

INTRODUCTION TO INDIAN ADMINISTRATION

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OBJECTIVES

- To Understand the Indian Administrative system and administrative services
 - To understand the features of administration
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1.0 INTRODUCTION

The administrative system in India carries the legacy of past. The present system has evolved through the complex process of transmission of administrative rules, practices, procedures and principles from generation to generation of political rules. The rules of Maurya's, Mughals and other rulers along with British have contributed to the evolution of the administrative system in its present form. In this lesson our focus is on the administrative legacy of the British rule.

The British efforts to develop the administrative structure of India began after a decisive victory of the British East India Company in the battle of Plassey in 1757 and Battle of Buxar in 1764. With both, the British East India Company emerged as eminent political power in Bengal and North India which eventually spread to the rest of the parts of Indian subcontinent. The purpose of British East India Company shifted from trade and commerce to consolidation of political rule in the subcontinent.

So was the shift in the nature of its administrative system. From this point onwards to the war of Independence in 1857 mark the evolution of administration from Company rule to the rule of British Crown or the Parliament of England. With the Government of India Act, 1858 the rule of East India Company came to an end and British Parliament began direct control of political affairs of India. Finally in 1947 with declaration of Independence from British Raj, the Indian administration started operating under the sovereign command of Indian State. In the following sections we will understand the evolution of Indian Administrative System during the Company rule and direct British control.

1.1 EVOLUTION OF PUBLIC ADMINISTRATION IN INDIA

1.1.1 Constitutional Context of Indian Administration

The bureaucracy is a well-oiled system that operates within a frame of reference provided by the Constitution of the country. Its relationship with the Constitution is reciprocal. Both influence each other. The working of the constitution depends upon the functioning of administration and administrative works within the constraints and authority demarcated by the constitutional framework. There are three ways by which the constitutional context of administration can be defined. Firstly, the normative framework enshrined in the constitution; secondly, the political structure that the constitution provided as a framework of governance and thirdly, the provisions related to the administrative set up in the country. We will study all of them in the following passages:

1.1.2 Normative Framework of Indian Administration:

The normative framework suggests the values for which the administration is committed. The Preamble of the Indian Constitution unambiguously provided for secularism and promised to the nation, 'justice, liberty, and equality. It also vouches for the commitment to fraternity, unity, and integrity of the nation by the citizen of India. The Preamble proclaims the popular will to establish a just and reasonable political system. The administrative system is the instrument of realization of this popular will.

1.1.3 Political Framework of Indian Administration:

- The Constitution of India provides a political framework to the administration. The following provisions of the Indian Constitution shape the framework of public administration in India.
 - a) Parliamentary system:
 - b) Federal system of governance: The political system in India is federal.
 - c) Independent judiciary,
 - d) Autonomy of constitutional agencies,

- e) Affirmative action,
- f) Provision of Central, State and All India Services,
- g) Socialism,
- h) Independent and neutral bureaucracy

1.1.4 Evolution of Indian Administration under British Raj:

As stated earlier, with the rise of East India Company in second half of 18th Century in North India and Bengal the British Government realized their imperial capabilities to establish political control and colonize the subcontinent. The parallel conflict in the America between thirteen colonies and British rule which eventually resulted in losing these colonies made them conscious about affairs of East India Company. Thus, the Government felt it necessary to regulate the administration of East India Company in India.

I. Evolution of Centralized Administration

- After the centralized administration under the Mauryan Empire it is the British who initiated centralization of the administration in the Indian subcontinent. The result was the emergence of uniform and centralized Indian administration. Following developments led to the realization of this pattern.
 - a. In the Regulating Act of 1773, the Governor of Bengal was designated as the Governor General of India and the Governors of Bombay and Madras presidencies were subordinated to the Governor of Bengal. The Act established Supreme Court at Calcutta as the highest court.
 - b. The Charter Act of 1833 made the Governor-General of Bengal as the Governor General of India. All civil and military powers were vested in him. Also, the Government of Bombay and Madras were deprived of their legislative powers. The Act created for the first time, the Government of India having authority over the entire territorial area possessed by the British in India.

II. Gradual Transfer of Indian affairs from East Indian Company to British Crown

In the course of evolution of British rule in India, from 1773 onwards two trends are predominately noticeable. First, from 1757 to 1858 there is continuous expansion of British territorial control over the subcontinent by adding new territories to its bucket. Second, gradual takeover of the Company affairs by the British Government.

- a. The Regulating Act of 1773 was the first step taken by the British Government to control and regulate the affairs of the East India Company in India.

- b. The Pitts India Act, 1784, established a Board of Control (representing the British Cabinet) over the Court of Directors (the governing body of the East India Company).
- c. The Charter Act of 1833 ended the activities of the East India Company as a commercial body.
- d. The Charter Act of 1853 deprived the Court of Directors of their patronage power to recruit higher civil servants in India.
- e. The Government of India Act of 1858 transferred the government, territories and revenues of India from the East India Company to the British Crown.

III. Separation of Power between Executive and Legislative Organs

- Indian political system is modelled after the practices of parliamentary form of government as inherited from the British rule. The distribution of legislative and executive functions between various organs of the state evolved in the form of fusion of legislative and executive powers between the executive and legislature. The establishment of this arrangement began during the initial stages of British rule.
 - a. The Charter Act of 1853 separated the legislative and executive functions of the Governor General's Council.

IV. Open Competition as the basis of recruitment for civil servants of the Company

- The Charter Act of 1853 introduced the system of open competition as the basis of recruitment for civil servants of the Company.

V. Representative Institutions in India and Emergence of Legislature

- a. Indian Councils Act of 1861,
- b. Indian Councils Act of 1892
- c. Indian Councils Act of
- d. The Government of India Act of 1919,
- e. The Government of India Act, 1935

VI. Rise of ministries and portfolio system

- a. In 1843, the Governor General of India separated the Secretariat of the government of India from that of the Government of Bengal. Accordingly, four departments, namely, home, finance, military and foreign were set up in the Central Secretariat.
- b. In 1859, the portfolio system was introduced by Lord Canning. Consequently, a member of the Governor-General's Council was made in charge of one or more departments of the Central Secretariat and was authorised to issue orders on behalf of the council.
- c. India Councils Act of 1861, accorded statutory recognition to the portfolio system.

- d. In 1947, the departments of the Government of India were renamed as ministries. In all, there were 18 such ministries in the Central Secretariat as that time.

VII. Emergence of Federalism with strong Centre

- a. Government of India Act of 1919, relaxed the Central control over the provinces by demarcating and separating the Central subjects from that of provincial subjects. The Central and provincial legislatures were authorized to make laws on their respective list of subjects.
- b. The Government of India Act of 1935, provided for establishment of an all-India federation consisting of provinces and princely states as units. Consequently, the Act divided the powers between the Centre and units in terms of three lists, namely, Federal List (for Centre, with 59 items), Provincial List (for provinces, with 54 subjects) and the Concurrent List (for both, with 36 items). The residuary powers were given to the Governor –General. However, the federation never came into being as the princely states did not join it.

1.2 SALIENT FEATURES OF INDIAN ADMINISTRATION

The administration in Indian governance can be traced from medieval time of Indian history. To maintain law and order, revenue collection, trade permits all the emperors have decent administrative system to control over the kingdom. English traders brought European administration in India to smoothly conduct their business, thus British administration gave

Uniformity in Indian administration and was followed all over India.

We have classified features of the Indian administration as follows

1.2.1 Historical Features of the Indian Administration

1. Colonial Legacy-

Although Indian Administration has a long historical background.

“The Indian Administrative system as it exists today is a product of two different sets of influences; the British colonial administrative traditions and the ideals of a democratic welfare state which was constitutionally adopted in India after independence.

The Indian administrative system has been affected by the British system in many ways. Even today the units of administration remain unchanged like division, district, sub-division, and Tehsil. An administrator had the right to look after all these administrative units from division to tehsil, and these officers respectively were called ‘Commissioner’, Collector (IAS), Sub-Divisional Officer (SDO) and Tehsildar.

2. Uniformity in Administration-

A distinctive feature of the Indian Administrative system is the remarkable measure of UNIFORMITY that prevails through administration in all the States of India. Right from the level of the village to the state administration, the same general features are visible in their organizations.

3. Administrative Reforms –

Another feature of Indian administration is the administrative reforms. The need for improving the administrative machinery of government in any political system is universally admitted. It is particularly so with regard to India where we find mounting dissatisfaction with the working of governmental agencies and administration.

4. Political Neutrality in Administration-

Neutrality means that the public servant should be free from the bondage of political thoughts or views in his public life.

According to the rules of Civil Services Conduct in India, there is a restriction on government employees to participate in political activities. In India, the rule prohibits government employees from active participation in political activities, except for the limited RIGHT OF VOTING.

5. Welfare Administration-

The constitution of India has laid down the foundations of a welfare state. Due to this, the scope of administration has increased in the welfare field. Independent India was facing a number of social and economic problems like- Illiteracy, Unemployment, Poverty, Disease, Hunger, etc. These problems needed drastic measures to be taken by the administrators by implementing their new innovative policies. Thus, administration in India is not only a law-and-order administration but also a WELFARE ADMINISTRATION.

6. Development Administration-

This is a matchless feature of Indian Administration. It is an effort making-step to bring the economic, social, and political changes in society. Here importance is given to the development of administration. Development Administration is related to planning, policy-programs, and projects.

7. Reservation System-

It is the feature of the Indian Administrative system to provide a provision of RESERVATION for the SC's and ST's and OBC's in Indian Administrative service, so, that the backward and weaker sections of the society are not deprived of proper representation in Administrative Services.

8. Administrative Tribunals –

Modern Indian administration is witnessing a significant increase in the powers of administration. Administrative tribunals provide the mechanism for it. These tribunals managed by technical experts, with flexibility in operations,

informality in procedures have gained importance in the adjudication process and are known to provide a new type of justice – public good oriented justice.

Some of the important tribunals in India are – Central Administrative Tribunals (CAT), Railway Rates Tribunals, Industrial Tribunals, Claims Tribunals, etc.

9. Generalists vs Specialists –

One important feature of Indian public administration is that it accords primacy to the generalist's administrators. The members of both the IAS and the State civil services are trained as 'generalists' on the basis of British traditions.

As generalists, they are expected to be equipped with the knowledge, skills, values, and attitudes to make policy recommendations not only in the areas of administration but also in scientific, technical, and educational matters as well.

1.2.2 Modern Features of the Indian Administration

1. Democratic Decentralisation-

Decentralization means the transfer of powers from an upper level to a lower level. Democracy is the foundation of the Indian Administration. The institutions of local self-government are alive in every city or town in the form of Municipal Corporations and Municipal Committees. These look after some of the important local services and provide for schools, parks, roads, garbage disposal, etc. Also, there is a 3-tier structure of the Panchayati-Raj institution going right down to the village levels i.e. Gram Panchayat, Panchayat Samiti, Zila Parishad. These institutions help to percolate democracy to grass root level in Indian Administration. Thus, they are also known as the system of DEMOCRATIC DECENTRALISATION.

2. Administration for Socio-Economic Justice-

The constitution has delegated the responsibility of the administration to implement different types of policies to achieve the complicated objectives of socio-economic justice and public welfare. Thus, the basic objective of the Indian Administration is to establish a public welfare state as well as socio-economic justice as directed by the INDIAN CONSTITUTION.

3. E-Governance-

Another unique feature of Indian administration is the E-Governance or we can say electronic administration is the new buzzword in today's world. Indian Administration has also adopted and incorporated this into its system. The Information and Technology (IT) revolution has taken the country by storm.

E-Governance is “Anytime, anywhere”. The objective of E-Governance is to offer all government related services ‘ONLINE’. Indian Administration is going full out to adopt this in all its departments and become more CITIZEN FRIENDLY ADMINISTRATION.

4. Right To Information-

In the context of government functioning in the present era of economic liberalization, ‘OPENNESS’ means giving everyone the right to have access to information about the various decisions taken by the government and the reasoning behind them. RTI brings efficiency, accountability, and transparency in the administration.

5. Increasing Powers-

The next features of Indian administration are the increasing powers. Over the years there has been enormous growth in the powers, functions, and influence of the civil services (Administration). With the assumption of new functions and responsibility by the government since independence, the importance of the administration has grown. Our Administration is no longer a mere Police and Revenue official. He is engaged in a larger variety of development activities and is involved in implementing thousands of projects.

1.2.3 CONCLUSION – Features of Indian Administration

We can conclude that all the Features of Indian Administration play an important role in the functioning of the government. All these features are of great significance and generally developing in nature. All features exist for the welfare of our society.

1.3 DISTRICT ADMINISTRATION SINCE INDEPENDENCE:

District as a basic unit of field administration has been in existence through the ages. It is surprising to know that it has not changed substantially, since the times of Mauryan Era to Mughals to British era. Historically the district, in some form or the other has been the most important unit of administration in the Indian sub-continent.

The British Parliament was the first legislature with respect of India in modern times, they created enactments 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).

Hence this system continued and since independence, the District in India is acting as the cutting edge of administration. The district administration is headed by the District Collector/Deputy Commissioner, drawn from IAS and he is responsible among others for the general control and direction of the police.

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 programmers. 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.

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

- a) 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.
- b) District / Sub-district level offices of the line departments of the State Government and their agencies, such as PWD, irrigation, health, industries etc.
- c) 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.

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 are properly utilized.

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. He was considered as 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.

The DC has three major functions namely revenue, magisterial and developmental. Apart from these major functions, a large number of miscellaneous functions are also entrusted to him by State and Central governments like conduct of elections, dealing with calamities, supervising local government institutions, etc. Collector was mainly entrusted with revenue administration, however, since Independence with the considerable change in the nature of the state from police rule to development and welfare, his role has shown a shift in the direction of development as he implements all the development programmes. Since he is a Generalist, he coordinates the activities of overall departments under Specialists like Engineers, doctors, etc. by holding meetings among them at periodic intervals. He is also acting as the Friend, Philosopher and Guide of the Panchayati Raj Institutions.

As stated above, the widespread functions of the District Collector without well-defined roles result in lack of clarity and diffusion of the Collector's responsibilities. Also, after the establishment of PRIs / ULBs as the third tier of government, the Administrative Reform Commission (ARC) is of the view that there is need to redefine the role and responsibilities of the Collector in a clear manner because the office of the collector and its widespread and vaguely defined functions are affecting the followings-

- a) **Union-State and Local relations:** One must take note that the District Collector is a Union/Central officer and it has been systemized in such a manner so that the DC functions in a neutral and unbiased manner, without any fear, regarding his/her duties and responsibilities, and implementation of welfare/development activities of both the Centre and the state in the respective district he/she has been assigned to, but he has to eventually proceed from the states to the Centre in his career graph, he has to first prove his mettle at the state level, and at this level he works under the supervision of the state government and reports to them regarding discharge of his functions. Secondly, coordination between Centre-State is important for proper supervision of implementation of these schemes and programs to achieve the welfare policies. However, there are issues plaguing this system.
- b) **Imperatives of development management:** The term development management is used in the sense of achievement and objectives with optimum use of limited resources in manpower, finance, material, time and also active contribution to the clarification and reformation of policies and objectives. India specifically needs to shift its focus from development administration to a more efficient development management perspective and practice in order to remain in the League of Nations competing for implementation of international development programs. For this many courses as well as programmes are being rolled out by the country's education system as well as sponsored by the international organizations. Also, there should be a lot more emphasis on re-training of administrators in service to develop these management skills and become more efficient to achieve these goals and objectives.

- c) **Law and order administration:** Law and order (Judiciary, Police, etc.) administration is one of the most important functions performed by the Government. In fact, the survival of administration depends upon maintenance of law and order in a country. Unfortunately, in view of the prevailing atmosphere of violence in the country, attention to law and order is called for, but the sad part is that this is being neglected in favors of development administration.

Therefore, it is imperative that law and order is given adequate attention and it is built up both on the infrastructural as well as intelligence and implementation level and its grievances and issues sorted out if we want a sound welfare state where development and law and order go hand in hand otherwise development will be stalled.

- d) **District administration and democratic decentralization:** Democratic decentralization here is used in reference to the 73rd and 74th Amendment Acts of 1992 that set up rural and urban local government bodies, viz. Panchayati Raj Institutions (PRIs) and Municipalities, respectively. The PRIs were set up to move decision making centers closer to the people by transferring the powers of decision making from higher authorities to them, all development schemes and its funds to be channelized through them, inculcating leadership qualities among the rural masses, encouraging people's participation in planning and policy making, etc. However, the ground realities are:

- i) Bureaucratic resistance to delegation of power to PRIs.
- ii) Vested interests of higher officials and middlemen take over in between.
- iii) Elitist behaviour and biasness among the bureaucrats and government officials.
- iv) No incentive to the DC in development activities.

However, there has been constant debate as to whether the District Collector who represents the Centre and states be a part of this or he should simply supervise as the minds of the rural people are constantly suspicious towards them. This causes a lot of problems in effective administration and implementation of programmes. Another aspect to this debate is that with so much of responsibility, the DC will be distracted from his other major functions like law and order, etc.

1.3.1 Changing role of District Collector:

- i) **Role of District Collector:**
 - a) 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.

- b) A well-defined set of exclusive activities both statutory as well as non-statutory as a functionary of the State Government should be added in his job profile.
- c) His job profile should also include the general work of coordination with various departments / agencies of the State and the Union Governments at the district level

ii) Modernizing the Office of the District Collector:

- a) Grievance & Public Feedback Cell-Grievance redressal of citizens and implementation of citizen charters should be an integral part of the Collector's office.
- b) Management Information Systems / IT tools /E-Governance for effective monitoring and evaluation of programme/projects which are directly under the charge of the Collector, there needs to be computerized/MIS attached to his office.
- c) A Vigilance Cell should be there.
- d) Tours Inspection Notes and Institutional Memory.
- e) Civil Society & Media Cell should be there.

iii) Functional and Structural Reform:

- a) Formation of Institutions of Local Governance at the District Level.
- b) Each district should have a District Council comprising of representatives of both rural and urban bodies.
- c) The District Collector should have a dual role in this government structure. He should work as the Chief Officer of the District Council and should be fully accountable to the District Council on all local matters.
- d) The District Officer would also be fully accountable to the State Government on all regulatory/other matters not delegated to the District Government.

iv) Other Reforms:

- a) 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.
- b) 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.

- c) Steps should be taken to ensure that the Collector plays an effective coordination role in activities and programme of other departments at the district level.

1.4 SUMMARY

Although there is a debate going on that whether we need office of district collector or not, it plays a vital role in the district administration as the bridge between union-state and local government. Therefore, there is no question of removing the post of district collector. There are some flaws in the district administration system but reiterating the recommendations on the issues of personnel management, performance and outcome evaluation, effective citizen centric administration, use of information technology, process re-engineering etc. made above, it is believed that if these recommendations are expeditiously implemented where applicable to the district administration would make India developed with bottom-up approach and better outcome.

1.5 UNIT QUESTIONS

1. Discuss the model of Indian administration during British raj.
2. What are the salient features of Indian Administration?
3. Describe historical features of Indian administration
4. Explain the changing role of District collector
5. Write a note on Indian Administration

1.6 READING LIST

1. Public Administration: M. Laxmikanth
2. Governance in India: M. Laxmikanth
3. Indian Public Administration: Ramesh Arora
4. Public Administration: Rukmi Basu

PERSONNEL ADMINISTRATION

Unit Structure

- 2.1.0 Objectives
- 2.1.2 Introduction
- 2.1.2 Historical Background
- 2.1.3 Civil Service in Post-independence Period
- 2.1.4 Recruitment of All India Services and Central Services
- 2.1.5 Recruitment of State Services
- 2.1.6 Summary
- 2.1.7 Unit End Questions
- 2.2 Training: All India Services, Central Services, State Services
- 2.3 Public Service Commission: Union Public Service Commission and Maharashtra Public Service Commission
- 2.4 Reference

2.1.0 OBJECTIVES

- To learn the recruitment procedure of All India Services and Central Services
 - To learn the recruitment procedure of State Services
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2.1.1 INTRODUCTION

The role of 'personnel' is crucial to the effective functioning of administration and hence 'personnel administration' is the key component of public administration. The standard and efficiency of Public Administration in any country depends ultimately on the calibre, training and integrity of the members of the civil services (public services). The term 'Civil Service' refers to the administrative system of the state which is responsible for implementing policies made by the political executive. The political executive consists of the elected representatives in a democracy.

