MAPOLS-506
Welfare Administration

MA POLITICAL SCIENCE
4th Semester

WELFARE ADMINISTRATION

MA [political Science]

Fourth semester

MAPOLS 506

RAJIV GANDHI UNIVERSITY

Arunachal Pradesh, INDIA – 791112

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About the University

Rajiv Gandhi University (formerly Arunachal University) is a premier institution for higher education in the state of Arunachal Pradesh and has completed twenty-five years of its existence. Late Smt. Indira Gandhi, the then Prime Minister of India, laid the foundation stone of the university on 4th February, 1984 at Rono Hills, where the present campus is located.

Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

The University was converted into a Central University with effect from 9th April, 2007 as per notification of the Ministry of Human Resource Development, Government of India.

The University is located atop Rono Hills on a picturesque tableland of 302 acres overlooking the river Dikrong. It is 6.5 km from the National Highway 52-A and 25 km from Itanagar, the State capital. The campus is linked with the National Highway by the Dikrong bridge.

The teaching and research programmes of the University are designed with a view to play a positive role in the socio-economic and cultural development of the State. The University offers Undergraduate, Post-graduate, M.Phil and Ph.D. programmes. The Department of Education also offers the B.Ed. programme.

There are fifteen colleges affiliated to the University. The University has been extending educational facilities to students from the neighbouring states, particularly Assam. The strength of students in different departments of the University and in affiliated colleges has been steadily increasing.

The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

SYLLABUS –BOOK MAPPING TABLE

welfare Administration

Syllabi	Mapping in Book
UNIT 1 **Welfare Administration** Changing nature of Administrative culture Problems and challenges of Indian Administration	
UNIT 2 **Participatory Administration** Necessity of People's Participation Consultative Machineries (CDP and Panchayat Raj)	
UNIT 3 **Empowerment of Weaker Sections** Concept Existing Scenerio(constitutional /legal) Critique of Empowerment	
UNIT 4 **Managerial Administration** Concept and Evolution Management of Public Enterprises	
UNIT 5 **Administrative Accountability and Corruption** Concepts Methods of Ensuring Accountability (Right to Information Act,Lok pal,Lok Ayukta Redressal of Grievances (central Administrative Tribunal,Central Vigilance Commission)	

CONTENT

UNIT 6 WELFARE ADMINISTRATION

6.0 INTRODUCTION

In the previous unit, you learnt about the nature and scope of public policy. In this unit, you will study about welfare administration.

The concept of welfare state or administration emerged in the 20th century when the practice of laissez-faire was being abandoned. Laissez-faire advocated minimal or no interference of the state government in affairs of trade and economy. This concept was, however, changing and voices were being raised seeking social and economic protection from the state. A welfare administration essentially means an ideal state which takes responsibilities of the wellbeing of its citizens and, at times, provides social insurance. This is based on the principles of equal opportunity, equitable wealth distribution and public responsibility towards the downtrodden who are unable to avail the basics in life. This form of social security is prevalent in developed economies.

For developing countries, such as India, a welfare government and its institutions play a significant role in shaping the living standard of people. The Indian Constitution spells out the duties and responsibilities of the government towards its citizens. Article 38 of the Constitution reads, 'The state shall strive to promote the welfare the people by securing and protecting as effectively as it may, a social order in which justice-social economic and political-shall pervade all institutions of national life.'

This unit discusses the importance of administrative institutions in democratic countries, the emergence of welfare state and the significance of good governance. The unit will also attempt to explain the problems and challenges of administrative institutions in India.

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

- Describe the features of a welfare state
- Discuss the functions of a welfare state
- Assess India's performance as a welfare state
- Evaluate the administrative changes brought about in India
- Discuss the administrative challenges India is facing

6.2 WELFARE STATE

'A welfare state is a state that provides for the citizens a wide range of social services; the primary purpose is to give the citizens security'.   —*T. W. Kant*

'The welfare state is a society in which an assured minimum standard at living and opportunity becomes the possession of every citizen'.   —*G. D. H. Cole*

'The welfare state connotes the concept of government in which the state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of equality of opportunity, suitable distribution of wealth, public responsibility for those unable to avail themselves of the minimal provisions for good life'.   —*Encyclopaedia Britannica*

'The welfare state is simply a state in which people are free to develop individual capacities to receive just awards for their talents and to engage in the pursuit of happiness, unburdened by fear of actual hunger, actual harmlessness or oppression by reason of race, creed or colour'.   —*H. H. Lehman*

According to Ebenstein, a welfare state aims at (a) minimum standard of living for every person; (b) economic stability and progress; and (c) commitment to the idea of full employment. As used by Richard Quinney, an American sociologist, writer, and photographer, the term 'modern welfare state' is derogatory. In the derogatory sense, it refers to a system of justice that conveys prime concern for individual accomplishment with adequate stress on community, just to provide a social setting to support individual achievement. The 'modern welfare state' does not share the concern of the peacemaker for 'a socialist vision of social order'.

The term 'welfare state' is intended for modern societies in which, under state control, welfare services are produced and distributed in a significant manner. The word does not signify the kind of services that is being offered. Generally, welfare state refers to financial services, particularly insurance for illness, unemployment and disability. The concept also covers collective provisions for education and culture. To some extent, almost all modern states engage themselves with social insurance, for which they are referred to as 'welfare states'.

Features of a welfare state

The features of a modern welfare state are as follows:

(i) Providing social insurance, a provision common to most advanced industrialized countries

(ii) Assuring minimum standard of living and opportunity to citizens irrespective of caste, creed, colour and so on

(iii) Providing a wide range of social services to the citizens, besides maintaining law and order

(iv) Assuring equitable distribution of income and wealth to citizens

(v) The welfare state seeks overall growth and welfare of the individuals

Aims of a welfare state

The main aims of a welfare state are as follows:

(i) **Public welfare:** The first aim of a welfare state is to do all those acts which aim at public welfare. A welfare state does not undertake any work which is for the benefit of an individual or a group of individuals. The state performs functions such as imparting education, protecting public health, giving economic security in old age, sickness or disability, eradicating illiteracy and poverty, providing employment, and so on, which promotes general welfare of the society. Its aim is to achieve public welfare.

(ii) **Economic security:** A welfare state aims to establish economic security for its citizens. Its aim is to create an economic atmosphere in which every individual enjoys a minimum standard of living and is sure of two meals a day; everybody is entitled to the fulfilment of his or her basic needs - food, clothing and shelter. Its aim is to see that nobody faces hunger and starvation, and that everybody is sure of security in old age, sickness and disability.

(iii) **Social justice and equality:** One of the main aims of a welfare state is to provide for social justice and equality. It creates an atmosphere in the society that all are treated alike, that no man is made to suffer because of his birth, caste, or sex, that there is no distinction between rich and poor in the eyes of law, and that the poor also get justice in society.

(iv) **Political equality:** A welfare state provides for political equality in the society. It means that all the citizens are given equal political rights, and public offices stand open to all citizens on basis of equality and merit. Public offices are not reserved for just a few.

(v) **Internationalism:** The aim of a welfare state is to promote internationalism. Such a state does not believe in war or expansion of its territories. It believes in the theory of 'Live and Let Live'. It establishes peaceful and friendly relations with other states and is always ready for extending its helping hand to other states in time of need.

(vi) **Increase in state functions:** The aim of a welfare state is to give maximum facilities to its citizens for their all-round progress and development. For this, the state has to perform various kinds of functions, which are always increasing.

Today, the state's functions are increasing every day; moreover, the state can also achieve its objectives by increasing its functions. It is difficult to prepare a list of the functions of a welfare state. However, some of the functions are discussed in the subsequent section.

6.2.1 Functions of a Welfare State

Traditionally, the functions of the state include law and order in the society, defence of the country, and establishment of justice. The welfare state stands for the welfare of its citizens. The welfare state makes provisions for free medical service, public health and hygiene, and takes preventive measures against epidemics. A welfare state creates

opportunities to reduce the unemployment level provide education to its citizens; for this education can be made free and compulsory up to a certain standard.

It establishes conditions where the living standard of the people is improved so that they may lead a happy and peaceful life. The state ensures that economic conditions of the poor are to a level which improves their living standard. This is essential for the development of personality of the citizens. However, the welfare state has wider implications than the ones we have discussed. The development activities that a welfare state must undertake include the development of agriculture and industry, irrigation facilities, co-operative farming, the management of basic industry, railways, road transport, post and telegraph, supply of electricity, gas water, the civil aviation, insurance, and other public utility services. It is very difficult to ascertain the limit of the sphere of activities of welfare state. In general, it can be said that a welfare state should provide for those amenities which are essential for the welfare of all.

Garner's views on welfare state is worthy of consideration. According to him, 'State should ensure justice and protect life and property. At the same time, it is the duty of the state to create those economic and social conditions which help the development of the potential power of the individual.'

Garner has divided the functions of a welfare state into the following three categories:

(i) Indispensable obligatory functions. To maintain internal peace and order and security from external aggression.

(ii) Natural but essential functions. Construction of roads and bridges, provision for irrigation, post and telegraph, orphanage, primary education, public health, banking, insurance, and so on.

(iii) Functions that are neither natural nor essential.

This classification of Garner does not appear logical because he mentions roads, canals and postal service as essential functions of the state. The classification of Willoughby and Gettel is preferable to that of Garner. They divide the functions of the state as obligatory and voluntary. The obligatory functions of the state include law and order, currency, security, and so on, and the voluntary functions of the state include the moral, economic and social welfare of citizens. These functions include health facilities, sanitation, primary education, and so on.

Welfare activities of the state in modern times

The activities of a progressive state can be divided into the following three parts:

- Essential or coercive
- Optimal
- Developmental activities

Essential or coercive activities

The state should perform the following activities for its own existence.

(i) Defence from external aggression

(ii) Maintenance of internal peace and order

(iii) Provision of justice

(iv) Management of momentary system - currency and coinage

(v) Provision of infrastructure for functions and systems, such as transport and communication

Optimal welfare functions

A state committed to the welfare of the people will undertake maximum welfare activities. One of the main activities of the state is to redistribute across socio-economic classes and across regions within country. In a welfare state, the operation of government tax transfer programme, such as education, health, social security and anti-poverty or welfare programme occupy a much larger share of the gross domestic product (GDP). There cannot be any universally acceptable list of welfare activities.

The welfare activities generally performed by a state in the modern times are mentioned below:

(i) **Education:** Education had been the responsibility of individual philanthropists, religious organizations and voluntary agencies in the past, but a modern welfare state regards it as its duty to expand education. State provides education at different stages. State opens schools, colleges, universities, museums, laboratories and libraries to impart education to one and all. The state gives great importance to education because it helps in the development of the potential power of individuals. In a democracy, education acquires a lot of importance because the success of a democracy depends on educated citizens.

(ii) **Health and medical care:** A welfare state looks after the health of its citizens. It provides nutritious food to citizens and opens hospitals and medical institutes. It controls epidemics by arranging for sanitation and banning the sale of adulterated food and drugs.

(iii) **Assistance to the poor and invalid:** A modern welfare state provides for the livelihood to the poor, the invalid and the crippled. This is the reason why the state opens shelters for the poor, lunatic asylums, old age houses, and so on. It also opens employment exchange for providing jobs for unemployed people.

(iv) **Labour welfare:** With the beginning of the industrial age, the importance of the working class increased. No state can progress by ignoring the working class. That is why the state provides for minimum wage, maximum working hours, protection of labour from the oppression of mill-owners, insurance against illness and old age, housing and educational facilities for the children, and so on.

(v) **Social reforms:** Social evils appear in every society in due course of time. It is the most essential duty of the state to remove those social evils. The state conducts social reform activities by making laws and making the people conscious of the social evils. The social evils such as child marriage, dowry system, untouchability, communalism, casteism, social disparity, and polygamy still exist in India to some extent.

(vi) **Transportation and communication:** The state has the duty to improve the means of transport for the convenience of citizens and the economic growth of the country. The state cannot function properly without infrastructure such as roads and railways. We are living in the age of communication, this is why a modern state develops the means of transportation and communication more and more.

(vii) **Helping agriculture, industry and trade:** The state helps citizens in the promotion of agriculture, trade and industry for the progress of the country. Distribution of seeds on a subsidized basis, providing loans on low interest

rates, digging canals, and opening research centres help in agricultural development. The state helps in the growth of cottage industry and large scale industries. It helps in the development of trade and commerce as well.

(viii) **Means of recreation:** It is the duty of the modern state to provide for recreational facilities. It builds parks and playgrounds for the public.

Developmental activities

Welfare states like India also perform developmental functions such as:

(i) Creating infrastructure for industrial development

(ii) Preparing plans for economic development

(iii) Setting up of public sector units

(iv) Taking steps for the improvement of the standard of living of the citizens

6.3 GOVERNANCE

According to the Oxford English dictionary, 'governance' is a separate, independent entry and defines it as the action or manner of governing. According to the same source, the term refers to the contents. The term governance is thus, a method or a structure of government or organization. The term 'governance' is thus a qualitative expression, a normative idea and different from Government. Mahatma Gandhi used to talk about Swaraj as well as Suraj (good governance). But in the Preamble of the Constitution, the term governance is not used and is only used in the Directive Principles of the State Policy. According to the Indian Constitution, Article 37, the provision contained in Directive Principles shall not be enforceable by any court, but the principles laid down therein are nevertheless fundamental in the governance of the country and it is the duty of the state to apply these principles in making laws.

The principles specified in the Directive Principles of State Policy are as follows:

- Right to an adequate means of livelihood.

- The operation and control of the material resources of the community are so distributed as best to sub serve the common good.

- The operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

- Equal pay for equal work for both women and men.

- The health and strength of workers, both men and women and the tender age of children are not abused and the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Thus, we can say that the Directive Principles of State Policy emphasized the content factors. In 1977, one additional item was added to the list of these principles of governance. The item was children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity along with childhood and youth are protected against exploitation and against moral and material abandonment, and so on.

It must be noticed, however, that even after over 67 years of independence, poor children of our country are still illiterate. Thus, it can be stated that making an item a principle of governance does not automatically involve government's action on that

account. Recently, the Fifth Pay Commission (1993-1997) stated that unless the objectives of governance are made clear and specific, there will always be a tendency for expansion of the bureaucracy in accordance with the inexorable Parkinson's Law.

So, governance is more clearly identified with the purpose oriented level of society and is not a motionless concept. Good governance requires supportive attitudes in the bureaucracy. Governance is a qualitative concept and government is a physical entity. The difference between the two can be conveyed more specifically by an observation like, India should have less of government but more of governance. Governance is defined as the power, authority or supremacy of the government. In a welfare state like India, the government has a moral duty and authority to resolve the social and economic crisis for the betterment of the society. The principle indicators of governance include rule of law, written constitution, accountability, transparency, decentralization and citizen participation, judicial review, equal opportunities and constitutionalism. Good governance makes way into every corner and sprit of a government of which the civil service is an important part.

Key to good governance

Governance is a multi-layered model and thus administrative efforts should strive towards higher and higher levels of excellence. Good governance is coloured with accountability, stability, responsibility, productivity transparency and integrity.

Accountability

Administrative accountability is essential for any organization. For an organization, it implies assessing its performance in terms of achieving its goals. Organizational goals are split up into specific responsibilities and tasks, and it is the individual administrators who is called upon to deliver an account of how they are performing their duties. Administrative accountability is thus a goal oriented job and ensures the optimization of the available resource to realize the organizational objectives. Administrative devices like chain of command, hierarchy, span of control, delegation of power, annual plan and supervision are all accountability promoting and enforcing mechanisms. Accountability is necessary for the growth of an organization. In a society, administrative accountability of the government is supplemented by the mass media, political parties, pressure and interest groups, political and electoral process and other human rights organizations in the society.

Accountability has two parts, and both the parts are separate from one another. The first is political, and in a parliamentary system of government like India, the executive has responsibility to give an account for its performance to parliament. The second part is primarily administrative, and here the executive holds the administrators in departments and other public agencies answerable for the way in which they carry out their duties. These two factors are balancing and both represent the foundation of a responsible government.

According to the H. Paul Appleby, 'Accountability is made more specific and is ensured by a complex of organizational and procedural devices. The fixing of ordered hierarchies is itself and exercise in accountability fixation.'

Span of control, unity of command, scrutiny, management, and so on, are well known accountability boosting strategies. In order to ensure financial accountability in India, each ministry has now a financial advisory system.

In an administrative system, all civil servants working in a ministry are accountable to the minister as the minister is responsible to the legislature for actions of the civil servants.

- The civil servants must know their minister's mind well and seek to project it devotedly in their work.
- They must observe in all their financial dealings with the citizens, the suitable process of the law of natural justices.
- They must be responsive to the larger public judgment.
- They must remain alive to the sensitivities of the legislature and must abjure from doing things that might mortify the minister, particularly in his relationships with the government.

In good governance, powerful ministries like home affairs and finance are the other liable mechanisms in the government. Audit is also an influential means of accountability and it is so powerful that the Comptroller and Auditor General is one of the topmost constitutional functionaries of India and is independent of the executive. We can say that all ministers have complete autonomy and authority in their specific area. The minister must focus on major matters of plans and leave tasks of day to day administration to the career civil servants. No hard and fast rules can be laid down about matters which need to be referred to the minister for his decisions. Every minister has his own style of working, formulating policies and depending upon the civil servants and the administration, but it is necessary for the minister to ensure accountability among civil servants maintaining hierarchy, span of control and following decision-making rule of action.

The classical methods to keep the administrative staffs under control are unsatisfactory and inadequate. Now the mass media, judiciary and other non-governmental organizations are so alert that they are working as watchdog institutions of the nation. Accountability must be filled with more positive contents and accountability must become sensitive to reward and punishment and must not remain one sided, which is perhaps the case at present.

Transparency

According to the Oxford English dictionary, transparency means frank, open and candid. Thus, transparency is the opposite of secrecy. Transparency is one of the most powerful tools in carrying forward good governance. In a country like India, it is necessary to maintain transparency in every administrative course of action. As we know, most of the developing countries are now facing the problem of corruption in their administrative work. The Government of India regulates its communication system using the colonial Official Secrets Act of 1923. It is very shameful that instead of liberalizing the Act, the government has made it more inflexible than ever before. The Official Secrets Act was amended in 1967 against two sets of events. First, it is directed against intelligence or spying, and in this respect, leaves basically nothing to change. The provisions covering espionage have been made enormously favourable for the state and a person can be punished on account of evidence. For instance, the Act says that it shall not be necessary to show that the accused was responsible for any particular act harmful to the safety or interest of the state. The Act also describes that a person be presumed to have been in communication with a foreign agent if he has, either within or without visited a foreign agent or the name, address or any other information regarding a foreign agent has been found in his possession within or without India.

The second set of events covered by the Act relate to messages of official information provided to outsiders. The Act makes it a punitive offences for any person holding office of the government to intentionally communicate any official information to any person other than a person to whom he is authorized to communicate. So, it is equally an offence for any person to receive such information. The statue sets out to punish both the thief and the receiver of the stolen goods. We can say that near about 200 differently worded charges can be drafted under the Section 5. Section 5 covers all that happens in the government. All the information which a civil servant learns during his duty is official and thus is covered under it. More importantly, the Act makes a simple receipt of official information an offence. The fact is that the information might have been communicated to a person opposing to his desire is inappropriate and does not immunize him in the least. So, it is high time to change the Official Secrets Act with a new Right to Information Act which should clearly demarcate the fields in which official secrecy would be permissible. It is necessary to put more and more information about the activities of public administrators to the public to maintain transparency in policy making and in strengthening good governance.

