions.
- **Ubiquity:** It is the fact of appearing everywhere or of being very common.

14.7 SELF ASSESSMENT QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on liberalization.
2. What is trickledown effect?
3. What is the importance of CARD: Registration project?

NOTES

Long-Answer Questions

1. Describe the need for e-governance in India.
2. How is e-governance related with public administration?
3. Elaborate on the Right to Information and its importance in the current scenario of administration.

14.8 FURTHER READINGS

Maheshwari. 2001. *Indian Administration (Sixth Edition)*. Hyderabad: Orient Blackswan.

Arora, Ramesh Kumar. 1995. *Indian Public Administration: Institutions and Issues*. New Delhi: New Age International.

Chakrabarty, Bidyut and Prakash Chand. 2019. *Indian Administration: Evolution and Practice*. New Delhi: SAGE Publications.