Herman Finer in his 'The Theory and Practice of Modern Government' explains the term in this way: "The functions of the civil service in the modern state are not merely the improvement of government, without it, indeed, the government itself would be impossible".

When civil servants occupy such an important role, especially in these days of State assuming overwhelming responsibilities, the important aspects relating to their recruitment, training, emoluments, conditions of service, promotion policies, etc. assume importance.

2.1.3. HISTORICAL BACKGROUND

The Indian administrative structure is largely a legacy of the British rule. The British had systematized civil services in India by distinguishing it from the military services, creating a hierarchy of officials who are paid out of public revenues. Lord Cornwallis is usually known as the father of civil services in India. He had introduced the Covenanted Civil Services and the Uncovenanted Civil Services. The Charter Act of 1853 provided for an open competitive examination for the recruitment of civil servants and had deprived the Court of Directors of the power of appointments based on patronage. This was recommended by a committee headed by Lord Macaulay. The first competitive exam was held in 1855.

After the Government of India Act of 1858, the higher civil service in India came to be known as the Indian Civil Services (ICS). Initially, the examinations for Indian Civil Service were conducted only in London. Maximum age was 23 years and minimum age was 18 years. The syllabus was designed such that European Classics had a predominant share of marks. All this made it difficult for Indian candidates.

2.1.3 CIVIL SERVICE IN POST- INDEPENDENCE PERIOD

After independence India became a welfare state. Nation building and development were two important objectives of the government. Unlike the Constitutions of other democratic nations in the world the provisions related to the civil services are given constitutional basis in our country.

Part of XIV and XIV A of the Indian Constitution titles as Services under the Union and the States contained provisions for the civil services. It includes Article 308 to Article 323 A.

Classification of Services

The Constitution has not elaborated the types and categories of services. However, The Civil Services can be categorized into three broad groups - All India Services (AIS), Central Civil Services and the State Services.

a) All India Services

All-India services are common to both Central and State Governments and the members of these services occupy key positions under both the Centre and the States and serve them by turns. Article 312 (1) empowers the Parliament of India to create one or more All –India services if the Council of State declared by resolution and supported by not less than two-thirds of the members present and voting that it is necessary and expedient in the national interest to do so.

In 1947 the Indian Civil Services (ICS) was replaced by IAS, and the India Police (IP) was replaced by IPS and the two were recognized by the Constitution as All India Services. In 1963 three more all-India services were created - Indian Forest Service, Indian Medical and Health Service, Indian Service of Engineers. However

out of these three only Indian Forest Service came into existence in 1966. At present, there are three all-India services:

- i. Indian Administrative Service (IAS)
- ii. Indian Police Service (IPS)
- iii. Indian Forest Service (IFS)

b) Central Services

The Central Services function under the Union Government and are generally engaged in administering subjects which are assigned to the Union under the Constitution like Post and Telegraph, Income Tax, Railways etc. The Central services are further classified into groups A, B, C and D categories (corresponding to former Class I, II, III and IV Services) based on their role and responsibilities. Central Services can be further categorized as non-technical services and Technical Services like Engineering services, scientific services, health Services etc. Group A posts are covered by 62 organized services.

c) State Services

The State Civil Services administer those subjects which have been allocated to the States as per the distribution laid down in the Constitution. Their members are under the exclusive administrative control of the respective State Governments, and their duties are confined to the territories of the State unless when working on deputation. The State Civil Services are also divided into Groups A, B, C and D according to the rank and responsibilities. They are appointed through competitive exams conducted by the State Public Service Commission.

2.1.4. RECRUITMENT OF ALL INDIA SERVICES AND CENTRAL SERVICES

The Constitution provides for the Union Public Service Commission and State Public Service Commission for the recruitment of the civil servants. The report of the Macaulay Committee on the Indian Civil Service laid down the basic policy governing recruitment to civil services for the first time in 1854. The most important aspects of this policy were the system of open competition and the scholastic nature of the examination.

The present scheme to test the merit and suitability of candidates for direct recruitment to the All-India Services and higher Central Services is laid down by the Kothari Committee and the Satish Chandra Committee. However, the basic policy and philosophy of recruitment advocated by the Macaulay Committee continues to influence the system.

The Committee on Recruitment Policy and Selection Methods under the chairmanship of D.S.Kothari was appointed by the UPSC in 1974. Most of its recommendations were accepted by the Government and implemented in 1979. The Kothari Committee had recommended a three-stage selection process – a preliminary examination of objective type with one

Optional and General Studies paper each, the main examination of the subjective type with 9 papers and the final stage of the Personality Test. This new system of competitive examination came into existence.

The Committee on Recruitment Policy and Selection Methods under the Chairmanship of Satish Chandra was appointed by the UPSC in 1988. Some of its recommendations were implemented by the Government in 1993. Satish Chandra Committee of 1989 recommended the introduction of an Essay paper and a greater weightage for the interview (Personality Test). The Hota Commission of 2004 recommended the introduction of an aptitude paper in the preliminary examination.

The competitive examination conducted by the UPSC for direct recruitment to All India Services and higher Central Services is known as the 'Civil Services Examination'. Its salient features are:

Single Examination

The Civil Services Examination is a single and combined examination for recruitment of the All-India Services and higher Central Services (Group A and B). It is the most prestigious amongst all other exams and is the gateway to around 24 government services including IAS IFS, IPS. Every year lakhs of Civil Services aspirants compete for close to 1000 vacancies, making it one of the toughest exams to crack.

List of Services included in the combined examination:

All India Services

- Indian Administrative Service (IAS)
- Indian Police Service (IPS)

Central Services (Group A)

- Indian Foreign Service
- Indian P&T Accounts and Finance Service (IP&TAFS)
- Indian Audit and Accounts Service (IA&AS)
- Indian Civil Accounts Service (ICAS)
- Indian Corporate Law Service (ICLS)
- Indian Defence Accounts Service (IDAS)
- Indian Defence Estates Service (IDES)
- Indian Information Service (IIS)
- Indian Ordnance Factories Service (IOFS)
- Indian Postal Service (IPoS)
- Indian Railway Accounts Service (IRAS)
- Indian Railway Personnel Service (IRPS)
- Indian Railway Traffic Service (IRTS)
- Indian Revenue Service (IRS-IT)
- Indian Revenue Service (IRS-C&CE)
- Indian Trade Service (ITrS)
- Railway Protection Force (RPF)

Group B Services

- Armed Forces Headquarters Civil Services (AFHCS)
- Delhi, Andaman and Nicobar Islands Civil Service (DANICS)
- Delhi, Andaman and Nicobar Islands Police Service (DANIPS)
- Pondicherry Civil Service (PCS)
- Pondicherry Police Service (PPS)

Pattern of Examination

The competitive examination comprises two successive stages called the Civil Services Preliminary Examinations (Objective Type) for the selection of candidates for Main Examination and Civil Services Main Examination (Written and Interview) for the selection of candidates for the various services and posts.

Promotion

Apart from this direct recruitment a method of recruitment by promotion is also followed. The All-India Services Act, 1951 specifies that senior duty posts not exceeding 33 percent in the IAS, IPS and IFS, are required to be filled in by promotion of officers employed in the State Services. Such promotions are made on the recommendations of the Select Committee constituted for this purpose in each State. Each such Committee is presided over by the Chairman or a member of UPSC.

2.1.5 RECRUITMENT FOR STATE SERVICES

Every State Public Service Commission conducts competitive exams usually every year for recruitment to the State Civil Services (SCS). The categories of services for which candidates are selected through the SCS examination are as under:

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

All the above services offer avenues in the middle level administration. In the SCS the officers get posted as Sub-Divisional Magistrates, Deputy Collectors, Land Acquisition Collectors, Under /Deputy Joint Secretaries etc. Similarly, SPS officers are appointed as Deputy/Additional Superintendents of Police. After putting certain numbers of years in the

State Service, the SCS and SPS may expect to be nominated as IAS and IPS respectively.

Examination conducted by Maharashtra Public Service Commission (MPSC)

The state civil services examinations are conducted by Maharashtra Public Service Commission (MPSC) to recruit officers in the state services. The notification regarding this examination appears in leading newspapers.

Other Examinations Conducted by MPSC

- Maharashtra Forest Services
- Maharashtra Engineering Services Grade- A, Grade- B
- Clerk typist
- Sales Tax Inspector
- Assistant Examination
- Maharashtra Agricultural Services
- Police Sub Inspector
- Assistant Motor Vehicle Inspector Assistant Engineer
- Civil Judge (Junior Division) Judicial Magistrate (First Class) Competitive Examination
- Assistant Engineer (Electrical), Grade 2, Maharashtra Electrical Engineering Services, Group B

2.1.6 SUMMARY

- The term 'Civil Service' refers to the administrative system of the state which is responsible for implementing policies made by the political executive.
- The Indian administrative structure is largely a legacy of the British rule. The British had systematized civil services in India by distinguishing it from the military services.
- After independence the provisions related to the civil services have been given constitutional basis in our country. Part of XIV and XIV A of the Indian Constitution titles as Services under the Union and the States contain provisions for the civil services.
- The Civil Services can be categorized into three broad groups - All India Services (AIS), Central Civil Services and the State Services.
- The Constitution provides for the Union Public Service Commission and State Public Service Commission for the recruitment of the civil servants.

- The Competitive examination conducted by the UPSC for direct recruitment to All India Services and higher Central Services is known as the 'Civil Services Examination'.
- It comprises two successive stages called the Civil Services Preliminary Examinations (Objective Type) for the selection of candidates for Main Examination and Civil Services Main Examination (Written and Interview) for the selection of candidates for the various services and posts.
- The State Civil Services are appointed through competitive exams conducted by the State Public Service Commission.

2.1.7 UNIT END QUESTIONS

1. Discuss the features of Civil Services Examination conducted by the UPSC.
2. Examine the scheme of examination for recruiting the higher civil services in India.
3. Describe the pattern of examination of the competitive examination conducted by the MPSC for the selection of State Civil Servants in Maharashtra.

2.2 TRAINING: ALL INDIA SERVICES, CENTRAL SERVICES, STATE SERVICES

Unit Structure

2.2.0 Objectives

2.2.1 Introduction

2.2.2 Concept of Training of Civil Servants

2.2.3 Training for All India Services and Central Services

2.2.4 Training Institutions

2.2.5 Training in Maharashtra

2.2.6 Summary

2.2.7 Unit End Questions

2.2.0 OBJECTIVES

- To understand the system of training of All India Services and Central Services in India
- To study the system of training of civil servants in Maharashtra
- To learn about the agencies and institutions of Training in India

2.2.1 INTRODUCTION

Training is recognized as a critical component of personnel administration. The functions of the governments have increased and expanded rapidly and on the other hand, administration has become more complex, specialized and technical. Training prepares an employee for the new administrative tasks.

After independence a large number of training institutions have been set up for imparting training to all classes of public employee right from the All India Services to the village level worker the lowest public employee. In India there is an institutionalized system of training for the All-India Services, Central Services and State Services. The Government of India's National Training policy which deals with the training needs of civil servants points out that, "it (training) has acquired an added relevance for building up necessary leadership and confidence among civil servants to measure up to the expectations of the public in the context of rapid technological changes as also the economic, social and political transformation taking place in the country."

2.2.2 CONCEPT OF TRAINING OF CIVIL SERVANTS

William G. Torpey defines Training as "the process of developing skills, habits, knowledge and attitudes in employees for the purpose of increasing the effectiveness of employees in their present government positions as well as preparing employees for future government position".

Its dictionary meaning is practical education in any profession, art or handicraft. In Public Administration, it means a "conscious effort made to

improve or increase an employee's skill, powers or intelligence and to develop his attitudes and schemes of values in a desired direction."

The training aims at increasing the technical efficacy of the officers, to enable them to be more adaptive to changing situations in the country and the local region, and to improve mental toughness also. Training plays a vital part in public administration. It is essential not only for effecting efficiency of administration but also for broadening the vision of the employees. It teaches him precision, makes him self-reliant and independent and develops in him capacity to take decisions and arrive at judgments.

Training has, therefore, been described as a continuous process. It enables an employee to adjust himself to the new situations and comprehend the goals and values of the organization in which he is to work.

2.2.3 TRAINING FOR ALL INDIA SERVICES AND CENTRAL SERVICES

During the British colonial rule a system of training for higher civil services was introduced in India. The Indian Civil Service (ICS) probationers were given general training in four British universities of Oxford, Cambridge, London and Dublin for a period of for a year in order to attend a series of lectures on Indian history, Indian criminal law and procedure and some Indian language.

During the Second World War, when it was not possible to do so a camp school was set up at Dehradun to impart training to the new entrants in the ICS. After independence the Indian Civil Service was converted into Indian Administrative Service and the institutional training was imparted to the new recruits at the IAS Training School, Metcalfe House, Delhi. The Indian Administrative Service Staff College was set up at Shimla to train senior officials and recruits other than direct recruits. Both these training institutions were subsequently merged and the National Academy of Administration was set up in September 1959 at Moussorie. The academy is now named as Lal Bahadur Shastri National Academy of Administration (LBSNAA) which is the most important central institution of training of the higher civil services including the All-India services.

Present System of Training

After clearing the UPSC civil services examination, all fresh recruits have to undergo rigorous training at various institutions according to the service allocated to them. New entrants to All-India and Central Services are imparted a five-month foundational course training at Lal Bahadur Shastri National Academy of Administration (LBSNAA) in Mussoorie, Uttarakhand.

In the foundational course emphasis is laid on the teaching of the subjects like Public Administration, Economics, Planning, Law, Political Theory, Indian Constitution, Cultural History of India, the National Movement etc. Methods used in the training include lectures, Tutorials, Case Studies,

Management Games, Guest Lectures, and Films etc. For those entrants who cannot read and write Hindi, special lessons are also given in Hindi.

Training: All India
Services, Central
Services, State Services

Objectives of Foundational Course

- To promote a feeling of belongingness (esprit de corps) among probationers and emphasizing interdependence of various services as part of higher civil services
- To impart a basic understanding of constitutional, political, social, economic, legal, historical, cultural and administrative framework within which the services function
- To motivate probationers towards developing certain basic professional, administrative and human values

Training of IAS Probationers

The various components of the induction training programme for IAS are shown in the following table.

Table: 1

Foundation Training	4 Months
Professional Training (First Spell)	5 Months
District Training	12 Months
Professional Training (Second Spell)	3 Months
Total	24 Months

After the completion of the foundational course the probationers of other services are sent to their respective training institutes for professional training, the IAS probationers continue to stay at the Academy for their professional training. In 1968 professional training programme for IAS underwent a change with the introduction of a 'Sandwich' course on the recommendation of the ARC. Since then, the IAS probationers are required to undergo two spells of professional training at the Academy with a gap of one year between them. This gap is utilized for the district training. (Field training) in the States.

During the first spell of institutional training the academic sessions include policy making, land management, soft skills, project management, national security, e-governance etc.

After the Foundation Course, the IAS probationers are divided into groups and taken on a tour of India (Bharat Darshan) to experience the rich cultural diversity and heritage. They meet dignitaries including the President of India. Each group is attached to different executive/ defence/ administrative institutions for acquiring a more in-depth understanding. Also, a part of Bharat Darshan is a week-long stint at the Lok Sabha Secretariat (Bureau of Parliamentary Studies) at Delhi.

After this they are sent to their allotted State for field training. The components of this training are mentioned as below:

- Institutional Training at the State Training School
- Practical Training at the District under the supervision of Collector/District Magistrate
- Training at the State Secretariat

After completing the one-year training in the State, the IAS probationers return to LBSNAA to undergo a second spell of the professional training. It includes sharing the individual learning experience from phase one and district training, articulating and discussing the various developmental challenges and issues and Special sessions with distinguished subject matter experts

Training for IPS Probationers

The various components of the induction training programme for IAS are shown in the following table.

Table: 2

Foundation Training	4 Months
Professional Training (First Spell)	12 Months
District Training	8 Months
Professional Training (Second Spell)	3 Months
Total	27 Months

Training for IFS (Indian Forest Service) Probationers

The Indian Forest Service probationers are given the induction training for a period of three years. The various components of the induction training programme for IFS are shown in the following table.

Table: 3

Foundation Training	4 Months
Professional Training	24 Months
On-the-job training in cadre states	8 Months
Total	36 Months

The IFS probationers after the completion of the combined foundational course at LBSNAA are sent to the Indira Gandhi National Forest Academy in Dehradun for their professional training.

Training for IFS (Indian Foreign Service) Probationers

The IFS recruit has to undergo a training programme for a period of three years. The various components of the induction training programme for IFS are shown in the following table.

Table: 4

Foundation Training	4 Months
Professional Training	12 Months
Attachment with the Ministry of External Affairs	8 Months
Language Training at an Indian Mission Abroad	14 Months
Total	36 Months

After completing 15-week training at the LBSNAA, the probationers join the Sushma Swaraj Foreign Service Institute, in New Delhi for a more intensive training in a host of subjects important to diplomacy, including international relations theory, military diplomacy, trade, India's foreign policy, history, international law, diplomatic practice, hospitality, protocol and administration. At the conclusion of the training programme the officer is assigned his/her compulsory foreign language (CFL). After a brief period of desk attachment in the Ministry of External Affairs the officer is posted to an Indian Mission abroad in a country where his CFL is the native language and enrolled in a language course. The officer is expected to develop proficiency in his CFL and pass the requisite examination before he is confirmed in service.

Training of Other Higher Services

After completion of four months combined foundational course at LBSNAA the probationers of various higher civil services are sent to their respective training institutes for professional training. The brief description of the training of the probationers of various higher civil services is given below:

- The probationers of Indian Audit and Accounts service receive professional training at Central Audit and Accounts Training School, Shimla.
- Indian Revenue Services (IRS) officers move on to the National Academy of Direct Taxes, Nagpur or the National Academy of Customs, Excise & Narcotics, Faridabad depending on the branch they are allocated to go. (there are two branches of the IRS: IRS – Income Tax; and IRS – Customs and Central Excise).
- The Railway Service probationers are trained at the Railway Staff College, Baroda.
- The Central Secretariat Services probationers are imparted foundational course as well as professional training at the Institute of Secretariat Training and Management, New Delhi.
- The Indian Postal Service probationers are given professional training at the Postal Staff College, Ghaziabad, UP.

- The Indian Customs Service as well as Central Excise Service probationers are trained at the Customs and Central Excise Training School, New Delhi.
- The Indian Information Service probationers are given professional training at the Indian Institute of Mass Communication, New Delhi.

2.2.4 TRAINING INSTITUTIONS

Today training of civil servants has become an integral part of the personnel policy of the Central as well as State Governments. A number of training institutions have been set-up by the Central as well as state governments. These institutions provide both general and professional training to the civil servants at the entry point and also during their career. Some of the important institutions of civil service training in India are briefly described below.