Participative management

Participation is a major tool of good governance. People's participation in policy making is a part of a larger process emphasizing the values of representation, openness and responsibility to the people of the country. Decision-making without the participation of the people will be ineffective. In a democracy like India, people's participation is needed in every administrative field of action. Participation promotes better understanding between the people and the government. It also can reduce the difference between the people and administration. Citizens of any country know their responsibility by their suggestions or proposals in policy-making and in good governance. People's participation keeps the government legitimate and increases their responsibility towards their duty. Peoples' participation in governance is thus a basic political process for promoting public bureaucracy's representation, openness and responsibility to the ultimate sovereignty of the country and for the people.

Judicial reforms

Judicial reform is necessary for good governance. At present, the accumulation of cases in the judiciary is completely inexcusable. The establishment of speedy trial tribunals is required to resolve pending cases. Governance is denied if speedy justice is not done with the people. To speed up the justice process, new law courts must be set up to deal with the increasing numbers of cases, judges in sufficient numbers must be appointed and delay in police investigations must be reduced. As we know, justice delayed is justice denied.

At present, the law has failed to prevent criminals from entering politics. It is easier for us to identify convicted criminals, but it is difficult to know a person with a criminal background. The legal system of India is most difficult and lengthy. The accused tries to influence the legal process and discourage justice. For the sake of good governance and discouraging people with criminal backgrounds it is necessary to add a non-suitable column in the ballot paper.

In a developing country like India, where poverty is widespread, unemployment is acute and healthcare is neglected, the state must perform its duty like a welfare state for the betterment of the people. Commitment towards the people of the state and for good governance is needed to strengthen parliamentary democracy.

Globalization's impact on wide-ranging socio-economic planning needs a closer analysis. The importance of planning should not suffer in the changed context of economic liberalization, even though its specific form may undergo change. India is committed to a free market economy, but markets alone cannot be trusted to discipline economic behaviour in the total absence of state intervention.

An important role of planning in the future would be to work out strategies of intervention to expand the market and make it work more freely with unchecked accessibility to big and small players alike. Inflation must be kept under a firm check and balance. The role of the Planning Commission needs to be analysed in the new context. Also, good governance requires supportive attitudes in the bureaucracy. A top level item on the agenda of the administrative system is the need for attitudinal transformation in the civil service. The cooperation of intellectuals, experts and civil societies are also effective tools to carry forward the concept of good governance.

6.3.1 Policy Process and Multiple Governance

The policy making process is an extremely methodical political process that involves a multifaceted set of forces. It begins with the thoughts people or interest groups have about the measures they want the government to take. We can say that the policy process is the demands or proposals made by interest groups or by other actors upon the political system for action and inaction on some apparent problems.

Planning Commission and National Development Council

The Planning Commission and the National Development Council (NDC) are two other institutions exercising much influence over the policy making process in India. The Planning Commission was established in March 1950 and has emerged as an important policy making organ in the socio-economic development of the country. Due to its different composition, and more importantly, its allocative role in the resource deployment, the Commission is often called a super cabinet. Its functions are formulating a plan and determining and allocating resources in the plan of the Commission. The Planning Commission works in consultation with union ministries as well as the state governments and prepares the five year plans and recommends the adjustments of policy measures that its progress appraisal may show.

The National Development Council (NDC), established in 1952, comprises the prime minister, a few union ministers, chief minister/heads of the state and union territories, and members of the Planning Commission. The Council is adjoined to meet twice every year, but in practice, meets much more often. It makes its recommendations to both the central and state governments. The secretary of the Planning Commission acts as the secretary to the Council and causes a memorandum to be prepared on each item on the agendas suggested by the Planning Commission, the central minister, and the state government. Its terms of reference are to review the working of the national plan, consider important questions of social and economic policies and recommended measures for the achievement of the aims and targets laid out in the national plan. The functioning of the NDC, since its inception, has revealed that there is hardly any matter of importance which it is not competent to discuss. Thus, the NDC is the top policymaking institution in the country.

Judiciary

The judiciary in India also plays a constructive role in shaping and influencing public policies in two ways, that is, by its power of judicial reviews and judicial decisions. The

Constitution permits the Supreme Court and high courts at the state levels to exercise a judicial review of legislation. Judicial review is the power of the courts to determine the constitutionality of actions of the legislature and the executive. If such actions are found to be in conflict with the constitutional provisions, the courts can declare them unacceptable and annul them. They not only specify the government's limits with regard to certain actions, but also state what it must do for the public interest. Besides, the courts have ventured into new areas of social and political concerns. The functioning of the public institution such as hospital, jails and schools, and the location of public facilities also receive attention of the courts.

Thus, the role of the judiciary in responding to administrative actions has been to protect the rights of the citizens against growing state power. The increasing governmental interference in citizens lives, the failure of the governmental action on social and economic problems, the willingness of the judiciary to play a more constructive role all tend to ensure a continuation of judicial activism in policy formation.

Non-governmental institutions

The policy making environment, besides comprising institutions like the legislature, executive, judiciary and bureaucracy, includes some union government organizations, such as political parties, pressure groups, the media and citizens. Their views and influences are of critical value to the policy making process.

Political parties

The pressure put by the pressure groups and political parties is an important factor in the making of policies. The political parties provide impetus to policies by enlisting proper support at the time of elections. But pressures comes from various quarters and are constantly changing that sometimes the process appears to be diluted without giving any sense of direction. However, parties in India are largely brokerage organizations committed to winning public offices, rather than advancing policy options to societal conditions.

The Indian political system is characterized by a multi-party system. Parliamentary representation includes both national and major regional parties. Being a multi-party system, most socio-economic policies are modified as a result of a debate in Parliament. The political expression of the people is largely confined to electing a popular government. When in power, the political party tends to retain governmental office in the face of every kind of opposition. This itself adds own uncertainties to the process of formulating rational and sound policies.

Pressure groups

Exercising of political power through organized or interest groups is the main feature of our democratic government. For individual citizen, interest groups are an important channel of communication. They communicate more efficiently than individual citizens with public officials on policy issues. They struggle to influence the decisions of the government without attempting to occupy political offices. Often, these groups are found to have conflicting values on a particular policy issue, and policy makers are faced with the problem of having to choose between conflicting demands. Obviously, well organized and active pressures have more influence than groups whose membership is poorly organized and incoherent.

A democratic government is supposed to reflect the wishes of the people, but in reality citizen's participation in policy making is very negligible. The individual citizen of

a country of 1.2 billion people is rarely a significant political force. Many people in our country do not exercise their franchise or engage in party politics. Only a small percentage of population exercises any influence on the selection of public politics.

External influencing agencies

Public policies everywhere are being conditioned by external environment. It is impossible to separate external environmental factors as they would invariably influence the political processes and policy outcomes. The influence, being brought to bear on social and economic problems of our country by agencies such as the United Nations and its allied agencies WHO, ILO, UNEP, UNDP, the World Bank, the International Monetary Fund, the Organization for Economic Cooperation and Development (OECD) and the European/ Asian Bank for Reconstruction and Development, is of critical importance in shaping policy outcomes. India has started implementing IMF supported programmes for macro-economic stabilization. It is crucial that these programmes are complemented by structural reforms, such as privatizing and restructuring state owned enterprises.

6.4   CHANGING NATURE OF GOVERNANCE

Across the world, the systems of governance have undergone a sea change over the past few decades. It has resulted in consequent changes in the administrative culture as well.

6.4.1 Ethics and Public Policy

During the beginning of the 1980s and early 1990s, public policy as a part of the public administration was expected to produce ethical as well as empirical-analytical knowledge. The concept of welfare state and government's commitment to policies compelled administrators to follow the ethical values for sketching the framework and implementation of the public policy. Policy makers revisited the old theories or joined the other subjects with the public administration. The policy sciences appear to be moving from a simple theory or rational choice their society, from policy science to police inquiry.

Two items have been selected by the policy scientists since the 1990s. First, the policy science was to become normative; and second, police sciences were to be related to public management. The issue was not whether policy sciences should include values, but how this was to be accomplished. Four general approaches to ethics and values in the policy sciences appeared to have gained importance during the 1980s and the early 1990s.

Social philosophy and political theory

This is a very important approach for the study of ethics and values in making and analyzing the public policy or the policy process. Communitarianism, liberalism, utilitarianism are described as the moral theories of administration. Communitarians stressed on doing well in addition to utilitarian norms of doing well with emphasis on liberty and equality in the formation of public policies. It raises the questions that public accountability of higher bureaucracy would provide the moral safeguards against ethical transgressions such as in the defence security system.

Ethical issues and social morality approach

Under this approach, the individuals and groups both inside and outside the public service are forced to make concrete ethical and value judgment on a regular basis. The developing countries of Asia are now changing their view points and trying to root out the social crimes like eve teasing, killing of girl child, trying to enact law based on ethics and law such as anti-dowry law and encourage people for the family planning.

Professional and administrative ethics

This approach focusses on the public duties as well as public rights and issues. The standards of professional conduct by government employees and the conflict between public duty, personal morality and private interest developed into the possibility of and administrative ethics.

Meta ethics and ethical analysis

Meta ethics and ethical analysis are the approaches to study ethics. This study consists of values that concentrate analysis on ethical contents of public policy. Meta ethics or the ethical study of ethics, replaced the discredited belief in value free social science inquiry. So, the ethical values have a key contribution as a major part of the policy-making and policy implementation. In the ongoing 21st century, more work has to be done on the basis of ethical analysis and ethical methods. In the policy making and policy implementation process, ethics and ethical studies are basic components to please the people and to gratify the political parties.

'Public Policy' as an academic pursuit emerged in the beginning of the 1950s, and since then it has been acquiring new dimensions and is struggling hard to acknowledge the status of a discipline in the comity of social sciences.

Concepts of Public and Policy

The idea of public

It is first important to understand the concept of 'public' for a discussion on public policy. As is self-evident, the starting point is that 'public policy' has to do with those spheres which are so labelled as 'public' as opposed to spheres involving the idea of 'private'. The concept of public policy presupposes that there is an area or domain of life which is not private or purely individual, but held in common. The public dimension is generally referred to 'public ownership' or control for 'public purpose.' The public comprises that domain of human activity which is regarded as requiring governmental intervention or common action. However, there has always been a conflict between what is public and what is private.

Concept of policy

Like the idea of 'public', the concept of 'policy' is not a precise term. Policy denotes, among other elements, guidance for action. It may take the form of one or more of the following:

- A declaration of goals
- A declaration of course of action
- A declaration of general purpose
- An authoritative decision

Hogwood and Gunn specified the following ten uses of the term 'policy':

(i) As a label for field of activity
(ii) As an expression of desired state of affairs
(iii) As specific proposals
(iv) As decisions of government
(v) As formal authorization
(vi) As a programme
(vii) As an output
(viii) As an outcome
(ix) As a theory or model
(x) As a process

Unfortunately, the policy itself is something which takes different forms. There is a thrust to designate policy as the 'outputs' of the political system, and in a lesser degree, to define public policy as 'more or less interdependent policies dealing with many different activities'. Studies of public policy areas, on the contrary, have tended to focus on the evaluation of policy decisions in terms of specified values—a rational rather than a political analysis. The magnitude of this problem can be recognized from the other definitions, which have been advance by scholars in this field.

Y. Dror, one of the leading students of policy science, defines policies as 'general directives on the main lines of action to be followed'. Similarly, Peter Self defines policies as 'changing directives as to how tasks should be interpreted and performed'. To Sir Geoffrey Vickers, policies are 'decisions giving direction, coherence and continuity to the courses of action of which the decision-making body is responsible.' Carl Friedrich regards policy as '…..a proposed course of action of a person, group, or government within a given environment providing obstacles and opportunities which the policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective or a purpose.' James Anderson suggests that policy be regarded as 'a purposive course of action followed by an actor or set of actors in dealing with a problem or matte of concern'.

6.4.2 Positive Government and Public Management

Positive government received a serious setback in the 1970s caused primarily by economic crisis as well as the disintegration of the USSR. The dissatisfaction remained unmonitored in India and became exposed only in the 1990s. The collapse of the USSR exposed the unsoundness of the command and control system of a country's economic management. The economic crisis reduced the flow of funds in to the public sector.

The growing fiscal deficit most developing nations have faced since the 1980s forced them to borrow to raise revenue for government, which in return created the problem of indebtedness for them. Public management, though increasingly used since the 1980s, is not yet a fully developed concept as Metcalfe and Richards argue. They stated that the public management is too narrow to understand. It is necessary to include the terms land, necessity of information, decentralization, line management, and inter organization management. The public management movement in public administration focusses on the role of top administrative leaders, such as political appointees and the strategy.

During the 1970s, the policy sciences addressed topics of evaluation, operation, execution and termination. A policy remains just a policy statement unless it is implemented. Public management, like policy, shares a general condescension for traditional objective,

discipline bound and social science inquiry, and prefers the multi-disciplinary, problem-oriented and clearly normative nature of its policy oriented kin. The public manager is concerned with the specific functions necessary to organization and implementation of the public policy; that is, planning, organization, directing and controlling followed by the Luther Gulick's formula of POSDCORB.

Public policy and public management are the partners, convergent in outcome, yet with different focus. Lynn combines the theories of managerial and organizational behaviour of senior public executives who pursue public policy. Managing public policy, according to Lynn, is a result of executive effort directed at affecting governmental outcomes by influencing the processes that design and carry out governmental activity.

We can, thus, say that public management has an important role in effecting policy operations. The concept of public management is the combination of two words 'public' and 'management'. Its contents emphasized the concepts taken from both political science and business management. While constitutional principles like the rule of law, equity and fairness, and so on, are the contents of political science, efficiency and financial transactions and benefits are its business ingredients.

Public management, used at both micro and macro level, is towards the betterment of policy making. The public manager deals with public policy, in managing the policy process and also contributes in implementing public policy. It is an ongoing process and criteria in making, implementation and assessment of the public policy.

6.4.3 New Public Management

The concept of new public management (NPM) is of recent origin of the new globalization period. As mentioned, it is a mixture of two words—public and management—and its contents highlight the concepts taken from both political science and business management. While constitutional principles, rule of law, equality, justice, sovereignty, and so on, the basic contents of the political science efficiency, cost profit, cost breakdown, planning and implementation constitute its business ingredients. Thus, public management stands for the acceptance of experienced and examined management methods for collective problem solving.

In short, new public management takes 'what' and 'why' from public administration and 'how' from business management. Traditional public administration is generally associated with bureaucracy while the latter is decried and denounced by new public management. Richard Common states that new public management is used to describe a vast range of contemporary administrative changes. NPM has become a very popular concept, its secret lies in its appeal as an attractive solution to the problems of big and inefficient government.

The term new public management was invented by Christopher Hood in 1991 and used in his paper on 'A Public Management for All Seasons' which was published in *Public Administration* (Volume LXIX, No. 1). Christopher Hood defines new public management as:

- Emphasis on professional management in the public sector (a new reference for public administration)
- Emulation of private sector management style
- Shift to the competitive approach, the motivation being to cut costs and raise standards of service and product

- Emphasis on standard setting, performance measurement and goal setting
- Increased concern for output control liked to resource allocation
- Rules and regulation and economy in resource use
- Unification of massive units into provider producer functions and the introduction of contracting.

Another notable contribution in the development of NPM was made by Gerald Caiden. Others who have contributed to NPM are P. Hoggett, C. Pollitt, R. Rhodes, R.M. Kelly, P. Aucoin, and L. Terry.

No organizations or institutions, whether political, social economical or even religious can carry on the work without proper administration or management. Principles of management are now commonly used, not only for managing business organizations, but also educational, social, financial and even governmental organizations. Now, the government agencies are freely using progressive modernized and updated management thoughts and principles into their area to carry forward their various policies and activities.

Management is the moral process in all forms of organizations, though it may differ in its complexity with the size of organizations. According to Clauds S. George, Management is the core of national as well as personal activities and the way we manage ourselves and our institutions reflect with alarming clarity what we and our society will become.

Momentum to public management has principally come from two sources. The first came from the United States where the dominant view is that management techniques developed and examined in the private sector may profitably be applied in public administration. The source is now protection or new right, which believes in authority of the market as the guiding principle for society as a whole. By the same count, it calls for the retreat of the state, and argues for deregulation, privatization and agreement management.

The 5 Ds (Decentralization, Devolution, Deconcentration, Delegation and Debureaucratization)

In a federal set-up, the tendency towards centralization should not always be over powering. This was kept in mind while formulating our Constitution. The 8th Schedule clearly mentioned the areas of power and functions of the states and union governments. The regulatory framework in which Indian administration was working with prime focus on the instructions of the Centre no longer holds true. The process of decentralization calls for making the levels of administration responsive to local needs. With the passage of the 73rd and 74th Constitution (Amendment) Acts, 1992, local government have become a reality. The functions and subjects on which the local bodies work are specified in the Eleventh and Twelfth Schedule of the Constitution. This devolution of powers and functions is getting hampered due to the absence of finances and adequate and well trained functionaries. There has been an increasing tendency for concentrating the administrative machinery either in the state capitals or districts; there is an urgent need to disperse the offices with optimal facilities of funds, finances and functionaries. E-governance can act as both a tool to centralize as well as decentralize, but surely assists in a two-way communication with of course cost and other challenges attached with it. The policies once formulated are given to administrators to implement. The ground realities act as the test for policy execution, thus bureaucrats use the principle of delegation. This could be misused by discretionary application, so clear and specific benchmarks are a must.

The exact mix from the two is, however, not easy to determine. In fact, there are two polar viewpoints. According to one, there are strong similarities between public management and private management. This school of thought favours free transferring of standards of good management of public administration. The other viewpoint finds some basic differences between public and private management. It, thus, highlights the exclusive political environment within which public administration is obliged to function. In addition to these views there is also a third and middle path. This school of thought believes that the truth lies somewhere in between the two extremes. In development of their ideas, the proponents of this take into account both colonial and normative arguments.

In today's liberalized world, administration has been replaced by management. Public administration is also identical with management with overlapping circles. The Indian Institute of Public Administration (IIPA) is not only a professional body, but also a source head of all that stands for the best in public management. Earlier, IIPA was a direct training centre for the Indian Administrative Services (IAS) and other services. Now, they are providing training programmes, lectures on the public management, public administration and other fields of the social science with its rich library and training techniques that are needed in public management and the administration.

The old picture of administration has been compressed by so many practitioners in various fields that it has lost its shape. It has been transformed by management in all its consequences, behaviour and stratifications. Now, they are trying to adopt the administrative formula of POSDCORB that is primarily concerned with efficiency. Gulick also identifies five different aspects of time, namely, time as an input, time as output as the flow of events, time as a gap between two or more significant events or processes, and finally, timing as a management policy. Gulick clarified that time has realistic and significant connotations for public management. It reflects that the principle of management should eternally tie to the culture in which they arise. He also defined that culture must evolve appropriately well before major challenges in human organizations as it is not a machine, but an organism. He stressed that time must become a central strategic and moral concern in public management. Therefore, the government must plan and work with this flow in time and for time.

In the changing scenario of management, we have begun to realize that, with the globalization of the Indian economy, all our institutions need management discipline. All professional managers, irrespective of their environment, ranging from financial management, personnel management, inventory management, and so on, have to bring about better results in their wider spectrum to total management.

In public management, the most important determinate is the matrix of demonisation. Human values in public management cannot be ignored. Many scholars have asserted that all management is the man management in the final analysis. In the design of an organization, management is the most powerful element. It adopts and adapts the organization to its environment. It shapes the environment to make it more suitable to the organization. It requires coordination at all levels, specifically coordination leadership is a must. It is leadership that ensures synchronization of that activity of people, both at the planning and execution stages.

So, we can say that the public management movement focusses on the role of top managerial leaders, such as political appointees and the plans they set. The concentration of the public management movement on top management has resulted in overlooking the contributions of other levels in administration. Decision-making saturates the bureaucracy from top to bottom.

The concept of NPM defines the way of handling management of an organization following various methods and techniques of management. It also follows the rule based on the 4Ms, that is, man, money material and machines. The political thinker Luther Gulick also emphasizes that time was crucial in the concept of new public management. Without it, there is no change, no growth, no cause and effect and no responsibility for management. Gulick describes that all public policy transformations are rooted in the timing, and democracy timing is the trademark of statecraft.

A dominant trend in public administration emerged in 1980s was the growing disillusionment with the state as an instrument of social betterment. All over the world, the state discovered itself under siege, that is to say, it was under incessant attack, while the governing capacity of the government was seriously questioned. While people nowadays have less faith in the government, the need for what Jan Koolman and Martijkin Vliet called 'collective problem solving' has not diminished. The remedy has been discovered in business administration. UA Gunn calls new public management as the third way between the public administration and private administration. J.L. Perry and K.E. Kraemer observe, 'Public Management is the merger of the normative orientation of traditional public administration and the instrumental orientation of general management.'

Approach of new public management (NPM) as public choice theory (PCT)

New public management is a commercial approach to public administration, as well as the turning point on the basis of public choice theory (PCT) and managerialism. NPM also believed in the dominance of the market and in private sector management. PCT has resonance with the 'Neo Right Movement' or 'Neo Liberalism'. Market model, which is the dominant model of the governance in the NPM schema, introduces competitive elements in the public administration with marketisation, privatization and downsizing being its key features. The two defining pillars of NPM are thus public choice theory and neo Taylorism. New pubic management is anti-bureaucratic and marks an aggressively managerial approach in public administration. It thus can be seen as a direct criticism of the traditional model of public administration.

Public choice theory has exercised a powerful pressure upon policy making since the 1970s. It seeks to communicate an altogether new direction to public administration. It gives itself to a market value and thus closes down the control of the government in respect of the supply of public services, and as an alternative introduces the principle of challenge. As the public bureaus are exposed to competition, there is a continuous search for improvement in service standards. People get the option of choosing between competitive service suppliers and now power is decentralized. New public management is thus dressed up in the language of management, and imported methods and techniques for the profitable sector. It is characterized by three powerful business features like management, service and client orientation and market type mechanism such as competition.

Osborne's and Gaebler's book, *Reinventing Government: How the entrepreneurial spirit is transforming in the public sector*, can be a road map in designing a government on the wide principles of NPM. The following are to be considered:

- Catalytic government that is based on direction-finding rather than rowing or self-creating

- Community owned government that believes in empowering rather than serving
- Result oriented government that believes only in the outputs not in the inputs, that is, result is more important than the work or worker
- Mission oriented government that change the rule of determined organizations
- Consumer driven government believes in meeting the needs of the customer and not the bureaucracy
- Enterprising government that believes in earning rather than spending
- Preventative government that believes in prevention is better than cure
- Decentralized government that believes in substantive participation and team management
- Market oriented government that believes in the massive change through the market
- Competitive government that believes in competition
- New public management is result oriented and goal oriented. It believes in flexible planning in the organization on personal terms and conditions of employment and so on. It depends upon 3 factors, that is, wealth, competence and efficiency.

Criticism of new public management

New public management is criticized for separating political decision from the implementation aspects of public administration. Political executives are lose control over the implementation of their policy as a result of managerial reforms.

NPM involves in several shifts and changes. However, public management implies replacement of the traditional methods and ethos of the public administration by private sector practices, which are claimed to be of superior effectiveness. NPM does not believe in a public sector that is protected from the private sector and advocates greater management diplomacy in the handling of public administration. It is an executive model, which is rather unfamiliar with public administration. It has a supervisory thrust that is pushing public administration into what may be called a neo Taylorian direction. The trend towards the new public management observed in public administration is not without criticism. The influx of private sector must not ignore the values inherent in public administration. New public management put forward the state to adopt an alternative in the form of the market. It boldly recommended privatization and all that it implied and all growing techniques of management and application.

Under new public management, the concept of public administration is progressively disappearing and there is a search of alternatives to boost up the concept of public-ness. NPM or business management has to marginalize these essential features of public administration. Public-ness also depends on the size of the service recipients. A greater number of service recipient implies a higher degree of public ness. So new public management is a dominant trend and now becoming more and more specialized and rapidly evolving as a true profession with definable principles.

6.5 INDIA AS A MODERN WELFARE STATE

The Indian government is committed to the ideal of a socialistic pattern of society. Pt. Jawaharlal Nehru had observed, 'We talk about a welfare state and direct our energies towards its realization. The welfare must be a common property of everyone in India and not the monopoly of a privileged group. The core idea of social welfare is human well-being in all respect. A welfare state must ensure minimum opportunities for physical and social well-being of all citizens; it would eliminate exploitation and disparities, and thus provide for the self-development of the individual'. The Directive Principles of State Policy clearly state that the Government of India will undertake welfare functions for its citizens. As a result, the government has passed several laws for the welfare of general public, labour and consumers. Moreover, it has implemented economic planning (through five year plans) for speedy economic development, and solve the problems of poverty and unemployment.

India has adopted the ideal of the welfare state and is fully committed to its realization. This is clearly shown by the Constitution of India. The basis of the present welfare state is both political and economic. Under the impact of liberalization, a great stress is laid on the formulation of these policies by the state in which people have a greater say. There should be decentralization of political and economic power as it is felt that only such a state of affairs can lead to economic development of the people. While following the policy of economic liberalization, the government ensures that the wealth does not get concentrated in a few hands.

It is also confronted with several economic problems such as export and import, taxation, currency, exchange and provision of subsidy, and formulates policies accordingly. The Indian government implements such policies through which the interests of the weaker sections of the societies are protected. Specific schemes for their economic and social welfare have been launched to improve their standard of living. The Indian government has been providing social security, primarily through statutory protection in respect of industrial accidents, maternity, sickness, old age, retirement, and occupational diseases.

India has a history of very detailed and diverse social policy programmes. This detailing in the policy discourse and the rhetoric may, at times, obscure the applicability of Titmuss' notion (1958) of a residual welfare state to the Indian case. Some scholars suggest that while the second five year plan (1956-61) had the least to say in terms of welfare, it went further in laying out a social policy. On the other hand, while the rhetoric increased from the late sixties to early seventies through the 'garibi hatao' (remove poverty) slogan, it is from the fourth plan (1969-74) that the content of welfare policy has become fuzzy. The welfare regime became the patchwork of programmes described below, furthering its residual character and in line with Gough's description of the process as piecemeal, haphazard and reactive. The programmes through which stated intentions were to be translated were clearly meant to react to market or family 'failures' and limit assistance to marginal or especially 'deserving' social groups. They were not designed or funded, however, so as to provide assistance to even all members of any 'deserving' group, allowing for political and bureaucratic patronage and corruption.

This was, especially, true of the range of social services, including those under the head of 'social welfare and nutrition'. After the neo-liberal reforms began at the end of the 1980s, there was a further and clear shift in advocating private sector expansion in

health, education, and (other) 'social services' and denial of state responsibility in these areas even for the 'needy/poor' groups with the levying of user fees. The possibility and probability of simultaneous market and family 'failures' have also been played down. The gradual withdrawal of the state (with a slight upturn in the last few years) and its ad hoc treatment of the social sector are reflected in the trends in social sector expenditure.

The bias against agriculture in the terms of trade, the rural-urban income gap, as well as rural-urban gap in public infrastructure — the urban bias — had been diagnosed as the problem in various studies. Rural development has been an important component of social sector expenditure and a range of direct anti-poverty schemes and programmes directed to rural India had been initiated fairly early on, but funding and implementation were low and fluctuating. In order to cushion the worst effects of liberalisation on the poor, targeted 'safety-net' measures were advocated. From the mid-1990s, the emphasis shifted to human development and physical infrastructure, such that budget allocations to anti-poverty programmes declined. This decline in relative expenditure and importance was partly corrected from 2003-04.

6.5.1 Changing Nature of Administrative Culture

There were very few 'universal' components in the Indian welfare regime. The few that were in place, as in health and education, were differentially, unevenly and minimally available or not accessed by those who had the means to avail of private facilities. Claims at striving for universal availability and access were not matched by allocated resources, leading to both a paucity of facilities and poor quality in services. This has been accentuated since the end of the 1980s with the push for privatisation and targeting of universal programmes. The poor often could/did not access public-funded facilities due to their non-availability or the immediate loss of wages that accessing the facility (as with schooling) entailed. Unlike in Europe, where other than the elite, all sections accessed public health and education institutions, in India, even the middle classes turned to private facilities, except in higher education and schools (central and army schools) and hospitals (e.g. All India Institute of Medical Sciences) designed for or available to public sector employees. Thus, those who run the government have had little stake in ensuring and improving government facilities or are able to access the 'islands of excellence' within them. Often, they have familial links with those who set up private facilities. Discussed below are some of the sectors where the India government has taken remedial steps as a welfare state.

Public health

The health system is critical for understanding of the social and political economy of care in any national context and from the time of the Beveridge Plan became a standard measure for understanding and evaluating a welfare regime. In India, a public health system consisting of public facilities and health insurance for employees was to be one of the centre-pieces of its 'socialist' orientation. However, from the start, the public health system was marked by all the characteristics noted for the schooling system: low funding, poor spread into rural areas, sub-standard infrastructure with islands of excellence, and paucity of staff. Again, the universality of the programme was denied in practice by non-availability, by the middle and upper classes opting for private health facilities and practitioners, and by doctors trained in government institutions opting for private sector, preferably in another country.

In addition, as population control became a principal 'development' strategy of the Indian state, allocations for health, especially of women and children were increasingly invested in family planning programmes; 'family welfare' being the euphemism. This made even the poor wary of public facilities. Neo-liberals advised institutions of user fees, and the rising costs of medicine within public institutions following market deregulation, further meant that for the poor there is often little difference in costs between public and private health institutions.

Primary schooling

Schooling, particularly primary schooling, has been a minimum programme central to welfare claims of any government. In India, too, this was the case in terms of stated policy. In the first decades of independent India, the number of illiterates and children out of school continued to grow despite higher enrolments, while drop-out rates of those enrolled also remained high. From the late 1980s, there was a new interest among state functionaries in primary education. A number of new and varied programmes were started with every Plan or even during a Plan period. The stated aims were to increase literacy levels in different age groups and sections (women in particular), stimulate parents to send children to school, and involve the community in primary and non-formal education.

During this period, public expenditure on education was the one component within the social sector which was higher than in the past, in absolute terms and as a percentage of the GDP and of all public expenditure. Though overall education allocations (as a percentage of expenditure) declined in the 1990s, an increasing proportion was spent on primary and secondary education rather than on higher education. Tamil Nadu invested much more than Haryana and the average for other states, in which the midday meal scheme formed a major component. Education is primarily the financial responsibility of state governments rather than the central government. Yet, with the introduction of an education cess on income tax in 2004-05, a larger proportion of central government revenues were directed to elementary education, seen in the improvement in basic facilities in schools.

Growth of private sector

The neo-liberal orientation of the government and the preferences of the middle class were seen in the encouragement of private investment in education. Initially, growing more rapidly in the urban areas, private, unaided as well as government-aided schools, have been spreading in rural areas too. In Haryana, 97 per cent of the villages had a government school and 32 per cent had a private school in 1994. In urban India, 61 per cent of all new enrolments among boys between the years 1986-1993 were in private unaided schools; for girls, the figure was 32 percent. For Scheduled Castes, 32 per cent of boys were newly enrolled in private unaided schools with girls constituting 20 per cent. In the case of Scheduled Tribes, the corresponding figures were 34 per cent for boys and 25 per cent for girls, respectively. In rural India, almost 30 per cent of new enrolment for boys and 9 per cent of girls was accounted for by private unaided schools. However, despite the rapid growth of the private schools, government schools continued to be preponderant in the 1990s. In the NCAER 1994 survey, 72 per cent of the children (aged between 5 and 15) were in government schools, 18 per cent in government-aided schools and only 10 per cent in private schools. The access to private schools is differentiated, due to their higher fees as well as admission policies which tend to discriminate against children from families with a poor educational history.

Midday meal scheme

It has been argued by a number of commentators that a major factor in the higher enrolment and the decline in dropout rates in primary schools has been the introduction of the mid-day meal scheme through its contribution to the food security of the child and in turn the child's family (Supreme Court Commissioners 2005). The experience of Tamil Nadu is cited in this regard, a state which today has higher literacy and enrolment rates than the all-India average and was among the first to introduce this programme. Rajivan (2006) points to a long history of school meals in Tamil Nadu, first through public contributions in 1956, then through joint-public private funding, with donor assistance coming in 1961 enabling expanded coverage. The introduction of the daily, hot, cooked, noon meal scheme in Tamil Nadu in 1982 was a watershed in its impact on school attendance that the introduction of dry rations in many other states could not have. Teachers, especially in UP, suggested that children were regular only in the days prior to the periodic distribution of dry rations (Ramachandran et al. 2003).

The Tamil Nadu scheme was taken up as a centrally sponsored midday meal scheme, the National Programme for Nutritional Support to Primary Education in 1995, under which 3 kg grain per month or a cooked meal of 100 g. per day for 200 days was to be provided to all children enrolled in primary schools. In 2001, the Supreme Court directed State/UT Governments to provide every child in every government and government-aided primary school with a prepared meal for a minimum of 200 days, specifying also the nutritional content. The emphasis was on the last, but also on a daily, cooked meal rather than periodically distributed, dry rations. Subsequently, the government decided to provide midday meals to children living in drought prone areas even during the summer vacation.

As the MDMS currently stands, costs are to be provided from three sources. These are (i) Pradhan Mantri Grameen Yojna (PMGY) funds (ii) central assistance (iii) state/UT budgets.

Public distribution system

The one universal component of the welfare regime, which was accessed by large sections of the poor, the lower middle class and others was the public distribution system (PDS). This had been the major anti-poverty government programme, directed to a right to food and to that extent has indirect implications for care, in particular, the familial care burden which malnutrition can engender. Dev et al. found that of the 13 programmes they investigated, the highest awareness in the three states (Orissa, Madhya Pradesh and Karnataka) of their study, as well as the highest participation rate was in the PDS. Under the PDS, various grains and 'basic needs' items are sold at fixed prices from 'fair price' shops to ration card holders. The PDS is operated under the joint responsibility of the centre and state governments and there is a network of over 4,78,000 fair price shops across the country.

With liberalisation, the PDS came under attack as involving unaffordable subsidies (in ensuring reasonable prices) and leakages as grains were diverted and the non-poor too could avail of the goods. Hence, there was a shift to a targeted system — the TPDS — with differential pricing for those classified Below Poverty Line and Above Poverty Line.

Exclusive social protection

Another landmarked feature of the welfare regime in India is that social protection measures are largely directed at the organised sector which forms a very small part of the economy. In particular pensions, medical leave, maternity, and termination benefits are not only limited to the organised sector, they tend to be limited to government employees (making the latter much sought after). Only 11 per cent of the working population is entitled to retirement benefits, including government employees, though when family pensioners are added the proportion of the population receiving pension benefits, the number goes up by a few percentage points. The total outlay on pensions for central government employees as a proportion of the GDP rose from 0.38 per cent in 1990-91 to 0.74 per cent in 1999-2000, declining to 0.56 per cent in 2003-04 (RE). This rise is probably linked to the encouragement of early retirement (Voluntary Retirement Schemes) in the 1990s as part of the liberalisation policy.

Overall, cash transfer programmes beyond those tied to employment in the small organised sector are few, targeted by group, and distributed to a limited extent, even within the targeted groups. These include schemes such as the Indira Awas Yojna (for housing), the National Old Age Pension, widow/disabled pension and rural educational scholarships. Haryana has only the basic schemes of the central government, while Tamil Nadu has developed various schemes for informal sector workers which have been the models for or have followed the central schemes.

Rural employment programmes have been central to anti-poverty policy, starting from the Rural Manpower Programme of 1960. With droughts and/or floods that could lead to famine, various food for work programmes and drought relief programmes were started by the state or central governments. These were stopped, restarted, rearranged at various times, including incorporation into a number of centrally-sponsored schemes started in the early 1980s and then in the '90s. The Sampoorna Grameen Rozgar Yojana (SGRY) was started in 2001, with the merger of the Jawahar Gram Samridhi Yojana and the Employment Assurance Scheme. The National Food for Work Programme (NFFWP) was formed in 2004, in which various state food for work schemes were amalgamated. The two national rural employment schemes, the NFFWP and the SGRY, were brought together with the launching of the NREGS in 200 (out of 596) rural districts in 2006. From 2002-03, with the merger of various schemes into the SGRY, the government allocation to employment schemes as a percentage of GSDP suddenly doubled and remained at that level (ISWSD 2006).

The NREGA was radical in its very premise compared to the earlier 40 years of workfare programmes - the guarantee of a hundred days of manual work within a five kilometre radius on a casual basis each year to each rural household that enrolled. Adults who are willing to undertake unskilled, manual labour are required to register with the relevant authority and to apply for work, specifying the period and timing of work for which they are ready. They are to be issued job cards and are to be paid the minimum wage fixed by the state governments for agricultural labourers.

6.6 PROBLEMS AND CHALLENGES OF INDIAN ADMINISTRATION

The Indian economy could be four times bigger by 2050, and may also have the potential to be larger than the US by that time. To achieve this, however, India needs to implement

many changes. Below are the findings of a global research report on 'Ten Things for India to Achieve its 2050 Potential', brought out by Jim O'Neill, Head Global Research at Goldman Sachs, and Tushar Poddar, V-P Research, Asia Economic Research Team at Goldman Sachs India.

The reports lists a number of things for India to do, such as improving its governance, controlling inflation, introducing credible fiscal policy, liberalising financial markets and increasing trade with its neighbours. 'Delivery of all these and more would ensure strong, persistent, medium-to-long-term growth, allowing India to reach its amazing potential,' it says. Here are the 10 top challenges for India:

1. **Improve governance:** Without better governance, delivery systems and effective implementation, India will find it difficult to educate its citizens, build its infrastructure, increase agricultural productivity and ensure that the fruits of economic growth are well established.

   Governance problems stem from the increasing inability of the government and public institutions to deliver public services in the face of rising expectations. A large gap between physical access to services and the quality of services provided is leading to a citizen satisfaction gap.

2. **Raise educational achievement:** Among more micro factors, raising India's educational achievement is a major requirement to help achieve the nation's potential. According to the basic indicators, a vast number of India's young people receive no (or only the most basic) education. A major effort to boost basic education is needed.

   A number of initiatives, such as a continued expansion of Pratham and the introduction of Teach First, for example, should be pursued.

3. **Increase quality and quantity of universities:** There is also significant need for better higher education. The likely numbers seeking higher education can be expected to grow by three of four times by 2020 from the current number of around 10 mn. The National Knowledge Commission has proposed an increase in the number of universities from 350 today to 1,500 by 2016. It has also proposed an increase in the 18-24 age group-to be educated to university level from 7 to 15 per cent.

4. **Control inflation:** For a nation that is rightly proud of its democracy and has a history of reasonable stability in terms of inflation, formal inflation targeting (IT) should become a centrepiece of a clearer, more defined and credible medium-term framework for macroeconomic stability. As part of this, greater independence for the Reserve Bank of India and the abolishment of all FX controls are recommended. We are well aware of some of the difficulties, both real and perceived, for India to adopt these choices, but it is in India's best long-term interests to undertake these steps. IT has given major benefits to a broad variety of countries, ranging from 'developed' countries (such as New Zealand, Sweden and the UK) to 'developing' ones (such as Brazil, Korea and South Africa). For India, there are probably broader powerful benefits.

5. **Introduce a credible fiscal policy:** India's gross fiscal deficit remains one of the highest in the world and, recently, government liabilities have been increasing at an alarming rate. The overall government deficit stood at just under 6 per cent in FY2008. In FY2009, this may accelerate to above 7 per cent, due to a large debt-waiver for farmers, a big wage hike for civil

servants, increasing fertiliser and oil subsidies, and higher exemptions on income tax.

At such high levels, government borrowing crowds out private-sector credit, keeps interest rates high, adds to already high government debt, and becomes a key source of macro vulnerability.