- Lal Bahadur Shastri National Academy of Administration, Mussoorie
- Central Police Training College, Mount Abu
- Sardar Vallabhbhai Patel National Police Academy, Hyderabad
- Indira Gandhi National Forest Academy (IGNFA), Dehradun
- Sushma Swaraj Institute of Foreign Service, New Delhi
- Institute of Secretariat Training and Management, New Delhi
- Indian Institute of Public Administration, New Delhi
- Indian Institute of Public Administration (IIPA)
- National Institute of Rural Development and Panchayati Raj
- Administrative Staff College, Hyderabad
- CBI Academy, Ghaziabad
- National Institute for Smart Government

2.2.5 TRAINING IN MAHARASHTRA

Yashwantrao Chavan Academy of Development Administration (YASHADA) is the Administrative Training Institute of the Government of Maharashtra, and meets the training needs of government departments and rural and urban non-officials and stakeholders.

The importance of evolving sound and responsive administrative systems was realized as far back as 1963 when the Administrative Staff College (ASC) was established in Mumbai. The ASC was relocated at Pune in 1984 and renamed "Maharashtra Institute of Development Administration" (MIDA). MIDA, constituted as an autonomous society under the Societies Registrations Act, 1860, was to serve as the apex body for promoting and developing modern management practices and was to function as the nodal state level training institute in the field of development administration. It was named "Yashwantrao Chavan Academy of Development Administration" (YASHADA) in 1990, as a

tribute to the pioneering spirit of the late Shri Y. B. Chavan, former Chief Minister of Maharashtra & Deputy Prime Minister of India.

Training: All India
Services, Central
Services, State Services

YASHADA in a typical year train around 50,000 persons, including trainee groups of government officials, executives of NGOs and members of academia.

New Training Policy in Maharashtra

The Government of Maharashtra announced its new training policy in September, 2011. The Central theme of the State Training Policy includes:

- a) Training for all government employees
- b) Continuous training throughout the service period
- c) Need based training,
- d) Linking the training with the human resource development policy of the state
- e) Augmentation of the existing training facilities
- f) YASHADA to serve as the apex training institute
- g) Affiliation of all training institutes to YASHADA for this purpose
- h) Setting up of state, divisional and district training institutes as required
- i) Extending autonomy to all training institutes
- j) Appointments of training managers at all levels from the state to the local office
- k) Linking training with service rules
- l) Preparing a Calendar for actual training
- m) Providing the budget for training based on the design
- n) Implementing the training policy scheme under planned scheme
- o) All training institutes in the state are being affiliated to YASHADA which will serve as the Apex Training Institute.
- p) YASHADA will determine the various standards for quality of the training institutes
- q) All training institutes in the state will set up a Training Planning and Monitoring Cell (TPMC). The Cell will be responsible for the planning of training, as well as training input, processes and outputs.
- r) State government employees will receive technical training, administrative and in-service training, and for selected categories foreign training also.
- s) Every government department, Panchayat Raj Institution, Corporation and Mission Units will take action to appoint a training manager in every office from the state to the local level

2.2.6 CONCLUSION

Training of civil servants has assumed great importance after Independence. It has become an integral part of the Government's personnel policy. A number of new training institutions have been set up in the country to provide both general and specialized training programme.

In the recent years the Government of India has been working towards changing the course structures and curricula of the various training institutes to ensure there is a shift from theoretical knowledge to practical implementation.

A revamped foundation course for trainees, a digital platform for relevant on-the-job training, a proposed university dedicated to the training of civil servants, and deliberations on setting up a separate ministry for training, indicate Government's determination to bring about changes in the training of public servants.

2.2.7 SUMMARY

- In the modern times as the functions of the Government have increased, the administration has become a complicated, complex and technical activity requiring specialized knowledge and skills. Systematic and coherent training of civil servants has, therefore, become absolutely necessary.
- In India there is an institutionalized system of training for the All-India Services, Central Services and State Services.
- Common institutional training, known as foundation training, is provided to recruits to the All-India and Central Services Class-I, at Lal Bahadur Shastri National Academy of Administration, Mussourie.
- Professional training to the new recruits is provided at various Central Training Institutions.
- Yashwantrao Chavan Academy of Development Administration (YASHADA) is the Administrative Training Institute of the Government of Maharashtra, and meets the training needs of government departments and rural and urban non-officials and stakeholders.
- In the recent times the Government of India has introduced a number of changes in the course structures and curricula of the various training institutes to ensure there is a shift from theoretical knowledge to practical implementation.

2.2.8 UNIT END QUESTIONS

1. Explain the training system for the IAS recruits.
2. Examine the system of training for the Central Services probationers.
3. Discuss the features of the New Training Policy of Government of Maharashtra.
4. Write Notes on the following:
 - a) Lal Bahadur Shastri National Academy of Administration
 - b) Sardar Vallabhbhai Patel National Police Academy
 - c) YASHADA

2.3 PUBLIC SERVICE COMMISSION: UNION PUBLIC SERVICE COMMISSION AND MAHARASHTRA PUBLIC SERVICE COMMISSION

Unit Structure

2.3.0 Objectives

2.3.1 Introduction

2.3.2 Historical Background of Public Service Commissions

2.3.3 Union Public Service Commission

2.3.4 Maharashtra Public Service Commission

2.3.5 Conclusion

2.3.6 Summary

2.3.7 Unit End Questions

2.3.8 Reference

2.3.0 OBJECTIVES

- To trace the genesis and growth of Public Service Commissions in India
- To learn about the composition, functions and role of Union Public Service Commission
- To learn about the composition, functions and role of Maharashtra Public Service Commission

2.3.1 INTRODUCTION

The Public Service Commissions are independent constitutional institutions not subject to governmental or political interference or control and charged with the responsibility of recruitment and management of public services. The Constitution of India envisages three categories of Public Service Commissions. The Union Public Service Commission is to serve the needs of the services of the Union, a Joint Public Service Commission for the services of two or more States and a State Public Service Commission (SPSC) for the services of a State. While UPSC and SPSCs are constitutional bodies, a Joint Public Service Commission is to be created by an Act of Parliament.

2.3.2 HISTORICAL BACKGROUND OF PUBLIC SERVICE COMMISSIONS

It was the Government of India Act, 1919, which for the first time recognized the need for the establishment of a Public Service Commission in India. It was of the view that an expert body, free from political

interference should be set up, entrusted with the task of recruitment of civil servants and regulation of their service matters.

In 1924, the Lee Commission again recommended that the Statutory Public Service Commission contemplated by the Government of India Act 1919, should be set up without delay with the following functions: i. Recruitment of personnel for the public services and the establishment of proper standards of qualification for admission to these services. ii. Quasi-judicial functions connected with the disciplinary control and protection of the service.

The first Public Service Commission was set up in 1926, with Sir Ross Barker as Chairman and four ordinary members. 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. Under this Act, for the first time, provision was also made for the formation of Public Service Commission at the provincial level. On 26th January, 1950 the Federal Public Service Commission was accorded a constitutional status as an autonomous entity and given the title – Union Public Service Commission.

2.3.3 UNION PUBLIC SERVICE COMMISSION

In the Indian Constitution there are provisions for the composition, appointment, removal, powers and functions of the Union Public Service Commission from Article 315 to Article 323 in Part XIV. Under the Article 315 of the Indian Constitution, the Union Public Service Commission is to be constituted for the recruitment of All India Services and Central Services.

Composition

According to Article 316 of the Indian Constitution the Union Public Service Commission (UPSC) comprises of a chairman and other members appointed by the President. One half of the appointed members of the Commission should have held office for at least ten years either under the Government of India or under the Government of a State. The other half members should come from liberal professions like law, academics etc.

Generally, there are nine to eleven members including the Chairman. Presently there is a sanctioned strength of – One Chairman and Ten members. The Chairman of UPSC is Prof. Pradeep Kumar Joshi.

Tenure of Chairman and Members

All the members (including the Chairman) hold office for a six years term, or until they attain the age of 65 years. According to Article 317 the members can be removed by the President before the expiry of their term on the basis of any of the following four circumstances:

- He/she goes bankrupt (insolvent)
- He/she engages in any paid employment outside the official duties
- He/she becomes mentally or bodily infirm

- On ground of proven misbehaviour after an inquiry by the Supreme Court on reference made by the President.

The terms and conditions of service of Chairman and members of the UPSC are governed by the Public Service Commission (Members) Regulations, 1969. The Commission is serviced by a Secretariat headed by a secretary with two Additional Secretaries, a number of Joint Secretaries, Deputy Secretaries and other supporting staff.

According to Article 322 of the Indian Constitution the expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the consolidated Fund of India or, as the case may be, the Consolidated Fund of the State.

Functions and Role

The UPSC has been entrusted with the following duties and role under Article 320 of the Constitution:

- i. It conducts examinations for appointments to the services of the Union, which includes All India Services, Central Services and Public Services of the Union Territories.
- ii. It is responsible for Direct recruitment by selection through interviews and appointment of officers on promotion / deputation / absorption
- iii. It assists States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required, if requested by any two or more States do so.
- iv. It is consulted on the following matters:
 - a) All matters relating to methods of recruitment to civil services and for civil posts.
 - b) The principles to be followed in making appointments to civil services and posts and in making transfers and promotions from one service to another and on the suitability of the candidates for such appointments, transfers and promotions.
 - c) All disciplinary matters affecting a person serving under the Government of India in a civil capacity, including memorials or petitions relating to such matters.
 - d) Any claim of costs incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his official duty.
 - e) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India and any question as to the amount of any such award.
 - f) Any matter related to personnel management referred to it by the President.

- g) It presents annually to the President a report as to the work done by the Commission

However, the Parliament can confer additional functions to the UPSC relating to the services of the Union. It can also extend the function of the UPSC by placing the personnel system of any local authority or other body corporate constituted by law or of any public institution under it.

The annual report of the UPSC regarding its performance is submitted to the President. The President then gets this report laid before both the Houses of Parliament, together with a memorandum explaining the cases where the advice of the Commission was not accepted and the reason for such non acceptance.

Limitations on the powers of UPSC

The following matters are kept outside the purview of UPSC:

- a) While making reservations of appointments or posts in favour of any backward class of citizens
- b) While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts
- c) Posts in the Secretariat of the Lok Sabha and the Rajya Sabha
- d) All technical and advisory posts in or under the Atomic Energy Commission
- e) Judicial Commissioners and Additional Judicial Commissioners, District Judges and Additional District Judges in Union Territories
- f) With regard to the selections for chairmanship or membership of commissions or tribunals, posts of the highest diplomatic nature and a bulk of group C and group D services. Almost all of Group C and Group D Central Services are fulfilled by the Staff Selection Commission
- g) The President can also, in respect to the All-India Services and Central Services and posts may make regulations specifying the matters in which it shall not be necessary for UPSC to be consulted. All such regulations shall be laid before the Parliament which can amend or repeal them.

2.3.4 MAHARASHTRA PUBLIC SERVICE COMMISSION

The Government of India Act, 1935 provided for the establishment of the Public Service Commission at the provincial level known as the State Public Service Commission and the Constitution of India gave it a constitutional status as autonomous bodies. The State Public Service Commissions were constituted under the provisions of the Constitution of India. The same set of Articles (i.e., 315 to 323) of the Constitution also deals with the composition, appointment and removal of members, power and functions and independence of a State Public Service Commission.

Maharashtra Public Service Commission (MPSC) is a Constitutional Body established under Article 315 of the Constitution of India. It ensures a smooth and efficient functioning of the Government of Maharashtra

(GoM) by providing suitable candidates for various Government posts. It also advises the Government on various service matters like formulation of Recruitment Rules (RR), promotions, transfers and disciplinary actions etc.

Composition, Appointment and Terms of Members

It comprises of a chairman and other members appointed by the Governor of the State. One half of the appointed members of the Commission should have held office for at least ten years either under the Government of India or under the Government of a State. The Constitution has not specified the strength of the Commission. The Governor is empowered to determine the number of members as well as staff of the Commission and their conditions of service. Shri Vitthal Narayan More is the current Chairman of MPSC and there are five members.

The Chairman and members of the MPSC hold office for a term of six years or until they attain the age of 62 years, whichever is earlier. The members can resign in between the term by addressing their resignation to the Governor.

Functions of the MPSC

As per Article 320 of the Constitution of India, MPSC has been entrusted with the following major functions: -

- i. To conduct examinations for appointments to the service of Government of Maharashtra and its allied organizations.
- ii. To advise the State Government on:
 - a) Matters relating to methods of recruitment to the various services
 - b) Suitability of candidates for appointment to the services through making promotions, deputations and nominations and transfers
 - c) Disciplinary matters affecting Government servants' transfers
 - d) Claims for reimbursement of legal expenses incurred by Government servants while defending legal proceedings instituted against them for acts done or purporting to be done in the execution of their duty's transfers
 - e) Claims for award of injury/family pension to Government servants and transfers
 - f) Any other matter referred to them by the Governor
- iii. In addition, in the State of Maharashtra, the Commission deals with the following matters:
 - a) Under Section 80-B of the Mumbai Municipal Corporation Act, the Commission have been entrusted with the responsibility of advising:
 - The Municipal Corporation of Greater Mumbai regarding appointments to posts under the control of Corporation which are equivalent to or higher than the post Executive Engineer

- The Mumbai Electric Supply and Transport undertaking regarding appointments to certain posts
 - Claims for reimbursement of legal expenses incurred by Government servants while defending legal proceedings instituted against them for acts done or purporting to be done in the execution of their duty's transfers
- b) To hold departmental examinations for certain Government Departments for employees of their departments and advise Government regarding other matters pertaining to the examinations

The annual report of the State Public Service Commission regarding its performance is submitted to the Governor. The Governor then gets this report laid before the State Legislature, together with a memorandum explaining the cases where the advice of the commission was not accepted and the reason for such non acceptance.

2.3.5 CONCLUSION

The UPSC is an independent institution which has an important role to play as an impartial and expert advisor to the government in matters of administration of personnel. It occupies a very important place in our system which assists the Government to maintain an efficient and impartial public service. Though the Government is not bound by the advice tendered by the Commission, it is mandatory to submit to the Parliament an explanatory memorandum about cases of non-acceptance. Same is true in case of the State Public Service Commissions.

All possible steps have been taken by the Constitution makers to ensure smooth and effective functioning of the Public Service Commissions without being influenced by any political pressures. However, there has been criticism of the manner in which few of the State Public Service Commissions have functioned. There have been charges of corruption and political interferences in their functioning. The recruitment, selection and appointment of civil servants are critical for the creation of stable, effective and efficient government administration. It is therefore essential that the Public Service Commission's function efficiently and impartially.

2.3.6 SUMMARY

- The Constitution of India in Articles 315 to 323 in Part XIV provides for the establishment of Public Service Commission for the Union and a Public Service Commission for each State.
- The UPSC conducts examinations for recruitment to all India services and higher Central services and gives advice to the President on disciplinary matters.
- Likewise, the State Public Service Commission in every State has the duty to conduct examinations for recruitment to State Services and to advise the Governor on disciplinary matters.

- These commissions in general have proved to be quite useful in maintaining impartiality and objectivity in the recruitment of civil servants, particularly at the higher level.

2.3.7 UNIT END QUESTIONS

1. Discuss the composition and functions of the Union Public Service Commission.
2. Explain the historical background of the Union Public Service Commission. What are the constitutional provisions regarding the UPSC?
3. Examine the functions and role of the Maharashtra Public Service Commission.
4. What are the constitutional provisions regarding ensuring independence of Public Service Commissions in India?

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FINANCIAL ADMINISTRATION

Unit Structure

- 3.0 Learning Objectives
- 3.1 Introduction
- 3.2 Concept and Significance of Budget
- 3.3 Budgetary Process in India
- 3.4 Preparation of the Union Budget
- 3.5 Enactment of the Union Budget
- 3.6 Execution of Budget
- 3.7 Summary
- 3.8 Unit End Questions

3.0 LEARNING OBJECTIVES

- To learn the concept and significance of Budget
- To understand the budgetary process in India

3.1 INTRODUCTION

Administration and finance are intimately related. Kautilya has rightly said, “All undertakings depend upon finance. Hence, foremost attention shall be paid to the treasury.” Financial administration involving the machinery and method by which funds required for the public services are raised, spent and accounted for, is at the core of modern government. Financial administration involves planning of public expenditure and revenues, making funds available for the governmental activities and ensuring the lawful and efficient use of these funds.

3.2 CONCEPT AND SIGNIFICANCE OF BUDGET

The Budget is one of the principal tools of the financial administration. The word ‘Budget’ is derived from a French word ‘bougette’ which means a leather bag or sack. The term was used in its present sense for the first time in the year 1733 when the British Finance Minister Sir Robert Walpole opened his bag to take out budget proposals in the House of Commons, and some members cried out, ‘bougette is opened’. Since then, the term ‘bougette’ began to be used for a financial statement of annual income and expenditure of the government.

According to Dimock, “A Budget is a financial plan, summarising the financial experience of the past, stating a current plan and projecting it over a specified period of time in future.”

According to Taylor, “Budget is a financial plan of government for a definite period.”

The Indian Constitution defines Budget as, “the Annual Statement containing an estimate of all anticipated revenue and expenditure of the government for the coming financial year.”

To sum up:

- The Budget is a statement of expected revenue and proposed expenditure.
- It requires some definite authority to approve it.
- It is for a fixed period of time i.e. for a year.
- It sets forth the procedure and manner in which the revenue is to be collected and the expenditure is to be carried out.

Significance

First, budgeting is the heart of administrative management. It is the basis of efficient fiscal management. According to Willoughby, “the real significance of the budget system lies in providing for the orderly administration of the financial administration of the government.” It is much more than a mere statement of the revenue and expenditure of the government. It has three functions- control, management and planning. It serves as a powerful tool of coordination and an effective method of eliminating wastage and duplication.

Second, the Budget is a tool of legislative control over the public purse. The control over the public money enables the legislature (Parliament) to control the executive and the history of this control may be identified with the evolution of democracy itself. The legislative control means that no tax can be collected without its prior authorisation and no expenditure can be made without its prior approval.

Third, Budget is one of the major instruments for the expression economic and social policies of government which has wide implication in the national economy. It affects development and production, size and distribution of income, availability of manpower and materials etc. The Budget policy of the government aims at removal of poverty, unemployment, social, and economic inequalities in society. The taxation policy of the government in the Budget may lead to the narrowing down of income inequalities. A Budget is above all a political document which provides the glimpse of the entire philosophy of the government.

According to S. R. Maheshwari, “the Budget is many things— an economist views it as a device of influencing the country’s economy, the politician employs it for defending or criticising the government, the administrator uses it as a framework for communication and coordination as well as for exercising administrative discipline throughout the administrative structure.”

3.3 BUDGETARY PROCESS IN INDIA

The present budgetary system of India owes its origin to the colonial period when the Finance Department was established in 1843 to look after the financial affairs of the government. After Independence it was replaced by a responsive and development-oriented budgetary system under the provisions of the Constitution of India.

The budgetary processes in India follow the procedure laid down in Articles 112 to 117 of the Constitution. Accordingly, annual Budget of the Union, called the Annual Financial Statement of estimated receipts and expenditure, is to be laid before both Houses of the Parliament in respect of every financial year. The financial year commences on 1st April and ends on 31st March of the following year. India has a federal system therefore the State Governments have their own Budgets which are presented and approved in their respective State Legislatures.

Earlier the Budget was presented in two categories i.e. Railway Budget and General Budget. During the British rule, there was a separate Railway budget because a larger part of the country's GDP depended on railway revenue. The tradition of having the General and Railway Budgets separately continued when India gained freedom. However, the government decided to merge both the Budgets from the year 2017-18.