Further, the composition of spending is undesirable. Expenditures are directed less towards productive investment-especially in much-needed areas such as health, education and infrastructure, which could enhance growth-but rather on wages and subsidies. A medium-term strategy for fiscal policy, which reduces the overall deficit to a sustainable level, is critical for India.

6. **Liberalise financial markets:** India's financial sector remains small and underdeveloped. The state still dominates the sector, holding 70 per cent of banking assets, a majority of insurance funds and the entire pension sector. Additionally, markets are lacking in corporate debt, currency and derivatives. This leads to a lack of credit and low financial savings. Total credit, at 50 per cent of GDP remains well below that of its Asian neighbours (an average of over 100% of GDP) and especially compared with China (111% of GDP). Within this, consumer credit remains abysmally low (at 11% of GDP) compared with an Asian average of over 40% of GDP. Household savings tend to be in physical assets and gold, and risk diversification channels are not available.

To meet its growth potential, India needs to pursue financial reforms to channel savings effectively into investment, meet funding requirements for infrastructure and enhance financial stability.

7. **Increase trade with neighbours:** In the past decade or so, Indian trade with the rest of the world has ballooned. Lower tariff barriers encouraged by Indian authorities have been key, as has booming world trade. This impressive development needs to be kept in perspective, however, as it has come from an exceptionally low base.

India currently accounts for no more than 1.5% of global trade. India still ranks below the average of all developing countries. India's trade with China is rising sharply, and China now ties with the US as India's biggest trading partner. Again, however, it is important to recognise that trade with China remains very low. India takes just 1.93% of China's exports and provides just 1.46% of its imports. Total trade with the US in 2007 was just $42bn. For comparison, total US trade with China in 2007 was $405bn. Similarly, total Indian trade with China was just $37bn.

If India can be encouraged to think increasingly 'global', the virtuous benefits of trade with other emerging giants with large populations could be a source of considerable upside surprise for India.

8. **Increase agricultural productivity:** Increasing agricultural growth is critical not only for India to sustain high growth rates, but also to move millions out of poverty. Currently, 60% of the labour force is employed in agriculture, which contributes less than 1% of overall growth. India's agricultural yields are a fraction of those of its more dynamic Asian neighbours. For instance, rice yields are a third of China's and half of Vietnam's.

Agriculture, especially in these times of rising prices, should be a great opportunity for India. Better specific and defined plans for increasing productivity in agriculture are essential, and could allow India to benefit from the BRIC-related global thirst for better-quality food.

9. **Improve infrastructure:** India's constraints in infrastructure are obvious to first-time visitors or long-term residents. The problems of clogged airports, poor roads, inadequate power, delays in ports have been well-recognised as impeding growth. Indian companies on average lose 30 days in obtaining an electricity connection, 15 days in clearing exports through customs, and lose 7% of the value of their sales due to power outages.

   Incremental demand for infrastructure will continue to increase due to economic growth and urbanisation. The impact on infrastructure demand will be enormous, from demand for inner-city transport, water and sewerage to low-income housing. The Planning Commission estimates that India needs almost to double its ports, roads, power, airports and telecom in the next five years to sustain growth.

10. Improve environmental quality: India's high population density, extreme climate and economic dependence on its natural resource base make environmental sustainability critical in maintaining its development path. History is replete with instances of societies that have depleted their natural resources in the course of their development, thereby leading to severe loss of growth, and in some spectacular cases (e.g., Easter Island) a complete collapse of the civilization.

    Although such dire prognostications are premature, urbanisation, industrialisation and ongoing global climate change will take a heavy toll on India's environment, if not managed better.

ACTIVITY

Do you think the concept of laissez faire would have helped the Indian economy grow and become competitive? Give your argument.

DID YOU KNOW

Researcher shave found very little correlation between economic performance and social expenditure. They also see little evidence that social expenditures contribute to losses in productivity.

6.7   SUMMARY

In this unit, you have learned that:

- The concept of welfare state or administration emerged in the 20th century when the practice of laissez-faire was being abandoned.

- For developing countries, such as India, a welfare government and its institutions play a significant role in shaping the living standard of people.

- The term 'welfare state' is intended for modern societies in which, under state control, welfare services are produced and distributed in a significant manner.
- A welfare state aims to establish economic security for its citizens.
- A welfare state provides for political equality in the society. It means that all the citizens are given equal political rights, and public offices stand open to all citizens on basis of equality and merit.
- The development activities that a welfare state must undertake include the development of agriculture and industry, irrigation facilities, co-operative farming, the management of basic industry, railways, road transport, post and telegraph, supply of electricity, gas water, the civil aviation, insurance, and other public utility services.
- A state committed to the welfare of the people will undertake maximum welfare activities. One of the main activities of the state is to redistribute across socio-economic classes and across regions within country.
- Governance is a multi-layered model and thus administrative efforts should strive towards higher and higher levels of excellence. Good governance is coloured with accountability, stability, responsibility, productivity transparency and integrity.
- Administrative accountability is essential for any organization. For an organization, it implies assessing its performance in terms of achieving its goals.
- Across the world, the systems of governance have undergone a sea change over the past few decades. It has resulted in consequent changes in the administrative culture as well.
- India has adopted the ideal of the welfare state and is fully committed to its realization. This is clearly shown by the Constitution of India.
- After the neo-liberal reforms begun at the end of the 1980s, there was a further and clear shift in advocating private sector expansion in health, education, and (other) 'social services' and denial of state responsibility in these areas even for the 'needy/poor' groups with the levying of user fees.
- In India, a public health system consisting of public facilities and health insurance for employees was to be one of the centre-pieces of its 'socialist' orientation.
- The one universal component of the welfare regime, which was accessed by large sections of the poor, the lower middle class and others was the public distribution system (PDS).
- With liberalisation, the PDS came under attack as involving unaffordable subsidies (in ensuring reasonable prices) and leakages as grains were diverted and the non-poor too could avail of the goods.
- Rural employment programmes have been central to anti-poverty policy, starting from the Rural Manpower programme of 1960.
- Without better governance, delivery systems and effective implementation, India will find it difficult to educate its citizens, build its infrastructure, increase agricultural productivity and ensure that the fruits of economic growth are well established.
- A medium-term strategy for fiscal policy, which reduces the overall deficit to a sustainable level, is critical for India.

6.8 KEY TERMS

- **Welfare state:** Those states where the government undertakes steps for public wellbeing, which includes social services and economic assistance.
- **Public expenditure:** It is spending made by the government of a country on collective needs and wants such as pension, provision and infrastructure.
- **Public distribution system (PDS):** It is a food security system where the government distributes subsidized food and non-food items to the poor.
- **Subsidy:** A benefit given by the government to groups or individuals usually in the form of a cash payment or tax reduction. The subsidy is usually given to remove some type of burden and is often considered to be in the interest of the public.

6.9 ANSWERS TO 'CHECK YOUR PROGRESS'

1. According to Kant, 'A welfare state is a state that provides for the citizens a wide range of social services; the primary purpose is to give the citizens security.'

2. The aims of a welfare state are the following:
    (i) Public welfare
    (ii) Economic security
    (iii) Social justice and equality
    (iv) Political equality
    (v) Internationalism
    (vi) Increase in state functions

3. Some of the functions of a modern welfare states are:
    (i) Providing for educational opportunities
    (ii) Looking after the health of its citizen and providing medical care
    (iii) Assistance to the poor and invalid
    (iv) Initiating social reforms

4. Communitarianism, liberalism, utilitarianism are described as the moral theory of the administration.

5. Span of control, unity of command, scrutiny, management, and so on, are well known accountability boosting strategies in an organization.

6. India is known as a welfare state as the Preamble to the Constitution outlines its responsibility as a socialist state.

7. The Indian government has been providing social security primarily through statutory protection in respect of industrial accidents, maternity, sickness, old age, retirement, and occupational diseases.

8. Some of the sectors where the India government has taken remedial steps as a welfare state are public health, primary schooling, midday meal scheme and public distribution system.

9. India needs to improve its governance in controlling inflation, introducing credible fiscal policy, liberalizing financial markets and increasing trade with its neighbours.

6.10 QUESTIONS AND EXERCISES

Short-Answers Questions

1. State the aims of a welfare state.
2. What are the functions of a welfare state?
3. Briefly state how India has emerged as a modern welfare state.
4. Write a note on how India is changing its administrative culture?
5. What are the challenges of Indian administration?
6. State the nature of public policy.

Long-Answers Questions

1. Describe the functions of a welfare state.
2. India is a welfare state. Elaborate on this statement.
3. How has India shifted gear in terms of welfare activities?
4. How can India overcome the administrative challenges it faces?
5. Discuss the role of ethics in formulating public policies.

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UNIT 7 PARTICIPATORY ADMINISTRATION

7.0 INTRODUCTION

In the previous unit, you learnt about welfare administration. In this unit, the discussion will turn to participatory administration.

Unlike national or central authorities, local authorities do not enjoy any power beyond their defined territorial boundaries. One of the main distinctions between local self-government and national government is that local authorities do not enjoy sovereignty. Their powers are assigned by and delegated from the central authorities. In order to appreciate the value of local self-government, first, it is essential to review those forces that in the course of the nineteenth century swept modern nations from loose connections of villages to their highly integrated present condition. Most of the states, at the advent of modern age, were primarily agricultural. They were neither unitary nor federal in the sense of the meaning of those words today. Throughout the nineteenth and twentieth century, most of these states first saw a high level of centralization. Due to which certain remote areas and their various problems remained unresolved. It is very important to know the natural factors and the values which ultimately gave birth to the idea of decentralization of powers. When decentralization became popular as a necessary step

in the development of a democracy and as an instrument for the better functioning of the administration, local self-government was born.

In this unit, you will study how local self-governments are a part of the political system and are responsible for administration of the issues concerned with a particular locality and their residents.

7.1 UNIT OBJECTIVES

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

- Discuss the ideas and principles related to local self-government
- Examine if political knowledge is universal or not
- Describe the relationship between local self-government and the idea of autonomy
- Analyse the link between local self-government and decentralization
- Evaluate the scope of local self-government in the Indian context
- Elucidate the importance of local self-government in India

7.2 NECESSITY OF PEOPLE'S PARTICIPATION: LOCAL SELF GOVERNMENT

There are three main principles to define the idea of a local self-government, viz., democracy, autonomy and decentralization. Let us study these principles and their relationship with the idea of local self-government in detail.

7.2.1 Relation between Local Self-Government and Democracy

Local self-government cannot survive without democracy. Democracy broadly means a system of national political institutions and constitutional rules through which citizens are enabled to choose, influence and dismiss governments—a system in which the requirements of Lincoln's classic formula are fulfilled, together with its accompanying climate or atmosphere. A democratic society gives every individual the right to be a party of the government and decide about his or her fate. Democracy cannot ignore the demands of people and their aspirations.

There are three different views regarding the relationship between local self-government and democracy. As per the first view, local self-government is defined in such a manner that democracy is shown to be incompatible with its true nature. The second defines democracy in a way that local self-government is proved to be incompatible with its true nature. The third theory, much more loosely articulated than the first two, stipulates definitions to permit the conclusion or assumption that local self-government and democracy are organically related, mutually dependent and reciprocally self-sustaining. After an analysis of these concepts, an alternative method of approaching local government and democracy is suggested.

7.2.2 Evolution of the Local Self-Government

The principle of local level autonomy in deciding their day-to-day affairs was a result of the political and economic developments in the nineteenth century. In other words, the belief that an ultimate political value attaches to the practice of local self-government

was developed systematically, in the nineteenth century (Whalen 1960: 379). According to Whalen, this idea is the brain child of the Prussian idealist Rudolf von Gneist. Gneist did an extensive study of English political institutions. On the basis of his study, he concluded that the principle of self-government was necessarily the primary value and the essential practical ingredient, in any ideal commonwealth. In any polity where internal administration is carried on locally under the general laws in towns and districts by local officers can be called local self-government. The funds required for the expenses in executing the duties locally are also mobilized locally.

The whole idea of local self-government started as an attempt to create an internally independent administration. These local bodies were considered to be independent of central or at that time national ministers and parties. According to Gneist, 'self-government is strictly class government. It combines the personal duties and financial burdens of owners of property and gives them political rights to correspond'. The whole idea of giving more rights to the upper classes in Gneist's scheme of an ideal local self-government was to recognize the role of these classes as the most responsible classes. This started a practice of making eligibility to the higher offices depend upon the possession of large landed estates.

Behind the dialectical effusions of this Prussian official lay a rooted aversion to the social and political consequences of the Industrial Revolution. Repeatedly, he misjudged the political role of the emerging middle classes and idealized monarchical and aristocratic norms of government; he rejected out of hand the ideal of equality and the practice of an extended franchise. His system, in a word, was an eloquent refutation of the entire rationale and the extended institutional paraphernalia of democratic government. 'No vital philosophy of local government,' he says, 'can come to mankind by way of representative institutions.' He considered the spread of electoral practices, particularly noxious with the introduction of elected local authorities, self-government thereupon ceases to be the basis of class organization; a communal life in which the local elector only takes part every three years by dropping a voting paper into a box is no longer a link that holds together classes with distinct interests by imposing a daily round of duties owed from man to man, unites and reconciles the propertied to the working classes and accustoms them to live peaceably together. While the 'parochial mind' extinguishes the propertied classes, with their theories of voluntarism, drawing them further and further apart from the working classes with their doctrines of communism and socialism.

Since the political practice of England moved steadily away from Gneist's ideal commonwealth during the second half of the nineteenth century, he was forced, like many political writers after him, to interpret the growth of democracy as a steady decay of the British constitution. A state, whose practice depended increasingly on the idea of natural political equality, was to Hegelian philosophers, meaningless, undefined and purposeless. 'He course of English constitutional development', concluded Gneist, 'leaves us to assume that the third generation will live in an era of radical action against the old governing classes and of a violent reaction in their favour and all appearances point to the end of the Nineteenth century witnessing the same political storms in England as those which after its beginning burst over the constitution of continental countries' (Ibid: 381).

According to Whalen, 'Gneist's theory of self-government tells us nothing about the status of local political processes in a democratic state.' He further says, 'in the interests of his theory, he (Gneist) misinterpreted the significance of every major reform

in local government'. In the later years, as the need of more and more powers at the local levels was felt, central governments in different parts of Europe transferred first, local administration from magistrates appointed by the central government to local authorities, elected by local communities. Second, they created local institutions enabling the middle and later the working classes to participate in municipal government. Third, they delegated wholesale new functions associated with expanded public services to locally elected officials. Lastly, they invented a committee technique, which enabled a larger number of citizens to be brought into direct contact with local political problems in a practical way (Ibid: 380).

A dominant feature of the unreformed system of local government in England was the wholesale subordination of administrative efficiency, to the maintenance of class rule. Patronage appointments, in the gift of the local gentry, produced local officials who were everywhere regarded as 'poor dependents of the nearest squire.' The reform measures of 1834-35 were the beginning of a necessary rationalization which culminated in the widespread employment of well-trained and paid technical staffs in local government service. This reform was needed, since it enabled the community to take effective advantage of the fruits of scientific discovery with regard to the provision of an increasingly diversified and more complex range of local works, amenities and services.

A changed image of the administrative competence of representative local authorities, perhaps one of the greatest English contributions to democratic practice during the last century, could never have materialized without the development of local administrative elite, nor without the enlightened leadership of officials like Chadwick, who sought to develop viable local authorities through rigorous central direction and control. Gneist, like Toulmin-Smith before him, condemned these necessary reforms as destructive of the true principle of local self-government. His fertile imagination produced an antithesis between magisterial (obrigkeitlich) and commercial (wirtschaftlich) self-government, the latter being elective, dominated by 'the particularized interests of local combinations' and destructive of the essential objects of magisterial, or moral government. Gneist thus projected an allegedly fatal central-local conflict long after it had been settled in practice and predicted that French ideas and practices, equally misconstrued, would ultimately prevail in England. Indeed, he took pains to assert that a new centralized monarchy would emerge to save the state from factions, organized commercial interests, parties and society.

The second theory under consideration purports to prove that local self-government, as it is currently practiced in democratic states, is inimical to the true principle of democracy. 'Democracy,' writes Professor Langrod, 'is by definition an egalitarian, majority and Unitarian system that tends to be everywhere and at all times to create a social whole, a community which is uniform, levelled and subject to rules.' According to this view, democracy tends to abhor atomization and the appearance of intermediaries between the whole and the individual. It is thus a feature of democracy that the individual is brought face-to-face with the complete whole, directly and singly. Local self-government, on the other hand, is defined as a phenomenon of differentiation, of individualization, of separation. According to this view of democracy and local self-government since democracy moves inevitably and by its very essence towards centralization, local government, by the division which it creates, constitutes, all things considered, a negation of democracy.

7.2.3 Rousseau's Doctrine of the General Will

These particular conceptions appear to give expression, in institutional terms, to Rousseau's doctrine of the general will and to a tradition in political thought which can be styled totalitarian democracy. Rousseau, at least in one of his positions, was clearly opposed to the exercise of sovereignty by anybody other than the entire community, but his ideal community was, in practice, the small locality of the eighteenth century. This monistic conception of liberty, what Sir Isaiah Berlin has described as the yearning for positive freedom of collective self-direction, tends to assume the ultimate absolute priority of egalitarianism, over all competing goals. In the vast disciplined and authoritarian structures with their attendant bureaucratic centralism, is seen the idealised self-mastery of classes, of entire communities and of the whole human race. When it is thus defined by Langrod, democracy embodies the principle of compulsory rational freedom, an idea which conveniently repudiates the conventional antithesis between freedom and compulsion and rests upon a stipulated definition of liberty. Given these assumptions, there can plainly be no rational basis for local or subordinate political institutions. Popular sovereignty, as embodied in national or central political institutions, is emasculated through the working of particular local group wills.

In spite of the emotional and rational force of the two theories discussed above, a third theory-first developed systematically by J. S. Mill in *Liberty* (1859) and *Considerations on Representative Government* (1861), has had a long and influential career in the Anglo-American tradition of political thought. Mill's liberalism rejects the statism of Gneist and favours some measure of popular democracy, but asserts that government by the people in Langrod's sense is the negation of freedom. This variety of liberalism, along with that of Tocqueville and Constant, has its ethical bearings in the principle of the immorality of compulsion. When it is given institutional expression, this theory postulates a large measure of political and social pluralism. The liberty of the citizen, in things where the individual is alone concerned, implies, according to Mill, a corresponding liberty in any number of people 'to regulate, by mutual agreement, such things as regard them jointly and to regard no persons but themselves.' The definitions of local self-government and democracy stipulated in this doctrine, therefore, derive in the first instance from an assertion of the ultimate absolute priority of liberty-liberty understood as absence of restraint in relation to those self-regarding actions of individuals, groups and local political authorities. Modern liberal theory points to the fatal flaw in Rousseau's conception of the general will: popular sovereignty can easily destroy that of individuals; the tyranny of prevailing feeling and opinion constitutes the negation of freedom.

In his quest for a 'social spirit' to articulate political life, Rousseau was forced to recommend the inculcation of a civic religion and other totalitarian devices. But in creative individualism, liberalism sees the natural generator of social and political spirit. The exercise of freedom, which Mill extends to the management of purely local business by localities, is recommended on the ground of the individuality of development and diversity of modes of action. Indeed, the practice of local independence on this reading, promotes a knowledge of public affairs, engenders sympathy and a willingness to compromise, acts as a brake on the natural excesses of misguided enthusiasm and induces a beneficial sense of restraint in both political and administrative officials, who are, it is assumed, in perpetual face-to-face relation with a public that both, comprehends and takes an interest in local political issues.

7.2.4 Liberal Political Ideology

The principal liberal fear, however, was that political power in the hands of public officials would in practice destroy the supreme worth of the individual and the local community, which their ethical and psychological theories purported to establish. The liberal mechanism of control, including local self-government, defines an abuse of power as any threat to liberal, social ideals mounted either by the nondemocratic few (Gneist's ideal), or by the democratic majority (Langrod's ideal). In liberal theory, therefore, local self-government provides an important institutional buffer against non-liberal and illiberal social tendencies. The suggestion that local authorities help to sustain a liberal way of life means that they tend to be evaluated by liberal ideologists, not so much in relation to a given configuration of ideal democratic political institutions, considered apart from its social context, but rather in relation to a liberal social theory and to a liberal programme or policy. The tension which exists among the three theories, described in this paper, is thus only superficially a conflict over the constitutional status and powers of local government in a democratic state; the real conflict of these theories arises out of three mutually exclusive social ideals with different political strategies, programmes or policies.

Liberal ideology usually contrives skilfully to conceal its true social bearing. Local self-government is alleged to possess a uniquely democratic political quality and is normally endowed with an absolute political value in extravagantly emotive language. In Tocqueville's words, for instance, local government is seen to be 'so perfectly natural that wherever a number of men are collected together it seems to constitute itself.' Historically, local institutions are assumed to be coeval with man. Next, by some mysterious alchemy, intuition supplies a causal sequence which miraculously synthesizes the historic observation of local government and liberal democracy. From the roots of ancient Aryan tribes, through Anglo-Saxon tithing and shires and through Frankish communes, Swedish *kipingarna* and Indian panchayats are thought to have evolved all the famous legislatures in the world. One writer observes that 'organized towns came to Massachusetts from England and thence to Connecticut and became political cells from whose unity developed the federal state'. Another writer mentions about the 'primordial cells' of democracy; while Bryce writes of 'tiny fountain-heads of democracy, rising among the rocks, sometimes lost altogether in their course, sometimes running underground to appear at last in fuller volume.' One cannot escape the use of poetic images, metaphors and other literary devices to describe the morphology of political institutions; but it is a short distance from inspired figurative description to empty assertions of the undoubted immemorial rights, privileges and prerogatives of local institutions.

Other writers have employed more prosaic methods. Professor Herman Finer, for example, has put forward a pseudo-empirical hypothesis, which purports to show that in practice, local political processes are an inevitable concomitant of political democracy. He writes that, the government by its very nature has a tendency toward centralization and the imposition of uniform standards over the largest possible area. When faced with commands, based upon average or general considerations, the products of bureaucratic reporting and statistical analysis-the individual, the small group and the local community respond, naturally and necessarily we are told, by demanding and exercising local freedom. Thus, as against the abstract view of people and communities, characteristic of central public administration there is a continuing reaction which manifests itself practically in local self-government. According to this view, there must be, in any democratic state, a local authority making government pliable to the idiosyncrasies and angularities and plastic by reference to peculiar and individual circumstances. Whether

such a political tendency does or does not exist, Professor Finer clearly implies that the reaction described above is caused solely by the exercise of central political power and that it occurs irrespective of the content of the power, so exercised. By failing to distinguish political power of different kinds, that is to say to distinguish the nature of different central political strategies and programmes, Professor Finer is really saying, perhaps unconsciously, that a significant element in current central government operations is inimical to the liberal way of life.

The liberalism of Tocqueville and Mill tends to consistently stipulate the same general beliefs about local self-government and democracy. First, it is demonstrated that political and social conditions in the small community foster rational democratic behaviour, to which is added the ethical injunction that man should so behave (and in some recent formulations it is suggested that men do so behave). If freedom exercised locally tends automatically to strengthen the aptitude for freedom in the larger community, local self-government then promotes the democratic climate of opinion. Notwithstanding the individualistic assumptions of liberal doctrine, an additional and no less important aspect of it is the notion of toleration and compromise, of give and take, of appreciation and sympathy for the other fellow's interests. In this respect, local self-government assumes a special value because if appreciation of one another's standpoint is not learnt in local communities there is a risk of its not being learnt at all. So far from being incompatible with democracy, as Langrod suggests, local self-government is its active and necessary partner and the pursuit of local interests in subordinate representative institutions cannot conflict with the supremacy of the general interest of the state. Because strong and independent municipal authorities are thought to promote liberal social ideals, the practice of local self-government becomes a bastion of democracy or the strength of free nations. As Tocqueville remarked, 'A nation may establish a system of free government, but without the spirit of municipal institutions, it cannot have the spirit of liberty. The transient passions and interests of the hour, or the chance of circumstances, may have created the external forms of independence; but the despotic tendency which has been repelled will, sooner or later, inevitably reappear on the surface.'

The liberal concept of democracy requires, therefore, that local self-government be accorded not merely a high, but an indispensable and absolute value in the constitutional scheme. Local independence, on this view, is a matter of political principle, not a matter of administrative expediency. Local authorities exercising appropriate functions must be truly self-governing and viable; they must not be merely decentralized subsidiary elements of the central state machinery. The foregoing analysis suggests that a purely ideological approach to the assessment of the true status of local self-government, in the conditions of a democratic welfare state, will produce little enlightenment. The reason, in Aristotle's terminology, is that everything within an ideological or rationalism frame of reference is a matter of prior analytics, or of stipulative political definition, while posterior analytics, which reveal the conditions of scientific or demonstrable knowledge, are neglected. Given the stipulative definitions of the three theories discussed above, there is no possibility of reconciling the conflict among them in rational terms. In Gneist's framework, there can be no rational justification for the transformation shaped in English local institutions, by liberal policies during the Nineteenth century; nor can the development of liberal systems of local government in other countries be adequately explained. And there can be no reconciliation, as between the theories of Langrod and Mill. Yet, the majority of definitions do not give any real explanation for the existence of strong systems of local government in many countries, where social policy has evolved well beyond the ideals defined in liberal social theory.

7.2.5 Political Knowledge: Is it Universal?

It is commonly regarded as a kind of intellectual treason to suggest that there are no principles on which political institutions rest. Yet, government in all countries and at all levels is essentially a practical art, the product of appraisal, persuasion and decision by elected and appointed public authorities within a given tradition, not a matter of abstract reasoning or the product of a mere interaction of groups. When this view is applied to the subject at hand, the logical impasse, which was observed above is seen to be a misunderstanding: no problem in fact exists, except a purely verbal one. Such questions as 'Is there a relation of cause and effect between local self-government and democracy?' and 'Is democratization of the state favourable or inimical to the existence of local government?' can never really be answered except in a formal sense-implicit in any answer to such questions, that is to say, must be some image of ideal democracy. Democratic states operate a variety of local government systems for a number of practical reasons. Nevertheless, it should be clear that most of the political institutions grow out of the cultural and social environment and are the products of unconscious habits, mores, desires and fears as much as, if not more than, the results of deliberate human will. Institutions are growing like trees, while men slumber. The traditionalist view can discern no logic that adequately comprehends political institutions, whether within a single tradition or among different democratic traditions. To say that politics is a practical art within the context of a tradition is to reject the possibility of logical institutional patterns or relations, since logic presupposes both the possibility and existence of rational behaviour, where the only consideration is that of ends and means, purposes and instruments. To say that government is a practical art in the context of a tradition is rather to assert the illogical but unique qualities of all political systems and of all democratic states. This does not mean that political knowledge can only be municipal rather than universal; it means that knowledge, if it is universal, must be practical, not rational.

7.3 IDEA OF AUTONOMY AND DECENTRALIZATION

In these complex and rapidly changing relations, local authorities in all countries have experienced a gradual erosion of their former independence and have been subject increasingly to severe financial dislocation. Many political scientists see in these trends the ultimate dissolution of local self-government, unless appropriate remedial action is taken. They argue either that functions should be so redistributed that local authorities can regain their former competence, including fiscal competence, over a narrow range of subjects designated as essentially local, in which case the small jurisdiction would remain the basic unit of grassroots democracy; or they recommend an expansion of existing boundaries and the creation of larger territorial jurisdictions called regions, in which case the advantages assumed to inhere in communal face-to-face relations are lost. The former method contemplates an adjustment of function to structure and the latter method an adjustment of structure to function. Through the notion of federalism among groups of small units, some observers propose a via media which incorporates certain features of both techniques. In all democracies, however, the reform of local institutions appears to be quite inadequate in relation to the growing deterioration; and the emotional pull of certain liberal notions about local institutions and their necessary connection with democracy inhibits consistency in practical thought. This failure of thought is related to a failure in action which has, to a large extent and in most democracies, rendered present municipal systems obsolete.

Many municipal reform programmes of different kinds-some sweeping and designed for rigorous imposition, some piecemeal and meant for gradual application have been put forward during the post-war years. The technical aspects of these diverse proposals can only be adequately judged in relation to the particular political tradition in whose context it emerges. But concerning the general process and strategy of local government reform in a democratic setting, a few comments are in order. The law of life is the law of change, social activities breed and transform social and political arrangements, notwithstanding ideological assertions against change. Yet, stable political traditions are grounded on much more than just the diverse quests of men, despite ideological demands for change. The achieving of an acceptable balance between change and order involves a continuing tension between institutional effectiveness-interpreted as operational efficiency in relation to a matrix of communal skills, resources, demands and goals and group images of institutional legitimacy attaching to conventional organs and procedures. Given the complex, changing, interdependent and potentially unstable conditions common to most democratic states and given the public measures required to secure social stability in such an environment, the condition of local self-government may be described as a crisis of effectiveness. Yet, with few exceptions, senior government policies and practices, influenced as they are by liberal beliefs, seem to suggest that effective reform is impossible or undemocratic because of the high rating of legitimacy accorded to local institutions.

Most studies show that interest is expressed largely in terms of individual problems and complaints and suggestions for the improvement of local facilities. In the words of one report, 'the representative function of local government is seen as secondary in everyday significance and interest, to the relationship between the people and the local officials who deal with their problems and administer the services.' In these matters the evidence can never be complete; but sufficient knowledge about community structure exists to indicate that frequently the locus of real power resides entirely outside the formally constituted local units of government and that non-participants as defined in the survey, normally constitute half of the sample. Large sections of the public do not appear to sense even the relevance of political behaviour. The claims advanced by liberal commentators today, as indeed by the entire school of philosophical partisans of the small community from Plato through Rousseau to Dewey, must be qualified by the fact that for two millennia communities that have been growing larger and more inclusive, 'Democracy must begin at home and its home is the neighbourly community.' There is no substitute for the vitality and depth of close and direct intercourse and attachment.

These assertions contain some condescending ideas: the Whig notion of natural order; the environmentalism of Locke; the doctrine of human perfectibility. But they conveniently neglect what Professor Friedrich, in referring to the American local scene, has called the 'hard-bitten machines run by county sheriffs and town assessment boards.' We know from ordinary observation that municipal politics has its darker, less idealistic side: fear, greed, partiality, vindictiveness and the ruthless application of sanctions to secure conformity and the microscopic view of the universe. But local politics, like all politics, is conflict as well as cooperation.

The reasons and justifications for local self-government are practical. In physical, fiscal, structural, functional and qualitative terms, local subordinate institutions are immensely varied. Yet, in all states where they have evolved, they inhere and form part of that nation's political tradition. Their legal status varies widely. In some democracies, they play a more important administrative role than in others. But in most states they are, or can be made important practical adjuncts to government. They can be reformed and

in some communities they are being reformed; but, depending on the tradition, it is probable that reformation will be halting and piecemeal. Their reform in no way prejudices democracy, either in its social or its political dimensions. It seems possible that in some democracies, geographical and traditional forces permitting, local self-government may ultimately wither away. But this would result from the shrinkage of space, permitting central decision-making and execution with adequate provision for local and regional consultation and participation. It would not result from the meandering of Rousseau's general will, or the realization of Langrod's principle of democratization. Liberalism fosters the misguided belief that, at some uncertain point, municipal reform must cause the loss of liberty.

A democracy must admittedly contrive institutions and methods that help to sustain an acceptable balance between order and change. Similarly, democratic forms and atmosphere must foster the impulse to keep government responsible. But the instruments of these goals are not universal and timeless; the forms and the objects of control evolve in accordance with the needs of each political tradition. Local self-government, as it exists in most industrial democracies today, can no longer be considered a major instrument of control. In an era of expanding communities, growing mass publics and intricate and rapidly changing technologies, mechanisms of democratic control must be located at the vital centre of power, of each national community. In a federal state, this implies dependence on an elaborate interaction in legal, political and administrative terms among intermediate and senior governments. It implies interaction among and within political parties, interest and pressure groups and the important media of opinion. It implies a growing reliance on judicial and quasi-judicial functions. Lastly, since politics is something much more than a mere functional interaction, this view implies the continuing influence of an ineffable democratic ethic in both parliamentary and social institutions. As a system of government, democracy entails slovenly institutional arrangements.

7.4 NATURE AND SCOPE OF LOCAL ADMINISTRATION IN INDIA

Local administration deals with the powers of the administration. These powers reside with authorities, who provide remedies to the problems at the grassroots level. The local administration also protects the people when those powers are abused by these authorities. In a welfare state, many progressive schemes and programmes are launched by the government. Their execution and implementation is the responsibility of the local administration.

The local administration is based on decisions regarding the demands of the people of an area and their implementation at the grassroots level. Its functions also include sending the advisories to the people at the grassroots level. Local participation was seen as an instrument for better implementation of government policies. The five-year plans gave Panchayat Raj a role in performing functions for development and the view that panchayats were units of folded democracy.

The Panchayat Raj Institutions (PRI) are considered as the grassroots level bodies servings various civic and developmental activities for the rural people. They are basically grassroots political institutions involved in the uplift of rural masses. Most of the rural populations are under the grip of poverty, malnutrition, illiteracy and degradation. The enlistment of such destitute rural masses is the main goal of these local bodies.

A lot of factors influence India's grassroots politics. These factors are as follows:

- Democratic consciousness welfare of the masses
- Participation in elections
- Effect of education
- Linkages between panchayat members and police and bureaucrats
- Caste domination
- Land holding
- Loan property
- Wealth
- Groupism, regionalism, nepotism, favouritism and factionalism
- Affiliation of political leaders with different parties
- Socialization and politicization of rural masses

The concept of panchayati raj is unquestionably Indian in origin. Panchayati raj bodies, which are genuine and effective democratic decentralized institutions, provide simple opportunities for a large number of rural people to take genuine and effective participation in the development and democratic decision-making process and to infuse, in the minds of the rural people, a spirit of self-help, self-dependence and self-reliance in order to obtain their goals. The concept of panchayati raj, since its inception, faced various interpretations both from its protagonists and antagonists. On the one hand, the emphasis was on maximum local autonomy and minimization of supervision and control by the higher authorities, especially the state government. On the other hand, some consider it to be the ruining factor of the country. Another controversy relates to the role of political parties in the panchayati raj institutions. The term panchayati raj came into usage after the acceptance of recommendations on democratic decentralization of the Balwant Rai Mehta study team. Previously, the terms used were village panchayat, which was the self-governing body at the village level. Panchayati raj implies the creation of local government institution at the village, block and district levels. These bodies play a vital role in rural administration in the present age, when more and more governments are working for the making of a welfare state. In fact, the powers entrusted to these bodies really make a state democratic. India comprises states and union territories. These states are divided into districts and, in turn, subdivided into tehsils for administrative convenience. The units of local self- government in rural areas are village panchayat, panchayat samities and zila panchayat.

The village panchayat has been linked to the panchayat samiti at the block and to the zila panchayat at the district level.

7.4.1 Importance of Local Administration

Local administration is important to understand the nature of leadership and communication in the grassroots level. The behaviour of the masses, the power addressee, is the cornerstone upon which the socio-political system of India depends. Who do people vote for? The answer points towards the social elites' behaviour towards masses, in the field of political institution building at grassroots level in a developing nation. According to NES community projects team, instituted for such study in 1957, 'So long as we do not discuss as create a repress democratic institution which will supply the money upon local objects conforms with the needs and wishes of the locality invest it with adequate

power and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development.'

Some relevant works also say 'It is not theory or dogma which is impelling us to make these recommendations, but practical considerations. Democracy has to function through certain executive, but democratic government influences large areas though executive machinery cannot completely appreciate local needs and circumstances. It is, therefore, necessary that there should be a delegation of power and decentralization of machinery and that such power is exercised and such machinery is controlled by popular representatives of the local area.'

7.5 CONSULTATIVE MACHINERIES—PANCHAYATI RAJ INSTITUTIONS

Panchayati Raj institutions in India comprise the following:

- Gram sabha
- Panchayat
- Panchayat samiti
- Zila parishad

7.5.1 Gram Sabha

The base of the panchayati raj structure lies in the gram sabha, or village assembly, consisting of all the adult citizens who are eligible to cast vote. Most of the state legislations provide that a gram sabha should be called at least twice a year, usually after rabi and kharif crops are harvested. In Odisha and Jammu and Kashmir, it meets only once a year. Some state legislation requires that a meeting of gram sabha should be called if it is requisitioned by a certain proportion at the votes constituting it, say one-fifth.

The gram sabha is expected to play the role of a present body to which the village panchayat should owe responsibility. In Bengal, Punjab, Gujrat and Assam village panchayat is elected by gram sabha. In Bihar, the gram sabha elects 50 members as its executive council and a mukhia.

The gram sabha has rather been a strong body. There are proposals for strengthening the working of gram sabha so that it can function as an effective organ for the control of panchayat leadership.

The Diwakar Committee (1963) recommended a consultative and deliberative role for these institutions. The danger apprehended from well-funded observation was that a large majority of adult citizens did not attend the meetings of gram sabha and that if decisions of the gram sabha were made a binding a small minority could ransom the Panchayat programme. The committee wanted only broad framework and plans and policies to be approved of by the gram sabha, leaving full discretion to the Panchayat in day to day matters.

The relationship between gram sabha, panchayat and samiti is a delicate matter. The panchayat must heed to the advice of the gram sabha because any other causes would be suicidal, but the panchayat as a body of representatives cannot be relegated to the role of a mere executive body.

Composition of the panchayat

The panchayat is the primary tier of rural local government. Its structure and composition varies from state to state. Its membership ranges from 5 to 31, the average being 15. Uttar Pradesh and Odisha, belong to the high membership group. In Uttar Pradesh the panchayat membership ranges from 16 to 31. The rest of the states prescribe a member ship range of the 5 to 15; depending upon the size of the panchayat. The state statutes also provide for the reservation of seats for SC, ST and female citizens.

There are two methods of electing a sarpanch, namely, the direct method and the indirect method. In Bihar, Assam and Uttar Pradesh, the sarpanch is directly elected either by the gram sabha through the show of hands or by the elaborate secret ballot. In other states, the panchayat themselves elect the president from amongst themselves. The decisions must be taken by a majority, the panches can succeed in immobilizing the action which can only be remedied either through the election of the sarpanch in whom the majority of panchayat have confidence or, dissolution and fresh election of the panchayat so that persons of more homogeneous persuasion are elected.

The major functions of the panchayat are as follows:

- Municipal functions:
    - Public health
    - Safety
    - Construction
    - Educations
- Physical planning of village
    - Control the common land
    - Site land of others
- Development and production planning
    - Construction of amenities
    - Preparing village plans
    - Development of agriculture
    - Animal husbandry
    - Cottage industry
    - Social culture
    - Civil defence
- House keeping
    - Electing sarpanch
    - Collecting reverences o Budgeting, records

The office of a sarpanch combines the function of a chairman representative, executive and chief judge. He presides over the panchayat meeting and acts as a spokesman of the panchayat. He takes decision on behalf of the panchayat and is responsible for the safeguard of the panchayat and has to take care of all the accounts and receipts and payments of the controls. He supervises the work of panchayat servant and does any other work that the state government may authorize him to do. He is usually selected as the head of the panchayat by virtue.