The Budget shows the receipts and payments of government under three parts in which the government accounts are kept:

- i) Consolidated Fund of India: All revenues credited to the government; all loans received; all payment received as repayment of loans given; are credited to this fund. No money can be withdrawn from this fund without authorisation from the Parliament.
- ii) Contingency Fund of India: To meet unforeseen circumstances Parliament created this fund. It is placed at the disposal of the President of India. Money can be issued pending authorisation of Parliament. However, the Finance Secretary handles it; it is operated by executive action.
- iii) Public Account of India: Payment usually of the nature of banking transactions are made from this account; It is operated by executive action so Parliament's authorisation is not needed; Provident fund deposits, judicial deposits, savings bank deposits, departmental deposits or remittances are credited here.

Charged Expenditure

Under the Constitution, certain items of expenditure like emoluments of the President, salaries and allowances of the Chairman and the Deputy Chairman of the Rajya Sabha and the Speaker and Deputy Speaker of the Lok Sabha, salaries, allowances and pensions of Judges of the Supreme Court and the Comptroller and Auditor-General of India, interest on and repayment of loans raised by government and payments made to satisfy decrees of courts etc; are charged on the Consolidated Fund. These are not subject to the vote of Parliament. The Budget shows the charged expenditure separately in the Consolidated Fund.

Composition of Budget

Government Budget comprises of the following-

- i) **Revenue Budget:** It consists of the revenue receipts of government (tax and non-tax revenues) and the expenditure met from these revenues. The estimates of revenue receipts shown in the Budget take into account the effect of the taxation proposals made in the Finance Bill. Other receipts of government mainly consist of interest and dividend on investments made by government, fees, and other receipts for services rendered by government.
- ii) **Capital Budget:** It consists of capital receipts and payments. The main items of capital receipts are loans raised by government from public which are called Market Loans, borrowings by government from Reserve Bank and other parties through sale of Treasury bills, loans received from foreign governments and bodies and recoveries of loans granted by Central Government to State and Union Territory governments and other parties. Capital payments consist of capital expenditure on acquisition of assets like land, buildings, machinery, equipment, as also investments in shares etc. and loans and advances granted by Central government to State and Union Territory governments, government companies, corporations and other parties. Capital Budget also incorporates transactions in the Public Account.

The budgetary procedure in India involves four different operations that are:

- i) **Preparation of the Budget:** the formulation of estimates of revenue and expenditure for the ensuing financial year;
- ii) **Enactment of the Budget:** approval by the legislature in the form of Finance Bill and Appropriation Bill;
- iii) **Execution of the Budget:** enforcement of the provisions in the Finance Act and Appropriation Acts by the Ministries and Departments; in other words, collecting the taxes and incurring the expenditure as authorised by the Parliament,
- iv) **Legislative Control of the Budget and Audit:** Parliamentary control over expenditure through three important financial committees of Parliament -The Public Accounts Committee, the Estimates Committee, and the Committee on Public Undertakings. In order to ensure accountability of the executive to the legislature, public expenditure is audited by an independent agency - The Comptroller and Auditor-General. (It will be discussed in the subsequent chapters.)

3.4 PREPARATION OF THE UNION BUDGET

The responsibility for framing the Budget in India is entrusted to the President of India. Under Article 112 of the Indian Constitution, the President shall cause to lay before both the Houses of Parliament every financial year a statement of the estimate of receipts and expenditure of the Government of India for the year. In practice, in India the Union

Budget is prepared by the Department of Economic Affairs of Ministry of Finance. There is a Budget Division of the Department of Economic affair of the ministry of finance for this purpose. Finance ministry issues guidelines to spending based on which ministries present their demands.

The exercise of the preparation of the Budget by the Ministry of Finance starts sometimes around in the month of September every year.

Stages of Preparation of Budget:

- i) Preparation of the preliminary estimates by the Heads of Department: - The Finance Ministry supplies skeleton forms to the administrative Heads of Departments of expenditure in the month of July. The skeleton forms call for details regarding: a. Actual receipts and expenditures for the previous financial year. b. Sanctioned estimates for the current year. c. Revised estimates for the current year. d. Budget estimates for the next year.
- ii) The Scrutiny and Review by the Controlling Officers: -The skeleton information is scrutinised, reviewed, finalised and consolidated by the Heads of Administrative Departments. Such estimates are forwarded to finance Ministry in the month of November.
- iii) Scrutiny and Review of the estimates by the Auditor General: One copy of the department 's preliminary estimates is forwarded to the Auditor General of India. The Auditor General scrutinises the estimates from an accountant 's angle to ensure compliance of technical requirements. The Administrative Heads of the various Departments keeps in view the comments of the Comptroller and Auditor General while preparing the revised estimates of their departments.
- iv) Scrutiny and review of the Revised Estimates by the Ministry of Finance: The revised estimates are thereafter verified by the Finance Ministry.
- v) Estimating the Revenue: The work of estimating the revenue is the responsibility of the Finance Ministry. The Ministry compares the figures of income and expenditure with previous year's figures and proposes changes in the existing rates if necessary. At this stage the Budget Division in the Ministry of Finance prepares an estimate projection of revenue and expenditure of the Government of India for the ensuing year. On the basis of the estimated expenditure and proposals regarding fresh taxes the 'Draft Budget' is prepared by the end of December.
- vi) The final consideration of the consolidated estimates by the Cabinet: The 'Draft Budget' is examined by the finance minister in January. After consultations with the Prime Minister, it is submitted to the Cabinet for its consideration and approval. After the Budget is approved by the Cabinet, it is presented to the Parliament.

Budget is made through a consultative process involving Ministry of Finance, NITI Aayog and spending ministries. The NITI (National Institution for Transforming India) Aayog was formed on January 1, 2015

replacing the Planning Commission. It is the country's premier policy-making institution which is expected to bolster the economic growth of the country. The Department of Economic Affairs and Department of Revenue also meet stakeholders such as farmers, businessmen, economists and civil society groups to take their views.

3.5 ENACTMENT OF THE UNION BUDGET

Once the Budget is prepared, it goes to the Parliament for enactment and legislation. Article 265 of the Indian Constitution provides that "No tax shall be levied or collected except by authority of law."

Article 266 provides that, "No moneys out of the Consolidated Fund of India shall be appropriated except in accordance with law and for the purposes and in the manner as passed by the Legislature."

In Parliament, the Budget has to go through the following stages:

- i) **Budget Presentation:** The President of India convenes the Budget session of the Parliament, usually in the month of February. Generally, the Budget was presented on the last working day of February, a month before the commencement of the financial year but this practice has changed. Since 2017, the Union Budget has been presented on the first of February every year. The Budget session commences with the President's address and followed by the presentation of the Budget.
The finance minister presents the Budget in the Lok Sabha with a speech known as the 'Budget Speech'. Budget speech of Finance Minister is in two parts, Part A constitute a general economic condition of the country while part B relates to taxation proposals. At the end of the speech in Lok Sabha, the Budget is laid before the Rajya Sabha. Printed copies of the Budget are distributed among the members of the Parliament to go through the details of the budgetary provisions.
- ii) **General Discussion of Budget:** The Speaker of Lok Sabha fixes the date on which general discussion on the Budget will take place. Such discussion usually takes place one week after the presentation of the Budget. In the first stage, broad outlines of the Budget, principle and policies underlying it are to be discussed in general discussion of the budget which lasts for about four to five days. The finance minister has the general right of reply at the end of the discussion. In this stage Budget is not submitted to the vote of Parliament. The second stage of discussion on the Budget is held based on reports of concerned Departments/Ministries Standing Committees. It is usually done after a month of a general discussion of the Budget. Standing Committees submit reports to the House which are persuasive in nature.
- iii) **Vote on Account:** Since the passing of the Budget takes almost two months, the Government requires the sanction of an amount to maintain itself for this period. According to Art 116, a special

provision called 'Vote on Account' is created by which vote of Parliament is obtained by the Government for a sum sufficient generally for two months to incur expenditure. During the election year a Vote on Account may exceed from two to four months expenditure.

- iv) **Voting on Demands for Grants:** After Sanding Committee reports are presented to the House, the House proceeds with a Ministry wise discussion of Committee Reports and Voting on Demand for Grants. The time for discussion and Voting on Demand for Grants is allocated by the Speaker in consultation with the leader of the House.

Introduction and Voting on Demands for Grants takes place only in the Lok Sabha. The Lok Sabha has the power to assent, refuse to assent and even to reduce the amount of the Demand for Grant. In Rajya Sabha, there is only general discussion of the Budget. The Upper House does not vote on the Demands for Grants.

Cut Motions

The motions to reduce the amounts of demands for grants are called 'Cut Motion'. It can be on the following grounds: economy, policy cut and token cut. Economy Cut Motion demands reduction of a specified amount from the demand for Grant representing the welfare of the economy. According to Policy Cut Motion, the demand for a grant is reduced to Re.1 representing the disapproval of the policy underlying the demand. A member giving such notice should indicate precise terms, the particulars of the policy which he proposes to discuss. It is open to the member to advocate alternative policy. Token Cut Motion is used to voice a grievance. In token cut, the amount of the Demand for Grant is reduced by Rs.100 in order to express a specific grievance. Such motions, when put to vote, are usually defeated but such motions enable the members of Parliament to expose the inefficiency, unsatisfactory working and other deficiencies.

Guillotine

The guillotine is passing the Demand for Grants without discussion. On the last day of the period allotted by the Speaker due to the paucity of time, the Speaker puts all the outstanding Demands for Grants to vote of the House. The guillotine concludes the discussion on Demands for Grants.

- v) **Passing of Appropriation Bill:** As per the Constitution of India, No Money can be withdrawn from the Consolidated Fund of India except under 'Appropriation Made by Law'. In order to appropriate the fund from the Consolidated Fund of India, the Appropriation Bill is introduced in the session to meet the required money of –a. Grants voted by Lok Sabha and b. Expenditure charged on the Consolidated Fund of India.

The Appropriation Bill is introduced in the Lok Sabha. The Bill follows the same procedure in the House as any other Money Bill.

After the Bill is passed in the House, it is certified by the Speaker as a Money Bill and it is sent to the Rajya Sabha. Rajya Sabha is empowered to discuss the Bill and make recommendations within 14 days to the Lok Sabha. The latter may or may not accept the recommendations. In case the Rajya Sabha does not return the bill within the 14 days, the bill is deemed as passed by that House. After the Bill is passed by both Houses of Parliament it is sent to the President of India for his formal assent.

- vi) **Passing of Finance Bill:** The Finance Bill is a finance proposal (taxes to be imposed) of the Government of India for the following year, it is subjected to all the conditions of a Money Bill (Art-110). Unlike in Appropriation Bill, the amendments that seek to reject or reduce a tax can be moved in the case of Finance Bill. The procedure for the enactment of the Financial Bill is the same as in passing of Money Bill. When this bill is enacted by Parliament and receives the formal assent of the President, the government is authorised to collect taxes as provided in the Finance Bill. It legalises the income side of the Budget and completes the process of enacting the Budget.

3.6 EXECUTION OF BUDGET

After the enactment of the Budget by the Parliament, ministries and attached offices of the Government are authorised to incur expenditure. The execution of the Budget is done in the following manner:

- i) Once the Finance and Appropriation Bills are passed, execution of the Budget starts. The executive department gets a green signal to collect the revenue and start spending money on approved schemes.
- ii) Revenue Department of the Ministry of Finance is entrusted with the responsibility of collection of revenue. Various ministries are authorised to draw the necessary amounts and spend them.
- iii) For this purpose, the Secretary of Minister's acts as the Chief Accounting Authority.
- iv) The accounts of the various ministers are prepared as per the laid down procedures in this regard. These accounts are audited by the Comptroller and Auditor General of India.

The Department of Revenue in the Ministry of Finance is in overall control and supervision over the machinery charged with the collection of direct and indirect taxes. Such control is exercised through the Central Board of Direct Taxes and the Central Board of Indirect Taxes. These Boards exercise supervision and control over the various operational levels which implement different taxation laws. The Reserve Bank of India is the central banker of the government. The nationalised banks and the network of treasuries are also performing the service of collection (receipts) and disbursement of funds.

3.7 SUMMARY

- Financial administration is one of the most important aspects of Public Administration.
- The Budget is a statement of expected revenue and proposed expenditure for a year. It sets forth the procedure and manner in which the revenue is to be collected and the administration of expenditure is to be carried out.
- The budgetary processes in India follow the procedure laid down in Articles 112 to 117 of the Constitution. According to the Constitution no taxation can be levied and no expenditure incurred without the prior approval of the Parliament. In India a financial year begins on 1st April and ends on 31st March of the following year.
- The Budgetary process in India consists of the following stages a. Preparation of the Budget; b. Enactment of the Budget ; c. Execution of the Budget; d. Legislative control of the Budget and Audit
- The Union Budget is prepared by the Department of Economic Affairs of Ministry of Finance. Budget is made through a consultative process involving ministry of finance, NITI Aayog and spending ministries.
- The Union Budget is presented in the Parliament by the Finance Minister. After discussion in both the Houses of Parliament on Demand for Grants, Financial Bill and Appropriation Bill and voting in the Lok Sabha the Budget is enacted. After the enactment of the Budget by the Parliament, ministries and attached offices of the Government are authorised to incur expenditure.

3.8 UNIT END QUESTIONS

- 1) Explain the concept of “Budget” and state its importance.
- 2) Examine the stages in the preparation of the Union Budget.
- 3) How is the Union Budget enacted by the Parliament?
- 4) Write a note on:
 - a. Execution of the Union Budget
 - b. Appropriation Bill and Finance Bill

3.2 PARLIAMENTARY COMMITTEES

Unit Structure

3.2.0 Learning Objectives

3.2.1 Introduction

3.2.2 Public Accounts Committee

3.2.3 Estimates Committee

3.2.4 Committee on Public Undertakings

3.2.5 Summary

3.2.6 Unit End Questions

3.2.0 LEARNING OBJECTIVES

- To learnt about the concept of legislative control over public expenditure through parliamentary committees
- To understand the composition and functions of the Public Accounts Committee, the Estimates Committees and the Committee on Public Undertakings

3.2.1 INTRODUCTION

With the evolution of democracy, the concept of parliamentary control over public purse has received universal acceptance in the modern times. 'No Taxation without Representation' and 'No Public Expenditure without Parliamentary Sanction' have become the guiding principles in ensuring financial accountability of Government in a democratic polity. Parliamentary control over public purse is the central point in public financial administration and key to the public accountability system.

The principal means of ensuring financial accountability of the Government is the budgetary control. The Union Budget is presented in the Parliament and it is discussed and approved by the Parliament. The powers of the Parliament in respect to the enactment of Budget are mentioned in the Articles 112-117 of the Indian Constitution.

Effective control of the Parliament over the governmental expenditure requires that the Parliament should satisfy itself that the appropriations have been utilised economically for the approved purposes within the framework of the grants. The Parliament as a general body is too big to exercise any specific control over public expenditure. Hence, it has to operate through its committee and the review of their reports from time to time.

The financial committees of Parliament are vested with responsibilities of scrutiny of public expenditure, economy in public spending and controlling the irregularities and waste in the management of public enterprises. In India, there are three financial committees of Parliament:

- i) Public Accounts Committee
- ii) The Estimates Committee
- iii) Committee of Public Undertakings

A brief account of these committees is given below.

3.2.2 PUBLIC ACCOUNTS COMMITTEE

Parliament's authority over voting money for specific purposes is meaningless unless it has power to ascertain that the money voted by Parliament is utilised by the executive for the purposes for which it was voted. This is secured by subjecting the public accounts to audit by an independent authority, the Comptroller and Auditor General, and examination of his report by the Public Accounts Committee.

Public Accounts Committee is considered the most important financial Committee of Parliament in the financial accountability process. The Public Accounts Committee (PAC) is the oldest financial committee which was set up in 1923 under Montague-Chelmsford Reforms (1919) during the British rule.

There is no mention of the Public Accounts Committee in the Constitution of India. The Parliament derives its power to set up such a committee from Article 118 (i) of the Constitution. Similar power has been conferred on State Legislatures by Article 208 (i) of the Constitution. The Parliament has accordingly laid down in Rule 143 of its Rules of Procedure and Conduct of Business the composition and functions of the Public Accounts Committee.

Composition

PAC is formed every year with strength of not more than 22 members of which 15 are from Lok Sabha, the Lower House, of the Parliament, and 7 from Rajya Sabha, the Upper House of the Parliament. Its strength was initially fixed at 15 members of the Lok Sabha but in 1955, it was increased to 22 to provide for the representation of the Rajya Sabha. The Public Accounts Committee is annually elected by the Parliament, by means of proportional representation by single transferable vote. The principal political parties are given representation on the Committee in proportion to their strength in Parliament. The selection of members is made with great care, usually from amongst those having a financial and business background.

The term of office of the members is one year. Ministers are not eligible for election. By convention, a member of the opposition is named Chairman of this Committee by the Speaker of the Lok Sabha.

Functions

The functions of the Public Accounts Committee are as follows:

- i) It examines the report of Accounts of the Union Government submitted by the Auditor and Comptroller General of India, to the

President. Article 151 of the Indian Constitution requires the President to lay this report before each House of the Parliament. In examining the report of the Auditor and Comptroller General - a) The Committee is to satisfy that the money shown in the account as having been disbursed was legally made available for and applicable to the service or purposes to which they have been applied or charged. b) The Committee is to satisfy that the expenditure conforms to the authority which governs it. c) The Committee is to satisfy that every re-appropriation has been made in accordance with the provision made in this behalf under rules framed by competent authority.

- ii) It shall be the duty of the Public Accounts Committee to examine in the light of the report of the Comptroller and Auditor General, the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and profit projects, together with the balance sheet and statements of profit and loss accounts.
- iii) It shall be the duty of the Committee to examine the statement of account showing the income and expenditure of autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor General of India either under the direction of the President or by a statute of the Parliament.
- iv) It shall be the duty of the Committee to consider the report of the Comptroller and Auditor General in cases where the President may have required him to conduct an audit of any receipt or to examine account of stores, land stocks.
- v) It also brings to the notice of the Parliament instances of extravagance, loss and lack of financial integrity in public services. The committee cannot question policies of the Government. It only concerns itself with the execution of policy on its financial aspects.

In brief, the main function of the Public Accounts Committee is to examine the report of the Comptroller and Auditor-General in order to ascertain whether the money granted by the Parliament has been spent by the Government within the scope of the demands.

Working of the Committee

Report of the Comptroller and Auditor General is taken up Ministry-wise, and the Secretaries are required to appear as witness to explain the points raised pertaining to their Department by the audit. It has at its disposal the service of the Comptroller and Auditor General who suggests the lines on which the Committee should conduct the examination. He suggests the questions which need clarification from the official witnesses. The relationship between the Comptroller and Auditor General and the Committee is close and intimate. He is the “guide, philosopher and friend” of the committee.

The Committee may appoint one or more Sub-Committees/Sub Groups to examine any particular matter. If it appears to the Committee that it is necessary for the purpose of examination that an on the spot study should be done, the Committee may, either in its entirety or by dividing itself into

study groups decide to undertake tours to make an on the spot study of any project or establishment.

Government takes action on the recommendations of the Committee and submits action taken notes to the Committee. The Committee then presents an Action Taken Report after considering the views of the Government. The Government further submits an Action Taken Statement on the action taken by the Government on Action Taken Report of the Committee. Normally, almost all the recommendations of the Committee are implemented by the Government.

Evaluation

PAC acts as the watchdog of the public purse by examining the audit report on appropriation account and finance account. The Committee examines public expenditure not only from legal and formal point of view to discover technical irregularities but also from the point of view of economy, prudence, wisdom and propriety to bring out the cases of waste, loss, corruption, extravagance, inefficiency etc.