The income resources of a Sarpanch come from the following sources:

- Taxes
  - House tax
  - Land cess
  - Sanitary cess
  - Electricity
  - Vehicle tax
  - Pilgrim tax
  - Grazing tax
  - Octopi tax
  - Labour tax
  - Water tax
  - Marriage tax
  - Commercial crops
- Fees and fines
  - Registration of animals
  - Registration of cattle pound
- Other revenues
  - Management of common land
  - Disposal of Panchayat property
  - Fruits
  - Fisheries
  - Panchayat tanks

Nyaya panchayat

Nyaya panchayat is truly a body of local government. It is created to deal with urgent issues. It is as a method of settling local disputers in a fair way. The 'nyaya panchayat' brings justice within the access at the economic means of the rural citizens. It bears upon the decisions with the intimate knowledge of local circumstances without which justice is reduced to a gambling exercise. Decentralization of judicial functions and judicial processes become a central issue in the process of carrying panchayati raj to the countryside. The panchayat, in fact, can also be defined as small courts in the rural areas. The judicial character of the panchayat is its new role which has been assigned top priority.

The nyaya panchayat constitutes a jurisdiction of five to seven panchayati circles. The collector has the authority of acting as the officer in charge. He is usually assisted by the tehsildars and vikas adhikaries in discharging his duties. Each panchayat within the jurisdiction of the nyaya panchayat elects a member to the nyaya panchayat. It is not necessary for a member so elected to be a member of the vikas panchayat as well, but he must be a registered voter in the panchayat jurisdiction. The member must not be below 30 years of age and he should be able to read and write the state language fluently, freely and legibly and must not suffer from any disqualification.

A disqualified panch cannot hold an office of sarpanch or that of a member in samiti, parishad, state legislature or Union Parliament. The election of nyaya panchayat and appeals are regulated by the same rules as those of the elections of vikas panchayat.

The members take on each other to be faithful to the Constitution of India as by law established. They elect from amongst themselves a chairman of the nyaya panchayat.

The chairman elected proceeds to constitute benches of three members; each for dealing with the civil and criminal cases that come before the panchayat.

Powers: criminal and civil jurisdiction

The criminal jurisdiction of nyaya panchayat extends only till minor offences under the IPC. It acts under the orders of a public servant. The amount of fine a nyaya panchayat can impose varies between ₹ 25 and ₹ 100. In civil cases jurisdiction fees range between ₹ 100 to 500.

7.5.2 Panchayat

Gram panchayats are local self-governments at the village or small town level in India. In 2002, there were about 2,65,000 gram panchayats in India. The gram panchayat is the foundation of the panchayat system. It is set up in villages with minimum population of 300. Sometimes two or more villages are clubbed together to form group-gram panchayat when the population of the individual villages is less than 300.

Sarpanch

The sarpanch or chairperson is the head of the gram panchayat. The elected members of the gram panchayat elect from amongst themselves a sarpanch and a deputy sarpanch for a term of five years. In some places, the panchayat president is directly elected by village people. The sarpanch presides over the meetings of the gram panchayat and supervises its working. He implements the development schemes of the village. The deputy sarpanch, who has the power to make his own decisions, assists the sarpanch in his work.

A sarpanch has the following responsibilities:

- Looking after street lights, construction and repair work of the roads in the villages and also the village markets, fairs, festivals and celebrations
- Keeping a record of births, deaths and marriages in the village
- Looking after public health and hygiene by providing facilities for sanitation and drinking water
- Providing for education

Sources of income

The main source of income of the gram panchayat is the property tax levied on the buildings and the open spaces within the village. Other sources of income include the following:

- Professional tax
- Taxes on pilgrimage
- Animal trade
- Grant received from the state government in proportion of land revenue
- Grants received from the zilla parishad

Dr S B Sen committee, a committee appointed by the Government of Kerala in 1996, had suggested the following principles, which were later adopted by the Second Administrative Reforms Commission, for local governance:

- Subsidiary democratic decentralization
- Delineation of functions
- Devolution of functions in real terms
- Convergence
- Citizen centricity

73rd Amendment to the Constitution of India

The 73rd Amendment to the Constitutional of India came into force in 1992 to provide constitutional status to the panchayati raj institutions. This Act was extended to panchayats in the tribal areas of eight states, namely Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Odisha and Rajasthan starting 24 December 1996. Currently, the panchayati raj system exists in all the states except Nagaland, Meghalaya and Mizoram, and in all Union Territories except Delhi.

The following are some important sections in the 73rd Amendment:

243-D Reservation of seats

Seats shall be resumed for the following:

- The Scheduled Castes
- The Scheduled Tribes

In every panchayat, the number of seats is reserved in proportion to the total number of seats. These seats are to be filled by direct election in that panchayat as the population of the SC and ST in that panchayat area.

The following points can lead to disqualifications:

- A person shall be disqualified from being chosen as and for being, a member of a panchayat:
  o If he is disqualified by or under any law for the time being in force for the purposes of elections to the legislature of the state concerned
  o If he is less than 25 years of age
  o If he is disqualified by or under any law made by the legislature of the state
- Not less than 1/3rd of the total number of seats reserved under clause (i) shall be reserved for women belonging to the SC or ST and these seats may be allotted by rotation to different constituencies in a panchayat.

243-E Duration of panchayats

Panchayat once elected will work for five year continually.

243-G Powers, authority and reparability in panchayats

- The preparation of plans for economic development and social justice
- The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh schedule
- Subject to the provision of any law made by the legislature of a state

243-H Powers to impose taxes and funds of the panchayats

- Authorizes the panchayat to collect and appropriate taxes, duties, tolls and fees in accordance with such procedure and subject to such limit
- Assigns panchayat taxes, duties, tolls and fees levied and collected by the gram sabha
- Provides for making grant-in aid to the panchayat from the consolidated fund of the state

243-K Elections to the panchayats

The governor of a state, when so requested by the state election commission, make available the state election commission; such staff as maybe necessary for the discharge of the functions conferred on the SEC by clause (1).

Subject to the provisions of this constitution, the legislature of a state may by law, make provision with respect to all matters relating to, or in connection with elections to the panchayats.

243-L Application to Union Territories: (UT)

The provision of this part shall apply to the U.T. and shall, in their application to a UT have effect as if the references to the Governor of a state were references to the administrator of vol. appointed under Article 239 and references to the legislature or legislative assembly of a state were references, in relation to a UT having a legislative assembly, to that legislative assembly.

Provided that the president may, by public notification, direct that the provision of this part shall apply to any UT or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M Part does not apply to certain cases

- Nothing in this part shall apply to the scheduled areas referred to in clause (1) and the tribal areas referred to in Clause (2) of Article 244.
- Nothing in this part shall apply to:
    o The states of Nagaland, Meghalaya and Mizoram
    o The hill areas in the state of Manipur for which District councils exist under any law for the time being in farce.
- Nothing in this part:
    o Relates to Panchayats at the district level shall apply to the hill areas of the district of Darjeeling in the state of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force.
    o Shall be constructed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.
- (3A) Nothing in Article 243D relating to reservation of seats for the SC.
- Notwithstanding anything in this constitution:
    o The legislature of a state passes a resolution to that effect by a majority of the total membership of that house and by a majority of not less than 2/3rd of the members of that house present and voting.

o Parliament may by law, extend the provisions of this part to the scheduled areas and the tribal areas referred to in Clause (I) subject to such exception and modification as may be specified in such law, and no such law shall be deemed to be an amendment of this constitution for the purpose of Article 368.

243-N Continuance of existing laws and panchayats

Notwithstanding anything in this part, any provision of any law relating to panchayats in force in a state immediately before the commencement of the Constitution (73rd Amendment) Act 1992, which is inconsistent with the provisions of this part, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, which is earlier. Provided that all the panchayats exist immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the legislature assembly of that state or, in the case of a state having a legislative council, by each house of the legislature of that state.

243-O Bar to interference by courts in electoral matters

Notwithstanding anything in this constitution:

- The validity of any law relating to the delimitation of constituencies or the allotment of seats to such constitute made, or purporting to be made under 243-K shall not be called in question in any court.
- No election to any panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for or under any law made by the legislature of a state.

Functions of local administration 243-G (Eleventh Schedule)

- Agriculture, including agricultural extension
- Land improvement, implementation of land reforms, land consolidation and soil conservation
- Minor irrigation, water management and watershed development
- Animal husbandry, dairying and poultry
- Fisheries
- Social forestry and farm forest
- Minor forest produce
- Small scale industries, including food processing industries
- Khadi village and cottage industries
- Rural housing
- Drinking water
- Fuel and fodder
- Roads, culverts, bridges, ferries waterways and other means of communication
- Rural electrification, including distribution of electricity
- Non-conventional energy sources
- Poverty alleviation programme

- Education, including primary and secondary schools
- Technical training and vocational education
- Adult and non-formal education
- Libraries
- Cultural activities
- Markets and fairs
- Health and sanitation, including hospitals, primary health centres and dispensaries
- Family welfare
- Women and child development
- Social welfare, including welfare of the handicapped and mentally retarded
- Welfare of the weaker sections, and in particular, of the SC
- Maintenance of community assets

7.5.3 Panchayat Samiti

The two-tier of local government is needed for filling the vast chasm between the district boards and the village panchayat. It was recognized as early in 1882. The members of panchayat samiti elect their own pradhan. They have powers to take decisions within their sphere of competence and can raise their resources on statutory basis.

Size

The areas of the panchayat are mostly coterminous with a tehsil or taluqua, which gives 112 villages per block. In Maharashtra, the panchayats comprises an area equal to two or three blocks. The number of the panchayat per block varies from state to state from eight per block in Kerala to nearly eighty in Uttar Pradesh. They range according to 1951 census from 35,000 to 94,000.

Block as a units

The block is a unit for establishing and maintaining seed multiplication or stock breeding farms, health services, supervising the primary education. The blocks are needed for highly quality leadership, independence from local pressures, balancing of interests and quick development.

Composition

The constitutional pattern of the panchayat varies from state to state. There is representation of special interests like co-operative societies and co-operative banks. They are however, associate members with the right of attendance and participation but without knowledge of what of to be elected to the office of pradhan or chairman of the standing committee.

Committee system

A sound committee system is essential to provide opportunities to a larger number of individuals and groups to share in decision making. It helps in the quicker disposal of business and more through consideration of the issues. The committees being smaller in size can consider the issue in great details.

Constitution of the committees

The number of committees in a panchayat range from three to seven. The panchayat might create more committee if it feels the need of the following:

- Committee on production programme with an irrigation animal
- Co-operation, cottage industry
- Education
- Social welfare
- Communication
- Rural want supply, health and sanitation
- Finance and taxation

Every committee usually consists of not more than seven members duly elected by the members themselves. In case the panchayat decides it may co-opt not more than two persons to a standing committee from the outside the membership at the panchayats for their experience and knowledge of the subjects assigned to the committee.

The cause of justice, fair deal and member participation would be served if the opposition is properly repressed on the committees for which a system of proportional representation is more suitable than a plural majority system.

The committee has only delegated jurisdiction conferred by the panchayat. The presentation of committee reports is a regular item on the panchayat's agenda. These reports are read out by the concerned official.

Conduct of business

Rules for the conduct is prepared by the vikas adhikari in and consultation with the chairman and circulated in the advance along with the corresponding papers. Decisions are made by majority with a casting vote for the chairman. The vikas adhikari or a senior official on his behalf has right to participate in the proceedings but has no vote.

Samiti as an executive body

- Meets generally once a fortnight or a month
- Means adding to the cost of decision making
- Being take decision governed by political consideration
- System is likely to encourage habits of buck passing and procrastination
- Co-ordination of all

Function of the panchayat

- Community development: increasing production and employment
- Production programme
- Social service health communication

Finances

- Funds available under schematic budget
- Self-raised resources
- Resources available under transferred schemes and departmental schemes to be executed through the Panchayat
- Grants-in-aid by the states and other bodies

7.5.4 Zila Parishad

The zila parishad succeeds the district development committee and other district school boards, and so on, of pre-decentralization period. The possibility of composition between zila parishad and panchayat has been designed mainly as an advisory, co-coordinating, fund distributing and supervisory body in Rajasthan, Assam, Odisha and Bihar without any responsibility for executive function directly. In this respect, these states differ from Andhra Pradesh, Gujarat, Maharashtra, Punjab and social welfare are performed by zila parishad.

The latter pattern obtains in Gujarat, Maharashtra, Punjab and Uttar Pradesh. Under this pattern, some elected members are also included in the membership of the body. These are directly elected in Gujarat, Maharashtra and Uttar Pradesh from electoral constituencies consisting of a population of 35,000 heads approximately.

Composition and term

Under the 'indirect system' which is prevalent in Rajasthan, Andhra Pradesh, Assam, Madhya Pradesh, Odisha and Bihar, the zilla panchayat is compassed of all the pradhans of panchayats in the district. All the members of legislative assembly that are elected from the district and the Lok Sabha form a constituency that is included in or forms a part of the district. All the members of the council of the state reside in the district. The collector is usually ex-officio member of zilla panchayat.

The members of the zilla parishad elect the pramukh and up-pramukh from amongst themselves. The pramukh or the up-pramukh is removable by a vote of no-confidence if it is carried out by a majority of 2/3rd of the total membership. The usual term of zilla panchayat is three years.

The architecture of zilla parishad juxtaposes two sets, one set representing the interests of panchayat and co-operatives through their pradhans and the other set representing the interests of the state through its MLAs. In Gujarat, Maharashtra, and Uttar Pradesh, where zilla parishad has stinger body and performs executive functions, it includes a directly elected popular and independent element.

The composition of the zilla panchayat under the indirect system has the merit of linking the zilla panchayat with the panchayat on the one hand, and state legislature and parliament on the other. The provision is meant to safeguard the autonomy of the municipalities, but in a planned economy arrangements for effective co-ordination between the urban and rural local self-governing authorities should be devised to make best use of available resources.

Function and powers of the zilla panchayat

In Andhra Pradesh, Punjab, Gujarat, Maharashtra and Uttar Pradesh, the zilla panchayat has been endowed with executive functions, which it has inherited from the farmer district local boards, district school boards and district development committee. These functions which, in their very nature could not be performed by the newly constituted panchayats are the following.

- Co-ordinate
- Supervision, guidance and control
- Appellate

- Advisory
- Joint service and establishment
- Declaratory and classificatory
- House keeping

Committee system

The composition, functions and powers of the committees of the zilla panchayat vary according to the status of the zilla panchayat in three-tier system. The function of this committee is to make appointments by transfers or promotion within the same district and advise the panchayat and zilla parishad regarding disciplinary action against panchayat service personnel. The zilla panchayat has created committee on production, social and finance of the panchayat. The budget of the samiti is scrutinized by the last named committee while the progress in respect of other development programme is reviewed by the respective subjective subject-matter committee. In the states where zilla panchayat has executive functions, standing committee has been constituted to look after every major group of function.

These functional committees have block constituted territorial basis for each N.E.S. block. This committee is composed of the following:

- Members of the district council elected from the area of the block and other co-opted members of the district council from this area
- Two sarpanches elected from an electoral college consisting of panches
- Chairman of agriculture co-operative society of the block
- Chairman of taluqa purchase and sales union
- One member each of SC and ST and women from the area if there is no such member.

The chairman of the block is elected by the members and is ex-office member of the district council. Each subject matter committee is responsible for the development schemes within its subject matter competence. It periodically reviews progress and reports it to zilla panchayat. The block committee executes and supervises the schemes and works of the council in block area and carries out any other work on behalf of the council or its women. The standing committee supervises and controls the imposition and collection of taxes and other dues of the council.

Role of pramukh

The pramukh presides over and conducts the meetings at the zilla panchayat. He sends a report to the collector regarding the work of the secretary of zilla panchayat. He also remarks on confidential reports of class I and II officers as submitted by the chief executive officer. The pramukh thus combines the role of a leader and a supervisor. He has also some standing in the party hierarchy.

7.6 COMMUNITY DEVELOPMENT PROGRAMMES (CDPS) AND RURAL EXTENSION

Community development is the method and rural extension is the agency through which the five year plan seeks to initiate a process of transformation of the social and economic

life of the villages. The plan provides ₹ 90 crores for community projects and proposes the establishment over a period of about ten years of a network of extension workers throughout the country. This section indicates briefly the significance of the two programmes and their place in national reconstruction.

For some three decades, rural development work has been undertaken by different branches of the administration in the states. Until a few years ago, the expenditure on development was meagre and rural development work was thought of largely in terms of particular items of improvement in village life and in agricultural practice, and special attention was given, for instance, to the number of wells sunk or repaired, for the supply of irrigation or drinking water, the supply of seeds or fertilizers, or the number of manure pits dug, starting of rural credit societies and others. These are essential items in any rural programme, but there was no coordinated approach to village life as a whole.

If one goes back to the study of the efforts made before the Second World War in individual provinces and states and considers, the experience gained in later years in Sevagram in Madhya Pradesh, in the Firka Development scheme in Madras, in the Sarvodaya centres in Bombay, in Etawah and Gorakhpur in Uttar Pradesh and other centres which are perhaps less well known, certain broad conclusions emerge. These are:

(i) When different departments of the government approach the villager, each from the aspect of its own work, the effect on the villager is apt to be confusing and no permanent impression is created. The peasant's life is not cut into segments in the way the government's activities are apt to be; the approach to the villager has, therefore, to be a coordinated one and has to comprehend his whole life. Such an approach has to be made, not through a multiplicity of departmental officials, but through an agent common at least to the principal departments engaged in rural work.

(ii) Programmes which have been built on the cooperation of the people have more chances of abiding success than those which are forced down on them.

(iii) While the official machinery has to guide and assist, the principal responsibility for improving their own condition must rest with the people themselves. Unless they feel that a programme is theirs and value it as a practical contribution to their own welfare, no substantial results will be gained.

(iv) Programmes largely dependent on expenditure by the Government, in which the elements of self-help and mutual cooperation on the part of villagers are present only in a nominal degree are short-lived. The essential idea should be the reduction of chronic unemployment which is a feature of rural life-through the practice of scientific agriculture and cottage and small-scale industries.

(v) Advice and precept are of no avail unless they are backed by practical aids-supplies of seed and fertilizer, finance and technical guidance for solving the farmer's immediate problems.

(vi) Whatever the measures of the effort which the Government wishes to make, the best results will be gained if the programmes are pursued intensively, and practically every agriculturist family has its own contribution to make through a village organization.

(vii) The approach to the villager would be in terms of his own experience and problems, conceived on the pattern of simplicity, avoiding elaborate techniques and equipment until he is ready for them.

(viii) There has to be a dominant purpose round which the enthusiasm of the people can be aroused and sustained, a purpose which can draw forth from the people and those who assist them on behalf of the Government the will to work as well as a sense of urgency. The aim should be to create in the rural population a burning desire for a higher standard of living- a will to live better.

7.6.1 Programmes

Based on the experiences within the country and abroad, the recommendations of the Fiscal Commission (1949) and the Grow More Food Enquiry Committee (1952) the CDP was launched on October 2, 1952. The first programme started with 55 projects in three blocks, covering an area of about 450-500 sq. miles with about 300 villages and a population of about two lakh.

1. Size of the unit

For each community project, as at present planned, there will be approximately 300 - villages with a total area of about 450 to 500 square miles, a cultivated area of about 150,000 acres and a population of about 200,000. The project area is conceived as being divided into three development blocks, each consisting of about 100 villages and a population of about 50,000 to 70,000. The development block is, in turn, divided into groups of five villages each, each group being the field of operation for a village level worker.

2. Location of units

The initial programme has been started with approximately 55 projects of rural development located in select areas in the several states of India. A certain degree of flexibility is allowed in the actual allotment of projects. Thus, while many are complete projects of about 300 villages each, some are also independent development blocks of about 100 villages each, depending upon the needs and conditions of the particular areas chosen for development.