The Committee is criticised on the following grounds: Firstly, the Committee brings out the irregularities in the public expenditure but there are no mechanisms to enforce the corrective measures. Secondly, the Committee examines the expenditure which has already been done by the Government. Thirdly, its recommendations are only advisory in nature and are not binding on the ministry of the day. Lastly, PAC has got no mandate to examine the policy in broader sense.

However, PAC through its criticism of the inefficient public expenditure of the Government creates a strong public opinion against the Government. The incumbent Government to remain in power tries to rectify the inefficiency in its public expenditure and policy making. Thus the committee helps in enforcing accountability of the executive to the people. The PAC is not only an instrument of financial control but it is also an instrument of administrative control. Because of its overwhelming importance both the Government and the Opposition try to gain control over the PAC. In 2011, the Committee probed the 2G spectrum scam which brought the committee to public attention. The PAC asked Congress members to apologise to Comptroller and Auditor General of India for making allegations against it.

3.2.3 ESTIMATES COMMITTEE

Parliamentary control over public expenditure can be fully effective only when it is comprehensive in its scope and character. It is not sufficient to ensure that the expenditure has been made economically and prudently and within the grants and for the purposes approved; it is equally necessary to provide for a detailed examination of the estimates presented to the House to secure possible economy in the execution of plans and programmes. The examination of the estimates presented to the House is done by the Estimates Committee of the Parliament.

The Estimates Committee was created in our country after the inauguration of the Constitution in 1950 on the suggestion of Dr. John Mathai, the then Finance Minister, to scrutinise expenditure of each Department of the Government and of the Government as a whole.

Composition

It is set-up every year from amongst the members of the Lok Sabha by a system of proportional representation and single transferable vote. It consists of 30 members, all belonging to the Lok Sabha. The Chairman is appointed by the Speaker and if the Deputy Speaker happens to be a member of the Committee he automatically becomes the Chairman. No Minister can be appointed in the Estimates Committee. The Committee is renewed every year but one-third of its members retire every year. Conventionally they are re-elected year after year.

Functions

The Estimates Committee has been entrusted with the following functions:

- i) To report, what economies, improvements in organisation, efficiency and administrative reforms, consistent with the policy underlying the estimates, may be affected
- ii) To suggest alternative policies in order to bring about efficiency and economy in administration
- iii) To examine whether the money is well laid down within the limits of the policy implied in the estimates
- iv) To suggest the form in which the estimates shall be presented to Parliament.

The Committee does not exercise its functions in relation to such Public Undertakings as are allotted to the Committee on Public Undertakings by Rules of procedure of Lok Sabha or by the Speaker.

Working of the Committee

The Committee is constituted in June and the work starts from July. It selects such of the estimates pertaining to a Ministry/Department of the Central Government or such of the statutory and other bodies of the Central Government as may seem fit to the Committee. The Committee, from time to time, appoints one or more Sub-Committees/Study Groups for carrying out detailed examination of various subjects. The Committee has power to send for papers, persons, and records.

The observations/recommendations of the Committee are embodied in its Reports which are presented to the Lok Sabha. After a Report has been presented to the House the Ministry or Department concerned is required to take action on the recommendations and conclusions contained in the Report within a period of six months.

The replies of the Government are examined by the Committee and an Action Taken Report is presented to the House. The replies to the recommendations contained in the Action Taken Reports are laid on the table of Lok Sabha in the form of Statements.

Evaluation

In the Indian Constitution, there are a few limitations put forth for the Estimates Committee. Those limitations are given below:

- i) The power to examine the Budget estimates is not an absolute one. The Committee can only examine the Budget after it is voted upon and not before that.
- ii) Nowhere the power to question the policies of the Parliament has been conferred upon the committee.
- iii) All the recommendations made by the committee are advisory in nature and stand non-binding for the Parliament.
- iv) In a year, the Committee does not examine the budgets of all the Ministries/Departments. It chooses a few departments whose budget it wants to examine. Therefore, Budget estimates of all the Ministries/Departments are examined over a period of years and not in one year.

The purpose of this committee is to examine the estimates included in the Budget presented in the Parliament. It also suggests economies in public expenditure. For the same, it is also called 'Continuous Economy Committee.' It is performing useful work in spotlighting the various acts of omission and commission of the government. In its various reports submitted from time to time, the Committee suggested various reforms in financial as well as administrative systems. The reports educate the public on the functioning and performance of the Government. The Committee serves as a moral check on the activities of all departments and ensures that the tax-payers' money is spent efficiently.

3.2.4 COMMITTEE ON PUBLIC UNDERTAKINGS

In view of huge investments and manifold increase in the activities of public enterprises it was felt that there should be a separate agency which should look into the working of public enterprises in detail and report to the Parliament. In 1964, on the recommendation of the Krishna Menon Committee, a separate parliamentary committee on Public Undertakings was constituted.

Composition

The Committee on Public Undertakings consists of 22 Members—15 elected by the Lok Sabha and 7 by the Rajya Sabha, from amongst their Members, according to the principle of proportional representation by means of a single transferable vote. The Chairman is appointed by the Speaker from amongst the Members of the Committee.

A Minister is not eligible to be elected as a member of the Committee and if a member, after his election to the Committee, is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment. The term of office of the members of the Committee does not exceed one year.

Functions

The Principal functions of the Committee are as following:

- i) To examine the reports and accounts of the Public Undertakings;
- ii) To examine the reports, if any, of the Comptroller and Auditor General on the Public Undertakings;
- iii) To examine, in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of these undertakings are being managed in accordance with sound business principles and prudent commercial practices;
- iv) Such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the public undertakings as may be allotted to Committee by the Speaker from time to time.

Initially, the Committee had its jurisdiction over a dozen Public Corporations:

1. Central Warehousing Corporation
2. Industrial Finance Corporation
3. Oil and Natural Gas Corporation
4. Damodar Valley Corporation
5. Mazagon Docks, Mumbai
6. Garden Reach Workshop, Kolkata
7. Air India International
8. All government companies
9. Bharat Electronics
10. Life Insurance Corporation of India
11. Indian Airlines Corporation
12. Hindustan Aircraft Limited

All the new undertakings setup under Company Act in future will automatically come within the purview of this committee.

Working of the Committee

The Committee selects from time to time for examination such Public Undertakings or such subjects as they may deem fit and as fall within their terms of reference. The Committee asks the Ministry and the Enterprises to furnish necessary material relating to chosen subjects. The Committee often visits chosen enterprises for informal discussions. After the study tours, and after receiving formal memorandum and other information from concerned parties, non-official and official witnesses are invited to give evidence at formal sittings of the committee held at Parliament House. All evidence given before the Committee is treated as confidential.

The conclusions of the Committee on a subject are contained in its report, which, after its adoption by the Committee, is presented in the Lok Sabha. After presentation to the Lok Sabha the report is forwarded to the Ministry or the Department concerned which is required to take action on the recommendations and conclusions contained in the report and furnish action taken replies thereon within six months.

Evaluation

The limitations on the functions of the Committee were prescribed. It is not competent to deal with the following matters.

- i) Matters, of major government policy as distinct from business or commercial functions of the government;
- ii) Matters of a day-to-day administration;
- iii) Matters, for the consideration of which machinery established by any special statute under which particular public undertaking is established.
- iv) The Committee cannot discuss the pricing policy of undertaking or its labour management relations.

Critics point out that the committee is not concerned with any technical matters of Public Sector Undertakings (PSUs) as there are no technical experts as members of the Committee. Secondly, all the recommendations put forward for by the committee are advisory in nature and Ministers are not bounded by any of those. Thirdly, several important public undertakings in defence establishments have been kept outside the Committee's jurisdiction.

In spite of its limitations the Committee on Public Undertakings has proved to be an effective instrument of control and contributed substantially towards greater efficiency and economy in the management of public undertakings by its constructive and valuable recommendations made from time-to-time.

3.2.5 SUMMARY

- Effective parliamentary control over the governmental expenditure requires that the Parliament should satisfy itself that a) the appropriations have been utilised economically for the approved purposes within the framework of the grants and b) a detailed examination of the Annual Budget estimates of the Government to suggest possible economies in the implementation of plans and programmes embodied therein has been undertaken.
- Both these functions are important in making the legislative control over expenditure complete. Parliament performs these functions through three committees composed of its members viz. Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings.
- The main function of the Public Accounts Committee is to examine the report of the Comptroller and Auditor-General in order to ascertain whether the money granted by the Parliament has been spent by the Government within the scope of the demands.
- The purpose of The Estimates Committee is to examine the estimates included in the Budget presented in the Parliament. It also suggests economies in public expenditure.
- The Committee on Public Undertakings has been set up especially for an in-depth examination of the working of the Public Enterprises.

3.2.6 UNIT END QUESTIONS

- 1) Explain the composition and functions of the Public Accounts Committee.
- 2) Discuss the role of the Public Accounts Committee in ensuring the financial accountability of the Government.
- 3) Write a note on the Estimates Committee of Parliament.
- 4) Examine the functions and role of Committee on Public Undertakings.

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3.3 COMPTROLLER AND AUDITOR GENERAL

Unit Structure

3.3.0 Learning Objectives

3.3.1 Introduction

3.3.2 Concept of Audit

3.3.3 Constitutional Position of Comptroller and Auditor General

3.3.4 Duties and Functions

3.3.5 Role of Comptroller and Auditor General as an Independent Agency

3.3.6 Summary

3.3.7 Unit End Questions

3.3.0 LEARNING OBJECTIVES

- To learnt about the concept Audit in ensuring financial accountability of the Government
- To understand the constitutional position, functions and role of Comptroller and Auditor General of India

3.3.1 INTRODUCTION

The Government Audit plays an important role in the scheme of parliamentary financial control and ensures that the executive bodies keep expenditure and allocation made in Budget within the sums allotted and for the purposes authorised. It is absolutely necessary that some independent agency scrutinises government spending and checks whether it has been in accordance with Parliamentary sanctions. Under the Constitution of India, the Comptroller and Auditor General of India is the apex authority responsible for external and internal audits of the expenses of the National and State Governments. It is popularly known as the CAG of India. On 7th August 2020, Girish Chandra Murmu has been appointed as the new Comptroller and Auditor General of India.

3.3.2 CONCEPT OF AUDIT

Audit is an important tool of ensuring the financial accountability of the government. It is an indispensable part of the parliamentary control over public finance. Audit is defined as “an examination and verification of the accounts after the financial transactions are completed, in order to discover and report to the legislative body any unauthorised, illegal, or irregular expenditure, any financial practices that are unsound, and to find out whether the administration has faithfully discharged its responsibility. The audit is an aspect of external control over administration and seeks to enforce the accountability of administration.

Background

Audit is an ancient concept. Some of its antecedents can be traced back to the administration of the Greek city states, the early Chinese Bureaucratic empires and the kingdoms described in the Hebrew Bible. In the modern times Britain was the first country to evolve an audit of public accounts in order to ascertain whether the behests of the Parliament were complied with or not. The Auditor was independent of the executive and reported direct to the Parliament. In the United States, independent audit emerged with the inauguration of the Budget and Accounts Act of 1921.

India

In Kautilya's famous book Arthshasthra which is a treatise on how to run a Government, there is a detailed mention of financial administration and financial probity. In medieval times, the Mughals had an elaborate system of accounting and auditing right from the village level upto the government level. The East India Company which was the forerunner of the British Government in India felt the need for proper accounting system and auditing when their business expanded in India. However, it can be said that modern methods of audit and accounting came first to India when the Office of the Accountant General was established in 1858 (the year the British Crown took over administrative control of India from the East India Company). This laid the foundation stone of Imperial Audit. Sir Edward Drummond took charge in 1860 as the first Auditor General and the term 'Comptroller and Auditor General of India' was first used in 1884. Under the Montagu-Chelmsford Reforms Act of 1919, the Auditor General became independent of the Government. The Government of India Act 1935 strengthened the position of the Auditor General by providing for Provincial Auditors General in a federal set-up.

3.3.3 CONSTITUTIONAL POSITION OF COMPTROLLER AND AUDITOR GENERAL

The Comptroller and Auditor General (CAG) of India is an authority, established by Article 148 of the Indian Constitution which audits all receipts and expenditure of the Government of India and the State Governments, including those of bodies and authorities substantially financed by the Government.

For the purpose of securing the highest standards of financial integrity of the administration the Constitution safeguards the independence of the Comptroller and Auditor General in the following ways:

- i) CAG is appointed by the President by warrant under his hand and seal and provided with tenure of 6 years or 65 years of age, whichever is earlier.
- ii) CAG can be removed by the President only in accordance with the procedure mentioned in the Constitution that is the manner same as removal of a Supreme Court Judge.
- iii) He is ineligible to hold any office, either under the Government of India or of any state, once he retires/ resigns as a CAG.

- iv) His salary and other service conditions cannot be varied to his disadvantage after the appointment.
- v) His administrative powers and the conditions of service of persons serving in the Indian Audit and Accounts Department are prescribed by the President only after consulting him.
- vi) The administrative expenses of the office of CAG, including all salaries, allowances and pensions are charged upon the Consolidated Fund of India that is not subject to vote.

In order to be able to discharge duties effectively, certain privileges and powers which facilitate the process of auditing have been given to this office. The following are the major powers of the CAG of India:

- i) The Comptroller and Auditor General or his staff can inspect any office of the organisations which are subject to his audit. He and his staff can scrutinise the transactions of the Government and question the administration regarding the various aspects of these transactions. After scrutinising the transactions, the CAG may withdraw his objections or, if he finds them serious, incorporate them in his report which is submitted to the Parliament.
- ii) To enable the office to perform this function smoothly, he is endowed with full access to all the financial records including books, papers, and documents. Moreover, the CAG has the freedom to ask for the relevant information from any person or organisation.
 - Organisational Structure the Office of CAG
 - i) Headquarters Office – CAG; Deputy CAGs; Additional Deputy CAGs
 - ii) Field Offices – Principal Accountant General/ Accountant General or Director General/ Principal Director
 - iii) Senior Deputy AG/ Deputy AG or Director/ Deputy Director
 - iv) Assistant Accountant General
 - v) Supervisory Officials – Sr. Audit/ Audit or Accounts Officers, Asst. Audit or Accounts Officer

3.3.4 DUTIES AND FUNCTIONS

The Comptroller and Auditor General derives its audit mandate from the different sources:

- Constitution of India (Articles 148 to 151)
- The Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971
- Important Judicial Judgments
- Instructions of Government of India
- Regulations on Audit & Accounts-2007

Duties

The Comptroller and Auditor General has the following duties:

- i) He audits the accounts related to all expenditure from the Consolidated Fund of India, Consolidated Fund of each State and Union Territory having a legislative assembly.
- ii) He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the Contingency Fund and Public Account of each state.
- iii) He audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and the State Governments including the Indian Railways and Posts and Telecommunications.
- iv) He audits the receipts and expenditure of all bodies and authorities substantially financed from the Central or State revenues; Government companies; other corporations and bodies, when so required by related laws.

About 1,500 public commercial enterprises controlled by the Union and the State Governments, around 400 non-commercial autonomous bodies and authorities owned or controlled by the Union or the States and over 4,400 authorities and bodies substantially financed from Union or State revenues are subject to the audit of the Comptroller and Auditor General.

Functions

The Comptroller and Auditor General has the following functions:

- i) He audits all transactions of the Central and state governments related to debt, sinking funds, deposits, advances, suspense accounts and remittance business.
- ii) He audits the accounts of any other authority when requested by the President or Governor e.g. Local bodies.
- iii) He advises the President with regard to prescription of the form in which the accounts of the Centre and States shall be kept.
- iv) He submits his Audit Reports relating to the accounts of the Centre to the President, who shall, in turn, place them before both the houses of Parliament.
- v) He submits his Audit Reports relating to the accounts of a State to the Governor, who shall, in turn, place them before the State Legislature.
- vi) He ascertains and certifies the net proceeds of any tax or duty and his certificate is final on the matter.
- vii) He submits 3 Audit Reports to the President: Audit Report on Appropriation Accounts, Audit Report on Finance Accounts and Audit Report on Public Undertakings.

Before 1976, the CAG had a two-dimensional role, that accounting and auditing. Due to the separation of accounts and audit in 1976, the CAG's duty is the auditing of accounts. Since 1976, accounting is being done by the various departments themselves with the help of Indian Civil Accounts Service.

Types of Audit performed by CAG

While fulfilling his constitutional obligations, the Comptroller and Auditor General examines various aspects of Government expenditure. There are different types of audit:

- **Regulatory Audit:** It is an audit to ascertain whether the moneys spent were authorised for the purpose for which they were spent and also that the expenditure incurred was in conformity with the laws, rules and regulations.
- **Performance Audit:** Performance audit answers whether the government programmes have achieved the desired objectives at the lowest cost and given the intended benefits. It generally does not get into the merits-demerits of a particular policy/scheme rather looks into the effectiveness with which the scheme is implemented and any deficiencies thereof. During the last few years, CAG has conducted performance audits of most of the key socio-economic programmes of the government of India e.g. National Rural Employment Guarantee Scheme (NREGS), National Rural Health Mission (NRHM), Sarva Siksha Abhiyan (SSA) etc.
- **Environmental Audit:** This is a relatively new area of concern for the CAG keeping in mind the challenges facing India with respect to conservation and management of the environment. More than 100 audits on environmental issues like bio-diversity, pollution of rivers, waste management have been conducted by the CAG to identify critical issues and suggest possible solutions by involving all stakeholders.

3.3.5 ROLE OF COMPTROLLER AND AUDITOR GENERAL AS AN INDEPENDENT AGENCY

The Constitution of India assigns an independent and important position to the Comptroller and Auditor General to perform the duties without fear or favour. It has provided adequate safeguards for his/ her independence from the Executive. The office of the Comptroller and Auditor General of India is created by the Constitution itself

The CAG's role should be viewed in the context of our constitutional scheme under which the executive is accountable to the Parliament. CAG is an essential instrument for enforcing the accountability mechanism as the CAG's reports on Government's stewardship of public finance are required to be placed in Parliament and State Legislatures under Article 151 of the Constitution.

To enable him to discharge this responsibility, without fear or favour, he has been given an independent status under Article 148 similar to that of a Supreme Court judge. The Constitution does not prescribe any form or guidelines for the contents of the Audit Report of the Comptroller and Auditor General. It has thus been left with the Comptroller and Auditor General, the complete freedom and discretion to decide the form, the materials and the contents of the reports.

The Comptroller and Auditor General plays a unique role in Indian democracy, by upholding the Constitution and the laws in the field of financial administration.

3.3.6 SUMMARY

- The Comptroller and Auditor General (CAG) of India is an authority, established by Article 148 of the Indian Constitution which audits all receipts and expenditure of the Government of India and the State Governments, including those of bodies and authorities substantially financed by the Government.
- It is the institution through which the accountability of the Government and other public authorities (all those who spend public funds) to Parliament and State Legislatures and through them to the people is ensured.
- The Comptroller and Auditor General of India plays a key role in the functioning of the financial committees of Parliament and the State Legislatures.
- He is the guardian of the public purse and the entire financial system of the country at both the levels- the Centre and State. His duty is to uphold the Constitution of India and the laws of Parliament in the field of financial administration.

3.3.7 UNIT END QUESTIONS

- 1) Discuss the constitutional safeguards provided to maintain the independence of the Comptroller and Auditor General of India.
- 2) Explain the duties and functions of the Comptroller and Auditor General of India.
- 3) Critically examine the role of the Comptroller and Auditor General in ensuring financial accountability of the Government.