As increased agricultural production is the most urgent objective, one of the basic criteria in the selection of this first set of project areas has been the existence of irrigation facilities or assured rainfall. In assessing irrigation facilities and the possibilities of development, irrigation from river valley projects, from tube wells, as well as from minor irrigation works, have been taken into account. In states like West Bengal and Punjab, with a large population of displaced persons, the selection of project areas aims also at helping the resettlement of these persons. Seven areas have been selected on the ground of being inhabited predominantly by Scheduled Tribes. In every field of activity, whether social or economic, urban and rural developments are complementary, for, neither towns nor villages can advance alone. Where the existing urban facilities are inadequate or where large numbers of displaced persons have to be rehabilitated, the intention is that the urban development should take the form of new townships. Six such projects have been proposed to be taken up under the current programme.

Under such rural-CMW-urban development, new towns will come into existence to serve as centres which will draw sustenance from the surrounding countryside and, in return, carry to it new amenities and the spirit of a developing and changing economy.

The creation of new centres of small-scale industrial production, closely coordinated with rural development, is fundamental to national development, for in no other way can the present occupational imbalance between agriculture and industry, between village and town, be corrected. With the development of power resources and of communications and the growth of basic industries, the scope for establishing such centres will steadily increase and, as the economy develops, this programme will gain in importance. During the first few years, however, it is inevitable that by far the greatest stress in community development, as indeed in national planning, should be on rural areas. The intensive development of agriculture, the extension of irrigation, rural electrification and the revival of village industries, wherever possible, with the help of improved techniques, accompanied by land reform and a revitalized cooperative movement, are programmes closely related to one another, and together calculated to change the face of the rural economy.

7.6.2 Main Lines of Activity

The main lines of activity which will be undertaken in a community project, can be divided into the following: agriculture and related matters, irrigation, communications, education, health, supplementary employment, housing, training, social welfare.

1. Agriculture and related matters

The programme includes reclamation of available virgin and waste land; provision of commercial fertilizers and improved seeds; the promotion of fruit and vegetable cultivation, of improved agricultural technique and land utilization; supply of technical information, improved agricultural implements, improved marketing and credit facilities, provision of soil surveys and prevention of soil erosion, encouragement of the use of natural and compost manures and improvement of livestock, the principal emphasis here being on the establishment of key villages for breeding pedigree stock and the provision of veterinary aid, as well as artificial insemination centres. For attaining this objective, agricultural extension service will be provided at the rate of one agricultural extension worker for every 5 villages.

One of the important functions of the agricultural extension worker will be to encourage the growth of a healthy cooperative movement. The aim will be to see that there is at least one multi-purpose society in every village or group of villages on which practically every agriculturist family is represented.

It is expected 'that the cooperative principle, in its infinitely varying forms, will be capable of adaptation for finding a solution to all problems of rural life.' Multi-purpose societies will therefore have to be used for practically every development activity in the community project area, including the encouragement of rural arts and crafts.

2. Irrigation

The programme visualizes provision of water for agriculture through minor irrigation works, e.g., tanks, canals, surface wells, tube wells, and so on, the intention being that at least half of the agricultural land, if possible, be served with irrigation facilities.

3. Communications

The road system on the country side is to be so developed as to link every village within the project area up to a maximum distance of half a mile from the village, the latter distance being connected by feeder roads through voluntary labour of the villagers themselves, only the main roads being provided for and maintained by the State or other public agencies.

4. Education

It has been realized that the full development of a community cannot be achieved without a strong educational base, alike for men and women. The community projects have been planned to provide for social education, expansion and improvement of primary and secondary education and its gradual conversion to basic type, provision of educational facilities for working children and promotion of youth welfare. Vocational and technical training will be emphasized in all the stages of the educational programme. Training facilities will be provided for imparting improved techniques to existing artisans and technicians, both in urban and rural areas. Training centres which already exist in any area, will be strengthened and developed, and new ones established to meet the requirements of the project area.

5. Health

The Health Organization of the project area will consist of 3 primary health units in the Development Blocks and a secondary health unit equipped with a hospital and a mobile dispensary at the headquarters of the project area and serving the area as a whole. It would aim at the improvement of environmental hygiene, including provision and protection of water supply; proper disposal of human and animal wastes; control of epidemic diseases such as Malaria, Cholera, Small-pox, Tuberculosis, provision of medical aid along with appropriate preventive measures and education of the population in hygienic living and in improved nutrition.

6. Supplementary employment

The unemployed and the under-employed persons in the village community will be provided with gainful employment to such extent as is possible, by the development of cottage and small-scale industries, construction of brick kilns and saw mills and encouragement of employment through participation in the tertiary sector of the economy.

7. Housing

Apart from the provision of housing for community projects personnel, steps will be taken, wherever possible, to provide demonstration and training in improved techniques and designs for rural housing. In congested villages, action in the direction of development of new sites, opening of village parks and playgrounds and assistance in the supply of building materials, may also be necessary.

8. Training

The training of village level workers, project supervisors and other personnel for the Community Development Programme will be carried out in 30 training centres, which have been set up with the assistance of the Ford Foundation of America. Each training centre will have facilities for about 70 trainees. Each centre will have double training staff so that the trainees can be divided into two groups. One group will be getting practical and supervisory work experience, while the other group will be utilizing the centers' facilities for lectures, demonstrations and discussions. In view of the great demand on the training centres to turn out people quickly for the opening of new projects, the training period will, in the first instance, be limited to six months. In addition to the training of village level workers and supervisors, the agricultural extension service workers in the Project areas will take steps for the training of the agriculturists, panches and village leaders.

9. Social welfare

There will be provision for audio-visual aid for instruction and recreation, for organizing community entertainment, sports activities and melas.

Organization

Centre: For the implementation of the Community Development Programme as indicated above, the Central Organization will consist of a Central Committee (the Planning Commission has been designated as the Central Committee) to lay down the broad policies and provide general supervision, and an Administrator of Community Projects under the Central Committee. The Administrator will be responsible for planning, directing and co-coordinating the Community Projects throughout India under the general supervision of the Central Committee and in consultation with appropriate authorities in the various States. He will be assisted by a highly qualified executive staff to advise him on administration, finance, personnel, community planning and other matters.

State: At the state level, there will be a State Development Committee or a similar body consisting of the Chief Minister and such other Ministers as he may consider necessary. There will also be a State Development Commissioner or a similar official who will act as the Secretary to the State Development Committee and will be responsible for directing community projects in the State. Where the work justifies it, there may, in addition, be a Deputy Development Commissioner specifically in charge of community projects.

District: At the district level, there will be, wherever necessary, a District Development Officer responsible for the Community Development Programme in the district. This officer will have the status of an Additional Collector and will operate under the directions of the Development Commissioner. He will be advised by a District Development Board consisting of the officers of the various departments concerned with Community Development, with the Collector as Chairman and the District Development Officer as executive secretary.

Project: At the project level, each individual project unit (consisting of a full project or one or more Development Blocks where there is not a full project) will be in charge of a project executive officer. In the selection of project executive officers, special regard will be paid to experience, general outlook, understanding of the needs and methods of Community Development, capacity for leadership and ability to secure both official and non-official co-operation. Each project executive officer in charge of a full project, will have on his staff approximately 125 supervisors and village level workers, who will be responsible for the successful operation of all activities at the project level.

This organizational pattern will be adapted to suit local conditions and needs as may be deemed necessary by the Administrator and the respective State Governments.

7.6.3 People's Participation—Crux of the Programme

While on the subject of organization, it is necessary to stress the importance of ensuring, right from the start, the people's participation, not merely in the execution of the Community Development Project but also in its planning. This in fact is the very essence of the programme.

The Community Development Programme aims at the establishment of a suitable organ to ensure participation of the villagers at the planning stage. It contains provisions

for the setting up of a project advisory committee. It is intended that the project advisory committee should be as representative as possible of all the non-official elements within the project area. In securing participation of the villagers in the execution of the programme, the Community Projects Organization will avail of all non-official local voluntary organizations and especially the Bharat Sevak Samaj, which is likely to be set up in the project area on the lines indicated in the pamphlet recently circulated by the Planning Commission.

Villager's contribution to the programme

The pattern of the project as drawn up includes major items of works normally implemented through government agencies. This is bound to involve higher expenditure through elaborate administrative staff, middlemen's fees and possibly in certain cases, questionable practices. If the people are to be trained to be the builders of the future, the works have to be entrusted, even at certain risks, to the people themselves through their representative agencies, the governmental organization furnishing the technical assistance and the essential finance. It is intended that a qualifying scale of voluntary contribution, either in the form of money or of labour, should be laid down and this contribution will be a condition precedent to development schemes being undertaken under the Community Development Programme.

In all these cases, contributions may be in the form, either of voluntary labour or of cash. In respect of backward areas and areas predominantly populated by scheduled castes and scheduled tribes, it may not be possible for the villagers to make any financial contribution. In these areas, the villagers should be asked-to contribute by way of labour effort required for executing the works programme under various heads. The agency of the Bharat Sevak Samaj is hoped to become a major avenue for the organization of the voluntary effort on the part of the villagers.

7.6.4 Finance

The estimated expenditure on a basic type of a rural community project, i.e., a project without the provision for an urban unit, is ₹ 65 lakhs over a period of 3 years. Of this amount, about 58-47 lakhs will be in rupees and ₹ 6-53 lakhs will be in dollars. The estimated cost of an urban unit (which it is intended to provide in a few projects) is (₹) in lakhs. Of this amount, the estimated rupee expenditure is about (₹) 95-55 lakhs and the dollar expenditure is ₹ 15-45 lakhs.

In order to enable expansion of the programme in future years, the Central Committee felt that some reduction in the estimated cost of a rural community project, basic type, should be made and, after examination of the question, has now decided that all community projects should be operated on the basis of a reduced total of ₹ 45 lakhs per project. So far as the existing projects are concerned, this would mean that the area of operations under each project on a population basis of 2 lakhs per project should be so revised or adjusted as to conform to the new expenditure pattern.

The Community Development Programme imposes financial obligations on the Centre as well as on the State Governments. Broadly, the proportions which have been fixed are 75 per cent for the Centre and 25 per cent for the State in respect of non-recurring expenditure, and 50 per cent each for Centre and States in respect of recurring expenditure. This applies to 'grants-in-aid'. Loan amount is totally found by the Centre. After the three-year period, the Community Project areas are intended to become Development Blocks on the lines recommended for adoption in Chapter VI of the Grow

More Food Enquiry Committee's Report. It is expected that in so far as the Community Project areas are concerned, the expenses of such development blocks will be borne entirely by State Governments after the third year. The expenditure, mostly recurring, is likely to be about ₹ 3 lakhs per project.

Supporting projects

The Community Development Programme is related to and supported in part by most of the other projects under the Indo-American Technical Cooperation Programme. The fertilizer required by the Community Development Programmes will be acquired and distributed in accordance with the Operational Agreement No. I, which deals with the 'Project for Acquisition and Distribution of Fertilizer'. Similarly, the iron and steel needed for farm implements and tools will be acquired and distributed in accordance with the 'Project for the Acquisition and Distribution of Iron and Steel for Agricultural purposes'. The tube wells to be constructed in the project areas will be allocated from the 'Project for Ground Water Irrigation'. Information and services with respect to soils and fertilizer application will be made available from the 'Project for distribution of soil fertility and fertilizer use'. Assistance in Malaria control in the project areas will be forthcoming from the 'Project for malaria control planned under the Technical Cooperation Programme'. The training, of Village Level Workers and Project Supervisors will be carried out under the 'Vmage Workers Training Programme'.

Evaluation

A systematic evaluation of the methods and results of the Community Development Programme will, no doubt, make a significant contribution by pointing up those methods which are proving effective, and those which are not; and furnishing an insight into the impact of the Community Development Programme upon the economy and culture of India. In order that it may be useful to those administering the Community Development Projects and serve as a basis for informed public opinion regarding the programme, the evaluation work is being arranged to be conducted by the Planning Commission in close cooperation with the Ford Foundation and the Technical Cooperation Administration.

National extension service

In setting out our proposals on the subject of administration of district development programmes, we have already attempted to analyse the organizational features of extension work in the district. The entire subject has been carefully reviewed recently by the Grow More Food Enquiry Committee. After examining the results of the campaign for increased food production, which has been in progress for several years, the Committee states the problem which extension workers have to meet in the following words:

'No plan can have any chance of success unless the millions of small farmers in the country accept its objective, share in its making, regard it as their own, and are prepared to make the sacrifices necessary for implementing it. The integrated production programme has failed to arouse enthusiasm for the reasons we have given. The food problem is a much wider one than mere elimination of food imports. It is the problem of bringing about such a large expansion of agricultural production as will assure to an increasing population progressively rising levels of nutrition. In other words, the campaign for food production should be conceived as part of a plan for the most efficient use of land resources by the application of modern scientific research and the evolution of a diversified economy. In its turn, agricultural improvement is an integral part of the much wider problem of raising the level of rural life. The economic aspects of village life cannot be detached from

the broader social aspects; and agricultural improvement is inextricably linked up with a whole set of social problems. The lesson to be derived from the working of the G. M. F. programmes thus confirms the experience of States and private agencies engaged in village development. It is that all aspects of rural life are interrelated and that no lasting results can be achieved if individual aspects of it are dealt with in isolation. This does not mean that particular problems should not be given prominence, but the plans for them should form parts of, and be integrated with, those for achieving the wider aims. It is only by placing this ideal-of bringing about an appreciable improvement in the standards of rural life and making it fuller and richer-before the country and ensuring that the energies of the entire administrative machinery of the States and the best nonofficial leadership are directed to plans for its realization that we can awaken mass enthusiasm and enlist the active interest and support of the millions of families living in the countryside in the immense task of bettering their own condition.

This analysis led to the Committee to propose the establishment of a national extension organization for intensive rural work which could reach every farmer and assist in the coordinated development of rural life as a whole. The detailed proposals of the Committee on the organization of the extension network at various levels have been described earlier. The programme envisaged by the Committee, for which the necessary provision has been made in the plan, is that the central government should assist state governments in establishing extension organizations so as to bring their entire area under extensive development within a period of about ten years. During the period of the Plan, about 120,000 villages are to be brought within the operations of the extension, that is, nearly one-fourth of the rural population. The central and the various state governments are expected in the near future to frame detailed programmes for reorganizing the existing extension services, arranging for further recruitment and preparing training programmes.

In drawing up these programmes the central and state governments will have to examine the necessity for providing the basic training in agriculture and animal husbandry to the village level workers and the various supervisory subject matter specialists. Where existing facilities are inadequate, steps will have to be taken to augment them with a view to ensuring an adequate supply of extension workers for each major linguistic region. There is little doubt that the implementation of these proposals can give a new and powerful momentum to all rural work and, in particular, to the programme for increased agricultural production.

The organization of extension services with the object of securing increased production and raising the standard of village life is a new undertaking. Extension is a continuous process designed to make the rural people aware of their problems, and indicating to them ways and means by which they can solve them. It thus involves not only education of the rural people in determining their problems and the methods of solving them, but also inspiring them towards positive action in doing so. It is, therefore, of the highest importance that for this task, personnel of the right type should be obtained who will take to their work with zeal and enthusiasm. The qualities required are not only the ability to acquire knowledge but also dedication to the task of serving the rural people and the development of a will to find solutions for their problems. People from village surroundings with experience of practical farming are likely to prove of special value as extension workers.

The training of extension workers requires the closest attention and must be related to the services that they will have to perform. They have to understand rural problems,

the psychology of the farmer and solutions to his various difficulties. They have to try and find out the felt needs of the people, and the solutions that they offer must be demonstrated by acting in close cooperation with the farmers. They should be able to discover leadership and stimulate it to action. Their success will depend on the extent to which they gain the confidence of the farmers. Their duties have thus to be educative and demonstrative. Their training will thus have many facets. Periods spent in gaining a thorough training will be a good investment. If the period of extension training is to be shortened, so as to be able to cover a larger area than may be otherwise possible, care should be taken to see that it is preceded by adequate opportunities for basic training in all aspects of rural development. Their conditions of service should also be such as are calculated to keep up their zeal and enthusiasm and ensure the continuous maintenance of high standards of performance. There should be considerable scope for promotion for men who start at the bottom. In order to develop the true extension approach much might be gained if all extension workers, whether graduates or field level workers, were to start at the field level and only those who proved their worth, received promotions to higher positions. A fair proportion of these positions should also be open to village workers who display the necessary qualities of leadership and ability. For this purpose, courses should be provided at different levels to enable the promising extension workers who start at the field level to reach positions of greater responsibility.

It is important to secure that the extension service retains its character of continued utility to the rural areas which they serve. This factor should, therefore, be particularly borne in mind in judging the work of officials who man this service. Local opinion on the extent to which an extension worker has made himself useful should be an important criterion in assessing his ability.

The confidence of the villager is gained with difficulty and lost easily. It is, therefore, of the essence of extension that the initial start is made with items whose usefulness to the cultivator in increasing agricultural production has been well established. It is only after sufficient confidence is gained that comparatively untried measures can be put forward, and even these should be held out as experiments until the people have found the answer for themselves.

The immediate effect of the first impact of an extension organization is to increase the demands of the cultivator for credit, supplies and implements. The satisfaction of these demands is a necessary consequence of extension activities and they will succeed to the extent this responsibility is handled efficiently. Extension activities will be adversely affected if arrangements cannot be made for supplying the needs which they-generate.

Finally, it may be pointed out that extension workers have to be supported effectively by research workers to whom they can bring their problems and whose results they carry to the people. Special arrangements are, therefore, needed to ensure the closest cooperation between extension and research.

ACTIVITY

Visit various panchayat functionaries near your area and prepare a report on the role played by them in the social development of the area.

7.7 SUMMARY

In this unit, you have learnt that:

- The idea of local self-government was a result of the rise of popular democracy in the European societies in the Nineteenth and Twentieth centuries.

- The growth of the idea of local self-government can be attributed to the rise of the responsibilities of the state during this period.

- The growing demands for decentralization were a result of both these developments.

- Local administration is based on rule-making and decision-making for the welfare of the people and the implementation of these decisions at the village level in the country.

- The panchayati raj institution has its origins in India. During its long span of time, its format and practices have changed many a times.

- The Constitution of India considers the panchayati raj institution as a symbol of welfare state.

- The Balwant Rai Mehta Committee was appointed by the Government of India in January 1957 to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working.

- All the seats in a Panchayat are filled by persons chosen through direct election from territorial constituencies in the Panchayat area.

- The present panchayat system is a channel for popular participation in the process of development.

- In para 6 of the Sixth Schedule, executive, regulatory and developmental functions have been indicated for the district council.

7.8 KEY TERMS

- **Paraphernalia:** It refers to miscellaneous articles or equipment.
- **Gentry:** Gentry means the upper or ruling class of a society.
- **Atomization:** It means to break into small fragments.
- **Totalitarian:** It is a form of government in which the political authority exercise absolute and centralized control over all aspects of life.
- **Egalitarianism:** It is a social and political philosophy asserting the equality of a men, especially in their access to the rights and privileges of their society.

7.9 ANSWERS TO 'CHECK YOUR PROGRESS'

1. False

2. There are three different views regarding the relationship between local self-government and democracy. As per the first view, local self-government is defined in such a manner that democracy is shown to be incompatible with its true nature. The second defines democracy in a way that local self-government is proved to be incompatible with its true nature. The third theory, much more loosely articulated than the first two, stipulates definitions to permit the conclusion or assumption that local self-government and democracy are organically related, mutually dependent and reciprocally self-sustaining. After an analysis of these concepts, an alternative method of approaching local government and democracy is suggested.

3. Rousseau propounded the doctrine of general will.

4. True

5. Panchayat Raj Institutions

6. True

7. The institutions comprising the panchayati raj are gram sabha, panchayat, panchayat samiti and zila parishad.

8. The panchayat is the primary tier of rural local government. Its structure and composition varies from state to state. Its membership ranges from 5 to 31 the average being 15. Uttar Pradesh and Orissa, belong to high membership group. In Uttar Pradesh the panchayat membership ranges from 16 to 31. The rest of the states prescribe a member ship range of the 5 to 15; depending upon the size of the panchayat.