CONTEMPORARY ISSUES IN INDIAN ADMINISTRATION

Unit Structure

- 4.0 Objectives
- 4.1 Corruption, forms, its types
- 4.2 Remedies to fight corruption
- 4.3 Lokpal, Lokayukt and CVC
- 4.4 Role of NGO
- 4.5 RTI act 2005
- 4.6 Citizen Charters
- 4.7 Challenges in implementing the Charters
- 4.8 Unit End Questions

4.0 OBJECTIVE

- To understand Corruption its forms, its types and Remedies to fight corruption.
- To understand the institutions such as Lokpal, Lokayukt and CVC.
- To understand Citizen Charters and problems faced in implementing the Charters.

4.1 WHAT IS CORRUPTION: MEANING

Corruption has a variety of meanings. Following are some of the definitions of 'corruption'.

- David H. Bayley says that, "Corruption is a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary."
- According to Jacob Van Klanveren, "Corruption means that a civil servant abuses his authority in order to obtain an extra income from the public." As defined by Robert C. Brooks, "Corruption is the intentional misperformance or neglect of a reorganised duty, or the unwarranted exercise of power, with the motive of gaining some advantage more or less directly personal."
- J. S. Nye observes that "corruption is a behaviour which deviates public officials from the normal duties. This includes such behaviour as bribery, nepotism and misappropriation." In short, corruption means deliberate and intentional exploitation of one's position, status or resources, directly or indirectly, for personal aggrandizement,

whether it be in terms of material gain or enhancement of power, prestige or influence beyond what is legitimate or sanctioned by commonly accepted norms to the detriment or the interests of other persons or the community as a whole.

Forms of Corruption

Administrative malpractices may take many forms. Numerous are the forms of corruption and abuse of authority. The Central Vigilance Commission has identified following modes of corruption:

1. Misappropriation of public money and stores.
2. Possession of disproportionate assets.
3. Abuse of official position/powers.
4. Acceptance of illegal gratification in recruitments, postings transfers and promotions.

Acceptance of gifts.

5. Misuse of imported and allotted quotas by various firms with the connivance of public servants.
6. Moral turpitude.
7. Unauthorised occupation and subletting of government quarters.
8. Under-assessment of income tax and estate duty for pecuniary gain.
9. Showing favours to contractors and firms
10. Claiming false travelling allowance and house rent.
11. Purchase of immovable property without prior permission or intimation.
12. Misuse of government employees for personal work.
13. Production of forged certificates of age or birth or community.
14. Acceptance of substandard stores/work.
15. Borrowing money from contractors/firms having official dealings with officers.
16. Incurring pecuniary obligations of persons with whom the public servants have official dealings.
17. Causing loss to government by negligence or otherwise.
18. Irregularities in the reservation of seats by rail and by air
19. Non-delivery of money orders, insured covers, and value payable parcels.
20. Irregularity in the grant of import and export licences.
21. Irregularity in the grant of telephone connections.
22. Misuse of advances sanctioned for purchase of scooters and cars.
23. Abnormal delay in settlement of compensation claims to displaced persons.
24. Wrong assessment of claims of displaced persons.

25. Cheating in connection with the sale and purchase of plots for residential purposes.

Reasons for Corruption:

As indicated by Wilson, "men take when there is part of cash lying around free furthermore, nobody is watching." K. That's what Santhanam Committee sees "Defilement can exist provided that there is somebody to ruin and equipped for defiling." The Punjab Administrative Reforms Commission has specified following reasons for debasement:

- 1) Lack of appropriate instruction and preparing of Civil workers;
- 2) Low compensations;
- 3) Inadequate and wasteful management;
- 4) Political support of authorities;
- 5) Complicated and dictatory methodology;
- 6) Collection of assets through authorities;
- 7) Poor general assessment;
- 8) reluctance of individuals to whine against degenerate.

A few different reasons for defilement are:

1. **Political Corruption:** Political debasement has significantly corrupted organization and aided in the spread of regulatory debasement to by any stretch of the imagination levels. On the off chance that the top isn't perfect, clearly the base will undoubtedly be messy.
2. **Absence of Transparency of Public Dealings:** It has turned into a practice and schedule that each paper or document that is kept up with by the Government is stamped 'secret' and 'private', no piece of it is open as an issue of right to the public. An overall fantasy has been made that each official record document is an official mystery. A considerable lot of the tricks which are occurring consistently are worked with by and are conceivable simply because of the absence of straightforwardness of these authority dealings or absence of data about these in the public area.
3. **Non-Disclosure of Assets and Income:** Another vital motivation behind why public authorities can pull off pay-offs is that there is no regulation or rule or show convincing or empowering public authorities to reveal their pay and resources. Assuming an investigation is made on the resources and pay of public authorities, their mates and their kids, it would be tracked down that an exceptionally enormous number of authorities have resources and salaries unbalanced to their lawful types of revenue.
4. **Social Environment:** Societal culture or cultural climate has strong sway on policy management. That is the reason, it is said that organization is culture bound. Regulatory culture is essential for the complete culture of society. In the Indian culture the ties of family, position, local area, religion and district are still extremely amazing.

Local officials in this manner can't forfeit their gathering unwaveringness for the purpose their reliability to the country. This outcomes in degenerate practices like nepotism, preference, castism, and so forth.

Indian culture is going through a course of modernization and old cultural values are disintegrating and materialistic aspirations have become prevailing. Procurement of abundance, anything the means have turned into the main intention. The rapacious society breeds debasement.

5. **'Permit grant share' Raj:** The expanded expert for permitting' and 'control and guideline' has acquired the public authority the epithet of "permit, grant, share raj." This has given an adequate number of chances to debasement, pay off furthermore, fortune through badly gotten riches.
6. **Unwieldy Administrative Procedure:** In underdeveloped nations like India, authoritative techniques and practices are lumbering and tardy. This is added by the negative disposition of the organization and red tapism. The documents move perpetually starting with one work area then onto the next on the grounds that everybody needs to stay away from the obligation of taking choices. This outcomes in delay in authoritative activity and the nervousness to stay away from delay has empowered the development of exploitative rehearses like the arrangement of speed cash.
7. **Tradition of provincial framework:** Colonial legislatures were for the most part respected as outsider and thus ill-conceived, subsequently, cheating and deluding such an outsider power was viewed as a fair game. However, when that pioneer framework was supplanted by nearby power, the previous mentality didn't vanish and cheating the government is as yet not considered by some as unethical activity.
8. **Public pessimism:** The presence of a goliath public criticism towards debasement, individuals' acknowledgment of defilement as an unavoidable truth and the inclination that those demonstrated of political or administrative debasement in open life perpetually go without any consequence and in the process store up more "influence, status and riches" have prompted circumstance, where even the most resolved endeavors to battle the malevolence have flopped pitifully.

For the normal elector in India, honor in open life isn't significant. If fidelity in open life doesn't annoy people in general, what are the issues that pain what's more, concern them? In a portion of the assessments of public sentiment directed, issues like cost of foodgrains, drinking water, business, cover, and so forth, come higher as electors' need than debasement. Undoubtedly, the citizen knows that our whole political framework depends on defilement. Each ideological group needs assets and this is gathered in real

money. The main distinction might be that some are worse than others or some have been found out and uncovered and others have not yet been uncovered.

9. **Arrangement of Governance:** Our arrangement of Governance is likewise answerable for defilement in our country. Our majority rule government depends on defilement since all ideological groups need to gather assets in real money, which is clear cash. Defilement in our framework has brought about 58,000 crore non-performing resources in the banking area, a VDI plot which remunerates the duty dodger by imposing 30% charge while rebuffing the fair citizen with a 40 percent charge, etc.

Different variables causing defilement among community workers are work shortage, lacking compensation, and the always expanding powers being given to them by the state to manage its economy and parties. This expanded administrative authority sets out different open doors for cash making, with respect to example in association with improvement arranging licenses, contracts for development, giving import-trade licenses, gathering customs and different obligations and severe representing unfamiliar trade.

Solutions for Fight Corruption Debasement is subterranean insect public, hostile to financial turn of events and against poor. Battling defilement resembles battling a conflict.

Following cures are recommended to destruction of defilement:

1. Making working of public workplaces and public authorities considerably more straightforward.
2. Prerequisite for public revelation of resources and pay.
3. Authoritative methodology ought to be improved and delays wiped out.
4. Developing of moral direct code and its requirement system.
5. To have residents' carefulness gatherings.
6. Production of institutional gadgets like ombudsman, Lokpal, lokayukta, focal carefulness commission and so on.

In short, it isn't destitution, yet the craving to be wealthy in a materialistic culture that is the underlying driver of the underhanded and the long-lasting arrangement of the issue is the formation of another social request in view of social responsibility for, fair dispersion, fairplay and equity. Hostile to Corruption Laws Local officials in India can be punished for defilement under the Indian Punitive Code, 1860 and the Prevention of Corruption Act, 1988. The Benami Exchanges (Prohibition) Act, 1988 precludes benami exchanges. The Anticipation of Money Laundering Act, 2002 punishes local officials for the offense of illegal tax avoidance. India is likewise a signatory (not confirmed) to the UN Show against Corruption beginning around 2005. The Convention covers a wide reach of

demonstrations of defilement and furthermore proposes specific preventive approaches.

Key Features of the Acts connected with debasement

Indian Penal Code, 1860:

- The IPC characterizes "community worker" as an administration representative, officials in the military, naval force or flying corps; police, judges, officials of Court of Justice, and any nearby power laid out by a focal or state Act.
- Segment 169 relates to a local official unlawfully purchasing or offering for property. The local official will be rebuffed with detainment of up to two years or with fine or both. In the event that the property is bought, it will be seized.
- Segment 409 relates to criminal break of trust by a local official. The community worker will be rebuffed with life detainment or with detainment of upto 10 years and a fine.

The Prevention of Corruption Act, 1988

- Notwithstanding the classifications remembered for the IPC, the meaning of "public worker" incorporates office conveyors of agreeable social orders getting monetary help from the public authority, representatives of colleges, Public Service Commission and banks.
- In the event that a community worker takes satisfaction other than his legitimate compensation in regard of an authority act or to impact community workers is obligated to least discipline of a half year and greatest discipline of five years and fine. The Act likewise punishes a local official for taking delight to impact people in general by unlawful means and for practicing his individual impact with a community worker.

The Benami Transactions (Prohibition) Act, 1988

- The Act restricts any benami exchange (acquisition of property in misleading name of someone else who doesn't pay for the property) with the exception of when a individual buys property in his significant other's or unmarried girl's name.

The Prevention of Money Laundering Act, 2002

- The Act expresses that an offense of illegal tax avoidance has been submitted if an individual is involved with any interaction associated with the returns of wrongdoing furthermore, undertakings such returns a sustained property. "Continues of wrongdoing" implies any property acquired by an individual because of crime connected with specific offenses recorded in the timetable to the Act. An individual can be accused of the offense of tax evasion provided that he has been accused of submitting a booked offense.

Process followed to examine and arraign degenerate local officials

- The three principle specialists associated with inquisitive, examining and arraigning defilement cases are the Central Vigilance Commission (CVC), the Central Bureau of Investigation (CBI) and the state Anti- Defilement Bureau (ACB). Cases connected with illegal tax avoidance by open workers are explored and arraigned by the Directorate of Implementation and the Financial Intelligence Unit, which are under the Service of Finance.
- The CBI and state ACBS explore cases connected with defilement under the Anticipation of Corruption Act, 1988 and the Indian Penal Code, 1860. The CBI's locale is the focal government and Union Territories while the state ACBs explores cases inside the states. States can allude cases to the CBI.

Anti-Corruption Bureau

Anti-Corruption Bureau are laid out in States. Following is the depiction of the ACB in Maharashtra:

Anti-Corruption Bureau in Maharashtra

Indeed, even before the institution of the Prevention of Corruption Act, the then, at that point, Legislature of Bombay coordinated, in 1946, the constitution of the Anti-Corruption Branch in Greater Bombay as an unmistakable unit accused of the obligation of taking up instances of pay off and debasement. In natural process of everything working out, this developed into the present.

Hostile to Corruption Bureau of the Maharashtra State. The Maharashtra State Anti-Corruption Bureau was established under the Legislature of Maharashtra, Home Department, in November 1957, with a view to annihilating the evil of pay off and defilement.

The Bureau has its Headquarters at Mumbai and capacities under the generally control and management of the Director General, ACB. The Director, who was prior of the position of a Deputy Inspector-General of Police, was given the situation with Top of the Department. The post was subsequently moved up to that of a Director General of Police. The Director General is free of the state Director General of Police and capacities straightforwardly under the authoritative control of Government in the Home Department.

4.3 LOKAYUKTA AND LOKPAL

Presentation

There can be no refusal of the way that debasement has stayed a 100% of the time critical and profoundly pertinent issue to be managed in our country. This stand authenticated from the discoveries of different global bodies like the World Bank, Transparency International and different associations, which have reliably appraised India very coming up short on this aspect. Concerns have more than once emerged, all through Parliament, for setting up fitting components to control debasement.

Meaning

The word Lokpal etymologically, implies the "defender of individuals". Embracing the renowned Lincolnian expression, it can likewise be seen assurance/defender "of individuals, by individuals, for individuals". The word 'Ombudsman', then again, is established in the Old Norse language, basically signifying "agent", for example an authority accused of addressing the interests of the general population by exploring and tending to grumblings announced by person residents.

Endeavors by Dr. L. M. Singhvi:

While the nation had been wrestling with the issue of debasement at various levels including at the degree of Parliament, there arose all around the world, and particularly in the Scandinavian nations, the idea of Ombudsman to handle debasement or potentially to change public complaints. A proposition in such manner was first started in the Lok Sabha on April 3, 1963 by the Late Dr. L. M. Singhvi, MP. While answering to it, the then Law Minister saw that however the organization appeared to be loaded with potential outcomes, since it included a question of strategy, it was for the Prime Minister to choose in such manner.

Dr. L M Singhvi then by and by conveyed this plan to the then Prime Minister, Pandit Jawahar Lal Nehru who thusly, with some underlying faltering, recognized that it was an important thought which could be integrated in our institutional structure.

Proposals of the Administrative Reforms Commission:

These endeavours set up for developing a foundation like Ombudsman in India and thusly, the possibility of Lokpal surfaced in the public authoritative Regulatory Reforms plan. The Government named an Afterward, Commission which in its proposals recommended a plan of designating Lokpal at Center and Lokayuktas in each State. The Administrative Reforms Commission (ARC), which was established in 1966, gave need to the issue of redressal of public complaints and presented its First Interim Report on the 'Issues of redressal of Citizens Complaints'. The ARC suggested the formation of Ombudsman-type foundation to be specific the Lokpal and Lokayukta.

The proposals given by ARC are :

- a) They ought to be evidently autonomous and unbiased.
- b) Their examinations and procedures ought to be directed in private and ought to be uniform person.
- c) Their arrangement ought to be beyond what many would consider possible, be non-political.
- d) Their status ought to contrast and the most noteworthy legal functionary in the country.

- e) They ought to manage matters in the optional field including demonstrations of treachery, defilement and bias.
- f) Their procedures ought not be exposed to legal obstruction and they ought to have the greatest scope and abilities in acquiring data pertinent to their obligations, and
- g) They shouldn't anticipate any advantage or monetary benefit from the chief government.

In view of the proposals of ARC, many endeavours were produced using 1968 onwards for the foundation of Lokpal at the Central level. The Legislature of India presented bills for this reason in the Parliament in 1968, 1977, 1985, 1990, 1998, 2001 and most recent being in 2011.

Series of Bills

To give impact to the proposals of the First Administrative Changes Commission, eight Bills were presented in the Lok Sabha from time to time. In any case, this multitude of Bills passed resulting upon the disintegration of the particular Lok Sabhas, with the exception of the 1985 Bill which was in this manner removed after its presentation. A nearby examination of the Bills mirrors that there have been differing approaches and moving foci in scope and locale in this multitude of proposed regulations.

The Lokpal Bill, 2011

It empowers the Lokpal to ask into charges submitted in a question against a community worker'. With the begetting of this new term, the ongoing Lokpal Bill, as proposed and as shipped off this Committee, is unmistakable from the past Bills mostly on the accompanying counts :-

- a) Its purview is relatively more extensive as it has broadened the extent of local official by including the organization as additionally establishments and affiliations, completely or somewhat funded or constrained by the Central Government or the individuals who are in receipt of public cash.
- b) It accommodates separate examination and arraignment wings of Lokpal.
- c) It unveils the statement of resources by the entirety of workers required and inability to do so responsible to the assumption that such resources have brew. obtained by degenerate means.
- d) It is undeniably more itemized and more comprehensive than prior variants, with a huge number of head and subordinate arrangements not saw as in before adaptations.

It is accordingly certain that the idea of the establishment of Lokpal has gone through crucial and significant changes over the long haul keeping in view the evolving socio- monetary circumstances and changing nature, level and inescapability of defilement in society.

Foundation in States: The Ombudsman laid out at the degree of States in India is known as the Lokayukta. However, the organization of Lokpal is yet to turn into a reality at the Central level, comparative establishments of Lokayukta have in reality been arrangement and are working for a long time in a few States. In some of the States, the establishment of Lokayukta was set up as soon as in 1970s, the first being Maharashtra in 1972. From that point, State authorizations were established in the years 1973 (Bihar), 1975 (Uttar Pradesh), 1981 (M.P.), 1983 (Andhra Pradesh and Himachal Pradesh), 1984 (Karnataka), 1985 (Assam), 1986 (Gujarat), 1995 (Punjab), 1996 (Delhi), 1999 (Kerala), 2001 (Jharkhand), 2002 (Chhatisgarh) and 2003 (Haryana).

Appointment: The arrangement of the Lokayukta and Up-Lokayukta is made by the Governor who is the leader head in the states. The Lokayukta Acts give that the Governor will designate Lokayukta and Up-Lokayukta in interview with the Chief Justice of the High Court of the State and the Leader of the Opposition in the Legislative Assembly.

Agreements of office: The term of the Lokayukta and Up- Lokayukta has been by and large fixed for a long time. The status endorsed for the Lokayukta is equivalent to that of the Chief Justice of a High Court or an adjudicator of the High Court of India and that of Up-Lokayukta to the adjudicator of a High Court also, in some other case to an extra secretary to the Government of India. With a view to guarantee autonomy and fairness, the Lokayukta and Up- Lokayukta have been suspended from being a Member of Parliament or State Law-making bodies and disallowed from keeping any association with ideological groups. In the wake of giving up office they have been made ineligible to hold another office under their separate State legislatures. All acts explicitly disallow the reappointment of the Lokayuktas. The Lokayukta and Up-Lokayukta can be taken out from office by the Governor for rowdiness or insufficiency. The methodology recommended for the evacuation of the Lokayukta is practically equivalent to accommodate in the Constitution of India for the evacuation of judges of the High Court or the Supreme Court.

Jurisdiction: The Lokayukta and Up-Lokayukta has been allowed abilities to research any move, which is initiated by or with the general or explicit endorsement of a pastor or a secretary, or some other local official. In this way, all authoritative activities from the degree of pastors to the lower levels are exposed to examination by the Lokayukta and Up Lokayukta. Certain different classifications of authorities like Executive of Zila Parishad and other neighbourhood bodies have additionally been incorporated inside the domain of the Lokayukta.

Methodology of examination: After making primer examination where the Lokayukta or Up-Lokayukta proposes to direct examination, he advances a duplicate of the grumbling to the official and to the capable authority concerned. Any procedure before the Lokayukta and Up-Lokayukta must be directed in private and the personality of the complainant or the

individual griped against is not to be uncovered at any phase of examination.

Varieties in powers: However, because of the distinction in structure, scope furthermore, ward, the adequacy of the State. It is critical some that States Lokayuktas changes from State to Gujarat, Karnataka, Bihar, Rajasthan and Andhra Pradesh have made arrangements in their particular State Lokayuktas Act for Suo motu examination by the Lokayukta. In the State Lokayukta Acts of certain States, the Lokayukta has been given the power for arraignment and furthermore ability to guarantee consistence of its proposals. Nonetheless, there is a massive distinction in the idea of arrangements of State Acts what's more, in powers from one State to another. Around nine States in India have no Lokayukta as of now. Of the States which have an order, four States have no genuine deputy set up for periods fluctuating from two months to eight years.

Suggestions of All-India Conference: The Seventh All-India Meeting of Lokpals, Lok Ayuktas and Up-Lokayuktas held in Bangalore, in January 2003 focused on the accompanying:

- a) There is a need to bring out Lokayukta Act to bring consistency and to make the foundation free of the political chief.
- b) If Parliament acquired a regulation, the arrangement of Lok Ayuktas could be in light of the proposals of the Chief Justice of India in interview with the Chief Justice of individual High Court. This will guarantee residency, security f compensation and payments and a sound strategy for their expulsion.
- c) The staff deputed to the Lokayukta ought to be given security.
- d) Reports of the Lokayukta ought to be made restricting on the in that far is connected with the public authority workers.
- e) Lokayukta ought to draw out a yearly report about their working and this ought to be unveiled; and
- f) Lokayukta ought to be made effectively available to people in general.

Conclusion

The text above proposes that India actually has far to go similarly as it is worried to contain defilement. Two primary changes should be made on an pressing premise:

- a) Establishment of a solid Lokpal at the Centre.
- b) Uniformity in the powers and elements of Lokayuktas in States.

Central Vigilance Commission

Foundation

Santhanam Committee: The underlying years following autonomy lawmakers passing individuals' interests on to the Government over the sue wiessed debasement through bringing up of issues and discussions in

Parliament. Around then, the Government about its enemy of debasement measures and to conversations in regards to the extent of the discussions was relevantly restricted to looking for data from the development of hostile to defilement boards/offices and watchfulness bodies to put a beware of defilement, however it obviously mirrored the earnestness on the issue of thought of the issue, the Government set up a committee under the defilement in the personalities of Members. Recognizing the requirement for an intensive Chairmanship of Shri K. Santhanam, to be specific Committee on Prevention of Defilement (prevalently known the current instruments for actually looking at debasement in Central Government. The Panel presented its report in 1964. It suggested, entomb alia, the creation of a pinnacle body for practicing administration and command over the cautiousness organization. In compatibility of the proposals of the Santhanam Council, the Government laid out the Central Vigilance Commission through a Resolution on 11.02.1964 as the Santhanam Committee) to audit.

CVC is considered to be the peak carefulness foundation, liberated from control from any chief power, checking all watchfulness movement under the Central Government and prompting different experts in Central associations in arranging, executing, checking on and improving their carefulness Government work.

Legal status: The Independent Review Committee, set up by the Focal Government in 1997, bury alia, suggested that the topic of presenting legal status to the Central Vigilance Commission be considered by the Government and the Central Vigilance Commission be made answerable for the proficient working of the Central Bureau of Investigation. Thusly, the High Court in its judgment dated 18.12.1997 in the Vineet Narain's case (famously known as Jain Hawala case) had, between alia, given bearings that the Focal Vigilance Commission ought to be given legal status and it will be answerable for the productive working of the CBI.

Ensuing upon declaration of an Ordinance by the President, the Focal Vigilance Commission has been made a multi part Commission with "legal status" with impact from 25th August, 1998. The CVC Bill was passed by both the places of Parliament in 2003 and the President gave its consent on September 11, 2003. In this manner the Central Vigilance Commission Act 2003 (No45 Of 2003) became effective from that date.

Arrangement and association of CVC

The Commission will comprise of:

- a Central Vigilance Commissioner - Chairperson;
- not multiple Vigilance Commissioners - Members;

The Central Vigilance Commissioner is named by the President of India for a time of six years or till the age of 65 years whichever is prior. He can be taken out in a similar way as accommodated the evacuation of the Chairman of UPSC. He isn't qualified for any further work either under the Central government or the State government.

The Central Vigilance Commission has its own Secretariat, Chief Technical Analysts' Wing (CTE) and a wing of Commissioners for Departmental Inquiries (CDI).

Secretariat The Secretariat comprises of a secretary of the position of Additional Secretary to the GOI, one official of the position of Joint Secretary to the GOI, ten officials of the position of Director/Deputy Secretary, four Under Secretaries and office staff.

Chief Technical Examiners' Wing (CTE) The Chief Technical Examiner's Association comprises the specialized wing of the Central Vigilance Commission (India) and is monitored by two Engineers of the position of Chief Engineers (assigned as Chief Technical Examiners) with supporting designing staff. The fundamental capacities relegated to this association are:

- Specialized review of development works of Governmental associations from a cautiousness point;
- Examination of explicit instances of objections connecting with development works;
- Augmentation of help to CBI in their examinations including specialized matters and for assessment of properties in Delhi;
- Offering of guidance/help to the Commission and Chief Vigilance Officials in watchfulness cases including specialized matters.

Magistrates for Departmental Inquiries (CDIs) There are fifteen posts of Commissioners for Departmental Inquiries (CDI) in the Commission, 14 in the position of Deputy Secretaries/Directors and one in the position of Joint Secretary to Legislature of India. The CDIs work as Inquiry Officers to direct Oral requests in departmental procedure started against community workers.

Powers and Functions of CVC

- a) To practice administration over the working of the Delhi Special Police Establishment (DSPE) as for examination under the Counteraction of Corruption Act, 1988; or offense under CRPC without a doubt classes of local officials and to give headings to the DSPE for reason for releasing this obligation;
- b) To survey the advancement of examinations led by the DSPE into offenses asserted to have been submitted under the PC Act;
- c) To embrace a request or influence a request or examination to be made into any exchange wherein a community worker working in any association, to which the chief control of the Government of India broadens, is thought or affirmed to have represented an inappropriate reason or in a bad way;
- d) To delicate autonomous and fair exhortation to the disciplinary and other experts in disciplinary cases, including carefulness point at

various stages for example examination, request, offer, survey and so on.;

- e) To practice a general check and management over watchfulness and against debasement work in Ministries or Departments of the Govt. of India and different associations to which the leader force of the Union expands; also,
- f) To seat the Committee for choice of Director (CBI), Chief (Requirement Directorate) and officials of the degree of SP or more in DSPE.
- g) To embrace or cause an investigation into objections got under the Public Interest Disclosure and Protection of Informer and suggest proper activity.

Division of Personnel and Training is liable for laying Annual Report of the Central Vigilance Commission before each House of Parliament. This Division likewise handles all strategy and managerial issues relating to the Central Vigilance Commission.

Commission's Jurisdiction under CVC Act

- a) Members of All India Services serving regarding the undertakings of the Association and Group An officials of the Central Government.
- b) Board level deputies and other senior officials upto two grades beneath the Board level, in the Public Sector Undertakings of the Central Government;
- c) Officers of the position of Scale V or more in the Public Sector Banks;
- d) Officers of the position of Assistant Manager or more in the Insurance Area (covered by LIC and GIC and four non-disaster protection organizations in the Public area); and
- e) Officers drawing essential compensation of 8700/- each month or more in independent bodies/neighborhood specialists or social orders possessed or constrained by the Central Government.

Watchfulness apparatus in the States and Districts
The watchfulness apparatus at the state level contrasts from one state to another. The majority of the states have a State Vigilance Commission. There is additionally an extraordinary police foundation to manage instances of defilement in both the state government and the state public endeavors. The Commission presents Annual Report to the State government and the equivalent is put before the State Legislature. At the region level, there is a District Vigilance Officer. The District Collector designates one of his gazetted officials as District Vigilance Officer.

4.4 ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

Factors Responsible for the Rise and Growth of NGOs in India

The ascent and development of NGOs in India is basically ascribed to the general disappointment of the public authority to get it done for the general population. After Independence it was normal that the public authority would assume the liability of socio- monetary improvement of the more fragile segments in the public arena. Insurance of their freedoms would be government's excellent concern. However, really our administration neglected to achieve financial improvement of all areas of society. The laid-out establishments of the framework - the chief, the governing body and the legal executive couldn't answer individuals' assumptions or adapt up to expanding wilderness. So infringement of common liberties proceeded and exasperated. During the 1970s, the nation saw financial stagnation and political precariousness. The ideological groups, worker's guilds and developments didn't act the hero of the majority.

The disappointment of the State, the administrative hardware and political associations prompted the ascent and development of NGOs. The concealment and abuse of ladies, landless workers, dalits, tribals and so forth has come about in the 'revolt of the majority'. The NGOs have turned into the voice of the irate and the bothered masses.

The disappointment of the public authority to achieve financial turn of events baffled the informed working class as well. From the informed working class, another class of activists has arisen which gave initiative to a large portion of the NGOS.

Kinds of NGOs

The NGOs can be characterized in different ways. To the extent that their way of working is concerned, they can be separated into two gatherings, 'productive work' and NGOs doing extremist, battle arranged work. In spite of the fact that their way of working is unique, their objective is something similar, NGOs doing common freedoms.

Elements of NGOs in India:

1. Affecting the legitimate cycle In India, basic liberties NGOs hall for the reception of regulations which would safeguard common liberties. Now and again they even anteroom for the annulment of treacherous regulation. For instance, a few NGOs challenged the Terrorist also, Disruptive Activities (Prevention) Act (TADA) on the ground that TADA was an oppressive demonstration. It had a few arrangements which disregarded fundamental human privileges.
2. Co-activity and Co-activity with one another NGOs support different NGOs in their exercises. Sharing fortitude and backing with one another, can have an effect and can give assurance to those NGOs which are in the front of battle. For instance, a few NGOs in

India and abroad, have upheld Narmada Bachao Andolan in its battle against the Sardar Sarovar Projects.

3. Insurance of common freedoms This is done through halting maltreatments and giving compassionate help to casualties of common freedoms infringement. NGOs give lawful help, such as documenting writ petitions and help the casualties by offering material and moral help. For model, 'Savdhan', a Mumbai based NGO, salvages minor young ladies from massage parlors and attempts to restore them.
4. Observing A few NGOs screen the working of the hardware of the state. What is stunning is that numerous multiple times the lowkeepers who should secure common liberties, are the fundamental violators of the equivalent. Except if government organizations are checked, there will be no strain on them. A few NGOs distribute covers legislatures' basic liberties record. For model, the Peoples Union of Civil Liberties distributes covers basic freedoms infringement which additionally comes down on government bodies.
5. Teaching the majority Making individuals mindful of their privileges and their infringement is a significant capacity of the NGOs. In regions where there is huge scope lack of education, NGOs' teaching job becomes critical. Training as to privileges and their infringement makes crafted by NGOs simpler. With this, NGOs could get more prominent help for their projects. They can progressively inspire individuals to battle for their privileges. NGOs utilize nearby language or tongue; people tunes and stories to reach their message to the majority. For instance, the Jana Jati Raksha Samiti in Jharkhand utilizes the narratives of Birsa Munda, the neighbourhood legend who battled contrary to unfamiliar rule, to sharpen tribals of that area.
6. Productive work Alongside their work in security of common liberties, a few NGOs help individuals understand their privileges. They open schools, begin wellbeing administrations and make business/independent work valuable open doors through useful preparing and so on. The genuine justification behind infringement of privileges is many times destitution, backwardness, also, absence of schooling. In the event that these it are taken out, to deny conditions individuals would have the option to partake in their freedoms in the genuine sense. For instance, Nanaji Deshmukh's Deendayal Research Institute is doing useful work like improvement in agribusiness in the Chitrakoot district of Uttar Pradesh.
7. Adjusting Government Schemes NGOS make variations in uses of plans arranged by the government at large scale level to explicit circumstances thinking about neighbourhood prerequisites. Frequently, the public authority, under specific financing arrangements through various services and independent

organizations (like CAPART), gives wide rules to proposing an undertaking and NGOs are called upon to figure out a task proposition thinking about nearby circumstances.

8. **Supporting Government Actions** NGOS attempt a job supporting the activities/programs completed by government offices. In spite of the fact that they may straightforwardly help to carry out government endeavours, these NGOs may not be guaranteed to have government backing or acknowledgment. For instance, a NGO which is occupied with conscientizing the provincial poor, may help the objective gathering to profit benefits under the public authority antipoverty programs and thus, help the Block Development Officer in executing the Incorporated Rural Development Program. Regardless of such a job the NGO may be in struggle with the neighbourhood organization.
9. **Offering elective Approaches** The job of the NGOs might be through giving methodologies elective to government strategies and projects, resolving various issues of the target gatherings. Ashish Gram Rachana Trust of Pachod, Maharashtra has fostered a local area wellbeing approach, which is viewed as another option to essential medical services arrangement of the public authority.
10. **Supplement Government endeavours** NGOS supplement government endeavours especially in contacting the less available objective gatherings and on occasion supplement existing administrations because of different necessities of a similar objective gatherings.

4.5 RTI AND TRANSPARENCY IN GOVERNANCE

It is said that RTI guarantees more straightforwardness in administration. Straightforwardness implies simple admittance to data. It has two viewpoints one, it visualizes increasingly more deliberate divulgence of data with respect to the public authority. The essential to this is the teaching of the worth of transparency and a feeling of responsibility in the clergymen and public workers. We see that a few sites of government offices are very instructive, while sites of different offices are not. This reflects that community workers in certain divisions are more open and able to make their work more straightforward than others. Deliberate revelation needs more proactive government.

The second part of straightforwardness is the residents' ability to gain data from government. This empowers residents to frame their perspectives, to find out about the public authority's working, and so forth. Here, the government should be responsive.

RTI and Accountability of Government

Straightforwardness in administration makes the public authority responsible of course. Alternately, mystery has exceptionally close connection with defilement, nepotism, failure, insufficiency, and so on.

For individuals in majority rule government, responsibility of government is a fundamental essential for the happiness regarding their privileges. Since the public authority grasps tremendous power, it is essential that it holds it mindfully. Unlimited power will in general ruin the rulers. Master Acton's well-known words, "Power will in general ruin, and outright power undermines totally. Incredible men are quite often terrible men." Highlights the significance of limitations to be forced on the individuals who hold power. Applications documented under the RTI Act will remind people with great influence over and over that they are responsible to individuals. This will have powerful command over their power.

BAGROUND/EVOLUTION IN INDIA

Freedom and later

It was clearly idealistic to expect that the British would bring any type of receptiveness in their organization. What was miserable was simply even Freedom, our own chiefs, who are our agents first, and the administrators, who are called 'local officials', kept on working under the smoke screen made by the British. In India, even after Independence, different regulations and rules limited the exposure of true data to individuals and in this way preferred mystery in administration. These are:

- I) Indian Evidence Act, 1872
- II) Official Secrets Act, 1923
- III) Commission of Enquiry Act, 1952
- IV) All-India Services (Conduct) Rules, 1954
- V) Central Civil Services (Conduct) Rules, 1955
- VI) Railway Services (Conduct) Rules, 1956

It was inescapable that individuals in Independent India would anticipate the public authority to be really responsible and straightforward. Sadly, the leaders and civil servants not just conveyed forward the designs what's more, frameworks of administration from the British, they conveyed forward the way of life of mystery and lethargy moreover. This lethargy moreover. This thusly prompted the development of individuals' developments, requesting more prominent straightforwardness and responsibility.

Individuals' Movement

The interest for Right to Information has appeared as mass development at the grassroots level. In Rajasthan, a mass-based association called the Mazdoor Kisan Shakti Sangathan (MKSS) stepped up and lead individuals from an exceptionally in reverse area Bhim Tehsil. Locals, under the administration of Aruna Roy and others, declared their right to data by requesting duplicates of bills what's more, vouchers and names of people who had been paid wages referenced in assemble rolls on the development

of schools, dispensaries, little dams and public venues. On paper such improvement projects were totally finished, however, it was widely known of the locals that there that there was gross misappropriation of assets with roofless school structures, dispensaries without dividers, dams left deficient and public venues having no entryways and windows.

Following quite a while of thumping at authorities' entryways and notwithstanding the typical detachment of the State government, MKSS prevailed with regards to getting copies of certain pertinent records. Misappropriation of assets was plainly self-evident. Sometimes, the gather rolls contained names of people who either didn't exist by any means or passed on years prior. This episode is above and beyond to show the significance of the capacity of data for destroying mal-rehearses. With such countless outrages arising out of time to time, it becomes crucial for the administration of public asset what's more, endurance of a majority rules government.

MKSS coordinated a Jan Sunwai (People's hearing), the very first throughout the entire existence of Rajasthan. Government officials, overseers, landless workers,' private project workers were completely welcomed to tune in, answer and, if willing, to safeguard themselves. Famous reaction was extraordinary, in any case, town authorities and legislators remained

Between December 1994 and April 1995, a few other formal reviews were coordinated. Individuals' outrage made one designer of the State Electricity Board to return in open a measure of 15,000 he had separated from a poor rancher.

This notable development prompted the interest for the institution of a regulation perceiving the right to data. It just supplemented what the courts were saying for a really long time, that right to data was a basic piece of the Fundamental Right of Freedom of Speech and Expression (Art. 19 (1) (a)) and Right to Life and Individual Liberty (Art. 21).

Job of the Judiciary

The Supreme Court of India has, in a few milestone choices, deciphered this expansive assurance of free discourse to incorporate the right to data too. In *Bennet Coleman and Co v. Association of India* (1973), a main paper distributor tested the public authority's approach of confining the accessibility of newsprint. In its choice, inclining toward the candidate, that's what the Supreme Court announced "the right to speak freely of discourse incorporates inside its compass the right, everything being equal, to peruse and be educated". In *State of UP v. Raj Narain* (1975), a case wherein the respondent had requested data connecting with the security costs of the then Prime Minister, Indira Gandhi, the Court stressed the significance of the public's more right than wrong to be aware as a hindrance to mistreatment and debasement. The lawful premise of the right to data was reinforced further during the 1980's by a progression of new cases. In *S. P. Gupta v. Association of India* (1982), That's what the Court proclaimed "revelations of data concerning the working of Government should be the standard, and mystery a special case defended

just where the strictest necessity of public interests so requests." In 1992 in a writ request including Manubhai Shah, a prominent buyer dissident, and the Life Protection Corporation of India, the court decided that no authority mechanism of data could communicate one bunch of perspectives without additionally accommodating the articulation of elective perspectives, along these lines augmenting the scope of conclusions introduced to people in general.

Later Developments

Social developments in Rajasthan and different States prompted the arrangement of the Public Campaign for People's Right to Information (NCPRI), in 1996. The second stage in the development of RTI development began in 1996, with the plan of a draft RTI bill, initiated by the NCPRI, and its resulting handling the public authority and the Parliament. Different State RTI regulations were passed during this period, remembering for Tamil Nadu, Delhi, Maharashtra, Karnataka, Assam, Madhya Pradesh, and Goa. At long last, the public Freedom of Data Act was passed in 2002. Notwithstanding, this Act was not told, and the recently chose government (after the General Elections in 2004), got the Right to Data Act passed in Parliament in 2005. As we saw before, this is additionally the laws period that sees countless nations across the world order straightforwardness.

The third stage, from the finish of 2005 to the present, has been essentially zeroed in on the combination of the Act and on pushing for its appropriate execution.

- I) It characterizes "Public Authority" as laid out, comprised or claimed or significantly supported by reserves gave straightforwardly or in a roundabout way or controlled.
 - a) by the Central Government, the Central Government;
 - b) by the State Government, the State Government.
- ii) It will apply to "Public Authorities" and that implies any power or body or then again Institution of self-government laid out or comprised by or under the Constitution; by any regulation made by the fitting Government or, any other body possessed, controlled or considerably funded straightforwardly or by implication by the fitting Government, and incorporates non-government associations, significantly supported by the Government.
- iii) The ambit covers the two Houses of Parliament, State Legislature, the Court/High Preeminent their authoritative workplaces, Constitutional Authorities like Election Commission, Specialist and Auditor General, Union Public Service Commission and so on.
- iv) Only homegrown and unfamiliar private bodies working inside the nation have been avoided from the domain of the Act.
- v) All residents will reserve the option to data, dependent upon the arrangements of the Act.

- vi) It projects a commitment on Public Authorities to concede admittance to data and to distribute specific classifications of data inside 120 days of the establishment. The obligation about suo-motu (all alone) exposure/distribution by open specialists has been significantly expanded.
- vii) The Act sets out the apparatus for the award of admittance to data. The Public Authorities are expected to assign Public Information Officials (PIO) and Assistant Public Information Officers (APIO) inside 100 days of the institution.
- viii) The PIO's liability is to manage demands for data put together by residents and furthermore to help people looking for data.
- ix) Provision has been made for move of a solicitation by a public power to another public authority wherein the topic/data is held by the last option.
- x) A period cutoff of 30 days has been recommended for consistence with demands for data under the Act, which, can be stretched out to 40 days where outsider interests are involved.
- xi) Fee for it is sensible to look for data. Likewise, no expense is charged from people who are beneath neediness line. Further, data should be given for nothing where the reaction time-limit isn't stuck to.
- xii) Certain classes of data have been absolved from divulgence under areas 8 and 9 of the Act. The classes, via outline include: data prone to influence security of the State, key, logical or monetary interests of the State, location and examination of offenses, public request, lead of global relations and Cabinet papers. Exchange or business insider facts, data the revelation of which would cause break of honor of Parliament or State Legislature and faculty data which has no relationship with public movement and could cause ridiculous attack of the security of any individual, are too absolved from revelation.
- xiii) However, exceptions gave are not outright and keeping of data should be adjusted against divulgence in the public interest. Data to be delivered regardless of whether mischief is displayed to the public power if the public advantage in realizing the data offsets the mischief that might be brought about by revelation.
- xiv) Subject to special cases, the Act contains an arrangement that data, which is generally absolved from revelation under segment 8, can be uncovered on consummation of 20 years after the fruition of the occasion.
- xv) It conceives formation of autonomous non-legal apparatus, viz., Focal Information Commission and State Information Commissions what's more, Information involving a Chief Information Commissioner Chiefs.

- xvi) Thus, the Act gives a two-level Appellate Forum. First allure is to be made to departmental official senior to the Public Information Officer. The second allure is to be made to State or Central Commission.
- xvii) On a solicitation for data being denied, the candidate can incline toward an appeal to the endorsed authority in the span of 30 days of the choice; the time for removal of allure being additionally 30 days extendable to 45 days.
- xviii) Intelligence and security offices determined in Schedule-II to the Act have been absolved from being covered inside the ambit of the Act. In any case, the exclusion isn't outright; organizations will have the commitment to give data in issues connecting with debasement and basic freedoms of infringement.
- xix) The arrangements of the proposed Act have been made abrogating in character, so the plan isn't undermined through the activity of other minor Acts.
- xx) Monitoring and revealing Act makes an arrangement to deliver insights to evaluate its execution with the goal that enhancements could be affected.
- xxi) Central Information Commission and State Information Commissions screen the execution of the Act and set up an Annual Report to be laid before Parliament/State Legislature.

6. BENEFITS/ADVANTAGES OF RTI ACT

- i) It makes organization more responsible to individuals,
- ii) It diminishes the hole among organization and individuals.
- iii) It pursues individuals mindful of regulatory choice making.
- iv) It works with better conveyance of labour and products to individuals by government employees.
- v) It works with astute and productive analysis of organization.
- vi) It builds individuals' investment in organization.
- vii) It advances public interest by beating assertion down in authoritative independent direction.
- viii) It maintains the majority rule philosophy by advancing transparency and straightforwardness in organization.
- ix) It decreases the extension for debasement in administration.
- x) It makes organization more receptive to the necessities of individuals.

- xi) It lessens the possibilities of maltreatment of power by the community workers and clergymen.

7. ISSUES IN IMPLEMENTATION

The RTI Act is a somewhat new regulation. Besides, it relies upon an enormous number of residents and government authorities for its powerful execution. Following issues can be summed up as obstacles in practicing the RTI :

- a) **Low open mindfulness:** An enormous extent of individuals are as yet ignorant about the RTI. Mindfulness level is lower among the burdened networks, for example, ladies, impaired people, OBCS, SCs and STs. Albeit the RTI Act specifies that the public authority ought to go to lengths to spread information about RTI, a ton is yet to be finished by the public authority.
- b) **Constraints looked in documenting applications:** People face numerous troubles in documenting applications due to non-accessibility of client guides for RTI execution for data searchers. Absence of client guides results in significant endeavors with respect to the data searcher to assemble information about the cycle for presenting a RTI demand. There are badly arranged accommodation channels for RTI application. As indicated by the Act, a resident can make a solicitation "recorded as a hard copy or through electronic means..." However, deficient endeavours have been made to get RTI applications through electronic means i.e., on email/site and so forth there are badly arranged instalment channels for accommodation of application expenses. Despite the fact that there are different channels for expense assortment, in the nonattendance of clear rules and guidelines, individuals picked a subset of the permitted instalment channels. Albeit the PIOs should help the candidate in recording the application, such help isn't given by and large. In addition, the PIOs for the most part have non-accommodating demeanour opposite the candidate.
- c) **Poor nature of information gave:** In a review directed on RTI applications, low quality of data was accounted for to be the greatest reason for documenting first level requests.
- d) **Failure to give data in 30 days or less:** PIOs are tested to give the data inside the specified 'time because of insufficient record the board strategies with the Public Authorities. The present circumstance is further. bothered due to non-accessibility of prepared PIOs and the empowering foundation (PCs, scanners, web network, printers and so forth.).
- e) **Inadequate prepared PIOs and First Appellate Authorities:** Very huge number of PIOs have not gotten preparing with respect to

RTI arrangements and their commitments under the Act. There is absence of social preparation also.

- f) **Poor record the board:** Often, unfortunate record the executives result in low quality of data gave, extra and superfluous weight on the PIO, delay in giving data, and on occasion off-base data being given.
- g) **Non-accessibility of essential Infrastructure:** Implementation of RTI requires the PIOs to give data to the candidate through copies, delicate duplicates and so on. While these offices are viewed as effectively accessible at a region level, it is a test to get data from Block/Panchayat level.
- h) **Lack of inspiration among PIOs:** This is on the grounds that, in addition to other things, absence of impetuses for assuming on the liability of a PIO; but punishments were forced in instances of resistance.
- i) **Poor deliberate divulgence:** Maximum wilful exposure would straightforwardly diminish documenting of uses by individual candidates, bringing about saving of time, endeavours and cash for both, the candidate and the public authority office. In any case, because of absence of mindfulness, readiness and framework, wilful revelation of data is in unfortunate shape in the vast majority of the public authority workplaces.

4.6 CITIZEN'S CHARTER

Presentation

Residents' Charter is a record which addresses an efficient work to concentrate on the responsibility of the association towards its residents in regard of Guidelines of Services, Information, Choice and Consultation, Non-segregation also, Accessibility, Grievance Redress, Courtesy and Value for Money. This too incorporates assumptions for the association from the resident for satisfying the responsibility of the association.

The term "Citizen" in the Citizens' Charter infers the clients or clients whose interests and values are tended to by Citizens' Charter and, in this way, incorporates the residents as well as every one of the partners, for example residents, clients, recipients, different Ministries/Departments/Associations, State Governments, UT Administrations and so on.

Goals OF CITIZENS' CHARTERS

The essential targets of the Citizens' Charter development as initially outlined were:

- i) **Quality:** Improving the nature of administrations;
- ii) **Choice:** Where conceivable;

- iii) **Standards:** Specify what's in store and the proper behaviour on the off chance that norms are not met;
- iv) **Value:** For the citizens' cash;
- v) **Accountability:** Individuals and Organizations; and
- vi) **Transparency:** Rules/Procedures/Schemes/Grievances.

These were subsequently expounded by the Labor Government of UK as following nine standards of Service Delivery (1998):

- Set guidelines of administration
- Be open and give full data
- Counsel and include
- Energize access and the advancement of decision
- Treat all reasonably
- Put things right when they turn out badly
- Use assets really
- Enhance and get to the next level
- Work with different suppliers.

The Citizens' Charter is by and large not lawfully enforceable and, along these lines, is non-justifiable. Be that as it may, it is an instrument for working with the conveyance of administrations to residents with determined guidelines, quality and time span and so forth with responsibilities from the association and its clients.

It has been perceived world over that great administration is fundamental for supportable turn of events, both financial and social. The three fundamental viewpoints underscored in great administration are straightforwardness, responsibility and responsiveness of the organization. "Residents' Charters" drive is a reaction to the journey for tackling the issues which a resident experience, day in the day out, while managing the associations offering public types of assistance.

Rise of the Concept

The idea of Citizens' Charter cherishes the trust between the assistance supplier and its clients. The idea was first expressed and executed in the Joined Kingdom by the Conservative Government of John Major in 1991 as a public program with a basic point: to persistently work on the nature of public administrations for individuals of the nation with the goal that these administrations answer the needs and wishes of the clients. The program was re-sent off in 1998 by the Work Government of Tony Blair which rechristened it Services First.

The critical parts of the sanction are the necessities that public offices distribute responsibilities to norms of administration, that there be free observing and distribution of norms accomplished, and that component be laid out through which the 'client' can accomplish fulfilment when guidelines are not met. It included different types of remuneration and option game plans for administration arrangement where organizations don't satisfy their guarantees.

THE INTERNATIONAL SCENARIO

The UK's Citizens' Charter drive stirred impressive interest around the world and a few nations carried out comparative projects for example Australia (Administration Charter, 1997), Belgium (Public Service Users' Charter 1992), Canada (Administration Standards Initiative, 1995), France (Service Charter, 1992), India (Residents' Charter, 1997), Jamaica (Citizens' Charter 1994), Malaysia (Client Sanction, 1993), Portugal (The Quality Charter in Public Services, 1993), and Spain (The Quality Observatory, 1992) (OECD, 1996).

A portion of these drives are basically the same as the UK model, while others outline new ground by inclining toward the assistance quality worldview of the Total Quality The executives (TQM) development. Different drives are contributed some place between. Indeed, even in the UK, with regards to the Next Steps/Modernizing Government Initiatives, Citizens' Charters have gained a help quality face for conveyance of public administrations. The quality devices and embraced for working on open administrations incorporate the Business Excellence Model, Investors in People, Charter Mark, ISO 9000 and Best Value (Government of UK, 1999).

The Treasury Board of Canada, Secretariat began a Service Standard Drive in 1995 which followed the Citizens' Charters of the United Realm, however broadened the extension significantly. This Service Standard Initiative in Canada was begun against the background of resident assumptions connecting with amicable, aware and obliging help; quicker reaction times; expanded hours at government workplaces; and "one-quit shopping". Simultaneously there was a need to decrease the deficiency and offer some benefit for cash through more proficient use, of assets (Treasury Board of Canada, 1995).

A correlation of these four significant Citizens' Charter drives shows that the administration quality methodology is implanted in them in various degrees. Once a choice is taken to unveil administrations resident driven, the client focal point of the Total Quality Management (TQM) assortment can't be a long way behind. The, as a matter-of-fact Residents' Charter approach shares a few things practically speaking with TQM. Both start by zeroing in on gathering client/resident necessities. Other key normal components are conformance to norms, partner association and ceaseless improvement.

the Indian scene

Residents have become more understandable and expect the organization not just to answer their requests yet in addition to expect them. It was in

this environment that beginning around 1996 an agreement had developed in the Government on powerful also, responsive organization. A meeting of Chief Secretaries was coordinated in 1996 to create "A plan for an Effective and Responsive Administration" to make the public administrations more effective, perfect, straightforward, responsible and resident cordial. The gathering suggested that responsibility ought to be deciphered from a bigger perspective according to public fulfilment and responsive conveyance of administrations, and a staged presentation of Citizens' Charter for as a large number administration establishments as could really be expected. In a Conference of Chief Ministers of different States and Union Territories held on 24 May, 1997 in New Delhi, managed by the Prime Minister of India, an "Activity Plan for Effective and Responsive Government at the centre and State levels was taken on. One of the major choices at that Conference were that the Central and State Governments would plan Citizens' Charters, beginning with those areas that have a huge public interface (for example Rail lines, Telecom, posts, Public Distribution Systems). These Sanctions were expected to incorporate norms of administration and time restricts that the public can sensibly expect, roads of complaint change and an arrangement for free examination with the association of resident and buyer gatherings. The three main areas of Action Plan that were discussed in the Conference of Chief Ministers on May 24, 1997 were

- i) Making administration accountable and citizen-friendly,
- ii) Ensuring transparency and right to information, and
- iii) Taking measures to cleanse and motivate civil services.

Department of Administrative Reforms and Public Grievances in Government of India (DARPG) initiated the task of coordinating, formulating and operationalising Citizens' Charters. Guidelines for formulating the Charters as well as a list of do's and don'ts were communicated to various government departments/organisations to enable them to bring out focused and effective Charters. For the formulation of charters, the government agencies at the Centre and State levels were advised to constitute a task force with representation from users, senior management and the cutting-edge staff. A Handbook on Citizens' Charter has been developed by the Department and sent to all the State Governments/UT Administrations.

The State Governments and the Ministries/Departments at the Centre are all involved, in some manner or the other, in providing public services. Government of India has directed them and other agencies with public interface to formulate a citizens' Charter, lay down time-limits and standards for services, avenues of grievance redressal and put in place monitoring systems and independent scrutiny to ensure implementation of the Charter.

The Charters are expected to incorporate the following elements: (i) Vision and Mission Statement; (ii) Details of business transacted by the organisation; (iii) Details of clients; (iv) Details of services provided to

each client group; (v) Details of grievance redress mechanism and how to access it; and (vi) Expectations from the clients.

Department of Administrative Reforms and Public Grievances in Ministry of Personnel, Public Grievances and Pensions, Government of India, in its efforts to provide more responsive and citizen-friendly governance, coordinates the efforts to formulate and operationalise Citizens' Charters in Central Government, State Governments and UT Administrations. It provides guidelines for formulation and implementation of the Charters as well as their evaluation.

Primarily an adaptation of the UK model, the Indian Citizens' Charter has an additional component of 'expectations from the clients' or in other words 'obligations of the users'. Involvement of consumer organisations, citizen groups, and other stakeholders in the formulation of the Citizens' Charter is emphasised to ensure that the Citizens' Charter meets the needs of the users. Regular monitoring, review and evaluation of the Charters, both internally and through external agencies, are enjoined. Till April, 2006, 111 Citizens' Charters had been formulated by the Central Government Ministries/Departments/Organisations and 668 Charters by various agencies of State Governments and Administrations of Union Territories. Most of the national Charters are posted on the Government's websites and are open to public scrutiny. The organisations with Citizens' Charters are advised to give publicity to their Charters through such means as print/electronic media and awareness campaigns.

Assessment of Citizens' Charters

An assessment of the Citizens' Charters of different government organizations was completed by DARPG and Consumer Coordination Council, New Delhi, a NGO, in October 1998.

During the Year 2002-03, DARPG connected with an expert organization to create a normalized model for interior and outer assessment of Citizens' Charters in a more successful, quantifiable and objective way. This office likewise did assessment of execution of Charters in 5 Central Government Organizations what's more, 15 Departments/Organizations of States of Andhra Pradesh, Maharashtra what's more, Uttar Pradesh. This Agency was likewise expected to propose techniques for expanding mindfulness, both inside the association and among the clients, and to recommend potential techniques for direction of the board and the staff in the assignment of figuring out and conveying Charters.

According to the report of assessment did by the organization, significant discoveries were :

- i) In greater part of cases Charters were not formed through a consultative process;
- ii) By and huge specialist co-ops are inexperienced with the way of thinking, objectives furthermore, fundamental highlights of the Charter;

- iii) Adequate exposure to the Charters had not been given in any of the Divisions assessed. In many Departments, the Charters are just in the underlying or centre phase of execution;
- iv) No assets have been explicitly reserved for mindfulness age or Residents' Charter or for direction of staff on different parts of the Contract.

4.7 CHALLENGES IN IMPLEMENTING THE CHARTERS

Presentation and execution of the idea of Citizens' Charter in the Legislature of India was substantially more troublesome because of the old regulatory arrangement/strategies and the unbending mentalities of the work force. The significant deterrents experienced in this drive were:

1. The overall view of associations which formed Citizens' Charters was that the activity was to be completed on the grounds that there was a course from the top. The conference interaction was negligible or generally missing. It accordingly became one of the standard exercises of the association and had no concentration.
2. For any Charter to succeed the representatives answerable for its execution ought to have legitimate preparation and direction, as responsibilities of the Charter can't be anticipated to be conveyed by a labor force that knows nothing about the soul furthermore, satisfied of the Charter. Notwithstanding, generally speaking, the concerned staff were not enough prepared and sharpened.
3. Once in a while, moves and reshuffles of concerned officials at the pivotal phases of detailing/execution of a Citizens' Charter in an association seriously sabotaged the essential cycles which were set up and hampered the advancement of the drive.
4. Mindfulness missions to teach clients about the Charter were not directed deliberately.
5. At times, the guidelines
6. Time standards of administrations referenced in Citizens' Charter were either excessively careless or excessively close and were, subsequently, unreasonable and made a horrible impression on the clients of the Charter.
7. The idea driving the Citizens' Charter was not as expected comprehended.

Data leaflets exposure materials, flyers delivered prior by the associations were confused with Citizens' Charters.

The accompanying illustrations have been gained from the experience to date of executing Citizens' Charter drive:

1. Similarly as with any new exertion, the Citizens' Charter drive will undoubtedly be looked at first with distrust by administrators as well as residents. A compelling mindfulness crusade among every one of the partners at the underlying stage is fundamental to conquer this doubt. These mindfulness missions ought to be planned and conveyed inventively and actually.
2. The issuance of Citizens' Charter won't have an impact on for the time being the mentality of the staff and the clients, created throughout some stretch of time. Hence, standard, untiring furthermore, relentless endeavours are expected to achieve the attitudinal changes.
3. Another drive generally experiences obstructions and doubts from the staff. There is a characteristic protection from change, especially among the state-of-the-art staff. Including and counselling them at every one of the degrees of plan and execution of Citizens' Charter will go far in beating this obstruction and will make them an equivalent accomplice in this activity.
4. Rather than attempting to change every one of the cycles on the double and experience huge opposition, breaking it into little parts and tackle them one is prudent at a time.
5. The contract drive ought to have an inherent instrument for observing, assessing and exploring the working of the Charters, ideally through an outside office.

4.8 QUESTIONS

1. Write a note on Objectives of Citizen's Charter
2. Write about problems faced in implementation of citizen's charter.
3. Write about Citizen's charter in Indian context.
4. Write about Citizen's charter in international context.
5. Write about any two incidents of implementation of Citizen's charter.
6. Which job do NGOs play being developed?
7. How do NGOs help the Government?
8. What is RTI? How could it be valuable?
9. How might RTI. guarantee responsibility in administration?

10. Which job does RTI play in acquiring straightforwardness administration?
11. What are the reasons for debasement?
12. Compose a short note :
 - a) Establishment and structure of CVC
 - b) Functions and Powers of CVC
13. Expound on different types of debasement.
14. Compose a short note.
 - a) Benami exchange act
 - b) Anti-Corruption Bureau of Maharashtra
15. Compose a note on Prevention of tax evasion Act.