9. In Andhra Pradesh, Punjab, Gujarat, Maharashtra and Uttar Pradesh, the zilla panchayat has been endowed with executive functions, which it has inherited from the farmer district local boards, district school boards and district development committee. These functions, which in their very nature could not be performed by the panchayats, are:
   - Coordinate
   - Supervision, guidance and control
   - Appellate
   - Advisory
   - Joint service and establishment
   - Declaratory and classificatory
   - House keeping

10. Community Development is the method through which the government's Five Year Plan seeks to initiate a process of transformation of the social and economic life of the villages.

11. The main lines of activity which will be undertaken in a community project can be divided into agriculture and related matters, irrigation, communications, education, health, supplementary employment, housing, training, social welfare.

Short-Answer Questions

1. What is Rousseau's doctrine of the general will?
2. Is political knowledge universal in nature?
3. How far do you think the idea of autonomy and decentralization is shaping the destiny of democracies across the world?
4. List the factors that influence Indian grassroots politics.
5. What are the functions of gram sabha?
6. State the functions of a nyaya panchayat.

Long-Answer Questions

1. Discuss the relationship between local self-government and democracy.
2. Trace the evolution of the local self-government.
3. Evaluate how liberal political ideology gave rise to the liberal concept of democracy.
4. Explain how the grassroots level administrations function in India.
5. Write an explanatory note on the importance of the local self-administration in India.
6. In liberal theory, local self-government provides an important institutional buffer against non-liberal and illiberal social tendencies. Discuss.

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UNIT 8 EMPOWERMENT OF WEAKER SECTIONS

8.0 INTRODUCTION

In the previous unit, you learnt about participatory administration. In this unit, you will learn about various legal provisions and welfare measures the government has enacted to empower weaker sections in India. The unit will begin with a discussion on the National Rural Employment Guarantee Act.

The National Rural Employment Guarantee Act (NREGA) is the first ever law internationally that guarantees wage employment at an unprecedented scale. The primary objective of the Act is augmenting wage employment. Its auxiliary objective is strengthening natural resource management through works that address causes of chronic poverty like drought, deforestation and soil erosion, and encourage sustainable development.

You will also study the working of the social welfare boards in India at various levels- village, block, district and state-and how they help the country to prevent social problems and improve the well-being of the individuals, groups and communities directly.

8.1 UNIT OBJECTIVES

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

- Explain the objectives of the NREGA Act
- Discuss the salient features of the NREGA Act
- Examine the formulation of the state employment
- Describe the functions carried out by the Central Social Welfare Board

8.2 CONCEPT OF EMPOWERMENT OF WEAKER SECTIONS

In India, the Government has special concern and commitment for the well-being of the weaker sections viz., the Scheduled Castes (SCs), the Scheduled Tribes (STs), the Other Backward Classes (OBCs) and the minorities, as they still continue to lag behind the rest of the society due to their social and economic backwardness. These sections, which have passed through the processes of welfare and development during the past four and a half developmental decades, are now being empowered to act as agents of socio-economic change and development.

According to the 1991 Census, the Scheduled Castes account for 138.22 million, representing 16.48 per cent of the country's total population. Of these, 81 per cent live in rural areas. There has been an increase in the percentage of SC population to the total population from 15.28 in 1981 to 16.48 in 1991, with a decadal growth rate of 3.20 per cent during 1981-91. They are dispersed all over the country, except in one State and two UTs viz., Nagaland, Andaman and Nicobar Islands and Lakshadweep. Uttar Pradesh alone, being the largest state, accounts for 21.05 per cent of the total SC population. Nearly 84 per cent of the country's total SC population lives in 10 States viz., Andhra Pradesh (7.66%), Bihar (9.09%), Karnataka (5.33%),

Kerala (2.09%), Madhya Pradesh (6.96%), Maharashtra (6.34%), Rajasthan (5.50%), Tamil Nadu (7.75%), Uttar Pradesh (21.18%) and West Bengal (11.63%). In a few states, the SCs constitute more than 20 per cent of the total of their respective population. These include - Punjab (28.31%), Himachal Pradesh (25.34%), West Bengal (23.62%) and Uttar Pradesh (21.05%).

The Scheduled Tribes account for 67.76 million or 8.08 per cent of country's total population. Of these, 1.32 million (1.95%) are primitive tribes. The STs too, have shown a decadal growth rate of 3.12 per cent during the period 1981-91. The actual increase in the percentage of ST population was from 7.53 in 1981 to 8.08 in 1991. The STs inhabit in all the states except Haryana, Punjab, Chandigarh, Delhi and Pondicherry. The highest concentration of ST population is found in the north- eastern states of Mizoram (94.75%), Nagaland (87.70%), Meghalaya (85.53%) and Arunachal Pradesh (63.66%) and in the UTs of Lakshadweep (93.15%) and Dadra and Nagar Haveli (78.99%), while there are high concentrations in the states of Madhya Pradesh (23.27%), Orissa (22.21%), Gujarat (14.92%), Maharashtra (9.27%) and Bihar (7.66%).

The Other Backward Classes, as per the Government of India's notification dated 8th September 1993, comprise castes and communities that are found common in the list of the Mandal Commission and in the lists of the individual State Governments. In the absence of specific Census data, it is not possible to quote the exact figure of their population. However, the Mandal Commission made a rough estimate of OBCs constituting 52 per cent of the country's total population.

The minorities, who constitute 145.31 million (17.17%), as per 1991 Census, represent Muslim, Christian, Sikh, Buddhist and Zoroastrian communities. While the Muslims are mainly concentrated in Jammu and Kashmir (J&K), Lakshadweep, West Bengal, Uttar Pradesh and Bihar, the Christians are predominantly inhabited in the north-eastern States of Nagaland, Mizoram, Meghalaya and Manipur, besides Goa, Andaman and Nicobar Islands and Daman and Diu. The Sikhs are mainly found in the northern States/UTs of Punjab, Haryana, Delhi and Chandigarh. The Buddhist population is mainly

found in Sikkim, Maharashtra, West Bengal, Jammu and Kashmir and Himachal Pradesh. Although Zoroastrians are numerically negligible, they are found in sizeable numbers in Maharashtra, Gujarat, West Bengal and Andhra Pradesh, besides Delhi and Daman and Diu.

Recognizing the special needs of these weaker sections, the Constitution of India not only guarantees them equality before the law (Article 14), but also enjoins the State to make special provisions of affirmative discrimination for the advancement of any weaker section or for Scheduled Castes and Scheduled Tribes (Article 15(4)). It also empowers the State to make provision for reservation in appointments or posts in favour of any backward class citizens (Article 16(4)).

The Constitution of India guarantees:

Social

- Equality before the law (Article 14)
- Special provision for the advancement of all weaker sections, including SCs and STs (Article 15 (4))
- Abolition of 'untouchability' and its practice in any form (Article 17)
- Appointment of commissions to investigate the conditions of socially and educationally backward classes (Article 340)
- The right for all minorities to establish and administer educational institutions of their own choice (Article 30)
- To specify the castes and tribal communities deemed to be SCs and STs (Article 341 and 342)

Economic

- To promote, with special care, the educational and economic interests of the weaker sections and in particular of SCs and STs and protect them from any social injustice and all forms of exploitation (Article 46)
- Special Financial Assistance is charged from the Consolidated Fund of India each year as grant-in-aid for promoting the welfare of the STs and development of Scheduled Areas (Article 275(1))
- The claims of SCs and STs to appointments in services (Article 335)

Political

- Administration and control of the Scheduled Areas and Scheduled Tribes in any State (Article 244 and 339)
- Reservation of seats for SCs and STs in the House of the People and in the Legislative Assemblies of the States (Article 330 and 332)

Likewise, a number of constitutional provisions exist for protection and promotion of the interests of these weaker sections.

The Constitution of India enjoins the State to promote, with special care, the educational and economic interests of the weaker sections of the people and, in particular, of the Scheduled Castes and the Scheduled Tribes and promises to protect them from social injustice and all forms of exploitation (Article 46). For promoting the welfare of STs and for raising the level of administration of the Scheduled Areas to that of the rest of the State (Article 244), special financial assistance is ensured under Constitution

(Article 275(1)). Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the democratic institutions (Article 330 and 332), educational institutions and in services (Article 335) is another measure of positive discrimination in favour of these Groups. It empowers the State to appoint a Commission to investigate the conditions of socially and educationally backward classes (Article 340) and to specify the Castes and Tribes to be deemed as Scheduled Castes and Scheduled Tribes (Articles 341 and 342). With regard to the welfare and development of minorities, the Constitution incorporated certain safeguards to recognize their rights in conserving their culture and establish and administer educational institutions of their choice (Articles 29 and 30). Likewise, a number of constitutional provisions exist for protection and promotion of the interests of these socially disadvantaged groups.

The constitutional commitments made in favour of these socially disadvantaged groups prompted the policy makers and the planners to accord high priority for the welfare and development of these groups right from the beginning of the country's developmental planning, launched in 1951. During the Fifties, the general developmental programmes were so designed as to cater adequately to the backward classes. Efforts were also made to ensure that the benefits of economic development accrued more and more to the relatively less privileged classes of the society in order to reduce inequalities. Keeping in view the five principles of the 'Panchsheel', the process of tribal development was also initiated on the basis of respect and understanding of tribal culture and traditions, besides appreciation of their social, psychological and economic problems. The opening of the 43 Special Multi-Purpose Tribal Blocks during the Fifties which, were renamed later as Tribal Development Blocks, marked the beginning of the concerted efforts in the field of tribal development. During the Sixties, attempts were made to bring about greater equality of opportunities, reduction in disparities in income and wealth and a more even distribution of economic power amongst these backward sections. The developmental programmes were gradually diverted towards the basic goal of achieving a rapid increase in the standard of living of these people through measures which promoted equality and social justice.

During the Seventies, the expectation that the general development programmes would cater to the needs of these weaker sections and the innovative programmes of the Backward Classes Sector would provide the much needed thrust as an additive to the general efforts was belied. Further, the special provisions for the welfare and development of the backward classes, instead of supplementing, began to supplant the general sector provisions. It was in this context that the two innovative strategies of the Tribal Sub-Plan (TSP) for STs and the Special Component Plan (SCP) for SCs were launched during 1974 and 1979 respectively. These two special strategies were expected to ensure that all the general development sectors, both at the Central and State levels, earmarked funds for SCs and STs in proportion to their population so that adequate benefits from all the concerned sectors flow to these two disadvantaged groups.

In support of these two special strategies of SCP and TSP, the Government of India has also been extending Special Central Assistance (SCA) to the States and the UTs, as an additive to fill up the gaps, especially in the family-based income generating programmes. As a result, there has been a substantial increase in the flow of funds for the development of SCs and STs besides enlargement of the share of benefits for SCs and STs under all the development programmes. However, to ensure a focused attention in improving the lot of these Groups, an exclusive Ministry of Social Justice and Empowerment was set up in 1985. Consequently, all the hitherto scattered programmes

of SCs, STs, OBCs and minorities were brought under one single umbrella during the Nineties and were put into effective operation with the ultimate objective of achieving the constitutional commitment of raising the status of these disadvantaged groups on par with the rest of the society.

8.3 SCHEMES FOR EMPOWERMENT OF WEAKER SECTIONS

Through schemes such as Janani Shishu Suraksha Karyakram, Janani Suraksha Yojana and Rashtriya Bal Swasthya Karyakram the government has provided healthcare benefits to newborn and small children, and pregnant and feeding mothers.

Small children are provided nutritious food and pre-school education in the Anganwadis. Children of the weaker sections are provided education through the Kasturba Gandhi Balika Vidyalayas. Also, the mid-day meal scheme provides free schooling for the children going to primary schools. The Central Government has provided lakhs of pre and post-matric scholarships to students from the backward areas and weaker sections. With the DBT scheme now, these benefits are being deposited directly in their bank accounts. Students are also provided free hostels and free coaching for higher studies.

Women from the weaker sections without adequate means are given small loans from schemes such as the Rashtriya Mahila Kosh to start their own small businesses. Schemes such as 'Ajeevika' help them to enhance their skills and create more opportunities for better jobs. They also get houses under the Indira Awaas Yojana, and Rajiv Gandhi Awaas Yojana. With the BPL card and now the Aadhaar card, the weaker sections can get many benefits delivered directly to them. The weaker sections also get reservation in government jobs, and reservation in gram panchayat posts. This has helped in their economic and political empowerment.

8.3.1 National Rural Employment Guarantee Scheme

The National Rural Employment Guarantee Act (NREGA) was notified on 7 September 2005. It was implemented by the Ministry of Rural Department. As stated earlier, NREGA was the first ever international law that guaranteed wage employment at an unprecedented scale. The Act was notified in 200 districts in the first phase with effect from 2 February 2006 and then extended to additional 130 districts in the financial year 2007-2008 (113 districts were notified with effect from 1 April 2007, and seventeen districts in UP were notified with effect from 15 May 2007). The remaining districts were notified under the NREGA with effect from 1 April 2008. Thus, NREGA was able to cover the entire country with the exception of districts that have a 100 per cent urban population. The name of National Rural Employment Guarantee Act or NREGA was changed to Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) on October 2, 2009.

Objective of the Act

The objective of the Act is to enhance livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work. The primary objective of the Act is augmenting wage employment. Its auxiliary objective is strengthening natural resource management through works that address causes of chronic poverty, such as drought, deforestation, and soil erosion, and so encourage sustainable development.

MNREGA goals

The goals of MNREGA are as follows:

(i) Strong social safety network for the vulnerable groups by providing a fall-back employment source when other employment alternatives are scarce or inadequate

(ii) Growth engine for sustainable development of an agricultural economy through the process of providing employment on works that address causes of chronic poverty. The Act seeks to strengthen the natural resource base of rural livelihood and create durable assets in rural areas. Effectively implemented, MNREGA has the potential to transform the geography of poverty

(iii) Empowerment of rural poor through the processes of a rights-based law

(iv) New ways of doing business as a model of governance reform anchored on the principles of transparency and grass root democracy

(v) The Act also mandates 33 per cent participation for women. Over the last two years, implementation trends vindicate the basic objective of the Act.

With its rights-based framework and demand driven approach, MNREGA marks a paradigm shift from the previous wage programmes. The Act is also a significant vehicle for strengthening decentralization and deepening processes of democracy by giving a pivotal role to the Panchayati Raj institutions in planning, monitoring and implementation.

Salient features of the Act

The salient features of the MNREGA Act are as follows:

(i) Adult members of a rural household, willing to do unskilled manual work, may apply for registration in writing or orally to the local Gram Panchayat.

(ii) The Gram Panchayat, after due verification, will issue a job card. The job card will bear the photograph of all the adult members of the household willing to work under MNREGA. This job card is free of cost.

(iii) The job card should be issued within fifteen days of application.

(iv) A job card holder may submit a written application for employment to the Gram Panchayat, stating the time and duration for which work is sought. The minimum days of employment have to be at least fourteen.

(v) The Gram Panchayat will issue a dated receipt of the written application for employment against which the guarantee of providing employment within fifteen days operates.

(vi) Employment will be given within fifteen days of application for work; if it is not, then daily unemployment allowance as per the Act, has to be paid liability of payment of unemployment allowance is of the states.

(vii) Work should ordinarily be provided within five km radius of the village. In case work is provided beyond 5 km, extra wages of 10 per cent are payable to meet additional transportation and living expenses.

(viii) Wages are to be paid according to the Minimum Wages Act, 1948, for agricultural labourers in the state, unless the Centre notifies a wage rate which will not be less than ₹ 60 per day. Equal wages will be provided to both men and women.

(ix) Under the MNREGA Act, wages are to be paid according to piece rate or daily rate. Disbursement of wages has to be done on a weekly basis and not beyond a fortnight in any case.

(x) At least one-third beneficiaries shall be women who have registered and requested work under the scheme.

(xi) Work site facilities such as crèche, drinking water, shade, etc., have to be provided.

(xii) The shelf of projects for a village will be recommended by the Gram Sabha and approved by the Zilla Panchayat.

(xiii) At least 50 per cent of works will be allotted to Gram Panchayats for execution.

(xiv) Permissible works predominantly include water and soil conservation, afforestation and land development works.

(xv) A 60:40 wage and material ratio has to be maintained. No contractors and machinery is allowed.

(xvi) The Central government bears the 100 per cent wage cost of unskilled manual labour, and 75 per cent of the material cost including the wages of skilled and semi skilled workers.

(xvii) Social audit has to be done by the Gram Sabha.

(xviii) Grievance redressal mechanisms have to be put in place for ensuring a responsive implementation process.

(xix) All accounts and records related to the scheme should be available for public scrutiny.

8.3.2 Paradigm Shift from Wage Employment Programmes

MNREGA marks a paradigm shift from all precedent wage employment programmes. The significant aspects of this paradigm shift are captured below:

(i) MNREGA provides a statutory guarantee of wage employment.

(ii) It provides a rights-based framework for wage employment. Employment is dependent upon the worker exercising the choice to apply for registration, obtain a job card, and seek employment for the time and duration that the worker wants.

(iii) There is a fifteen day time limit for fulfilling the legal guarantee of providing employment.

(iv) The legal mandate of providing employment in a time bound manner is underpinned by the provision of unemployment allowance.

(v) The Act is designed to offer an incentive structure to the states for providing employment as 90 per cent of the cost for employment provided is borne by the Centre. There is a concomitant disincentive for not providing employment as the states then bear the double indemnity of unemployment and the cost of unemployment allowance.

(vi) Unlike the earlier wage employment programmes that were allocation based, MNREGA is demand driven. Resource transfer under MNREGA is based on the demand for employment, and this provides another critical incentive to states to leverage the Act to meet the employment needs of the poor.

(vii) MNREGA has extensive in-built transparency safeguards.

    (a) **Documents:** Job cards are recorded and written (in the custody of workers) application for employment, muster rolls, measurement books and asset registers.

    (b) **Processes:** Acceptance of employment application, issue of dated receipts, time bound work allocation and wage payment, citizen information boards at work sites, vigilance monitoring committees, regular block, district and state level inspections, and social audits.

(viii) The public delivery system has been made accountable as it envisages an annual report on the outcomes of MNREGA to be presented by the Central government to the Parliament and to the Legislature by the state government. Specifically personnel responsible for implementing the Act have been made legally responsible for delivering the guarantee under the Act.

Formulation of state employment

Under Section 4 of the Act, the scheme to be formulated by the state government will conform to the legally non-negotiable parameters laid down in Schedules I and II of the Act. In addition, the schemes will conform to the operational parameters delineated in the guidelines. The scheme so formulated will be called the National Rural Employment Guarantee Scheme (NREGS), followed by the name of the state. The national level name and logo is mandatory. This logo will be used for all information, education and communication (IEC) materials and activities.

The scheme will be implemented as a centrally sponsored scheme on a cost-sharing basis between the Centre and the states as determined by the Act.

Stakeholders

The key stakeholders are:

(i) Wage seekers

(ii) Gram Sabha

(iii) PRIs, specially the Gram Panchayat

(iv) Programme officer at the block level

(v) District programme coordinator

(vi) State government

(vii) Ministry of Rural Development

Village level

Wage seekers

The wage seekers are the primary stakeholders of the Act. Their exercise of choice to demand employment is the trigger of key processes. The rights of the wage seekers are:

(i) Application for registration

(ii) Obtaining a job card

(iii) Application for work

(iv) Choice of time and duration of the work applied for

(v) Provision of work within fifteen of application

(vi) Provision of crèche, drinking water, first aid facilities, and so on, on work site

(vii) The right to check their muster rolls and to get information regarding their employment entered in their job cards

(viii) Payment of wages within fifteen days of work done

(ix) The right to get unemployment allowance in case employment is not provided within fifteen days of submitting the application or from the date when work is sought

Gram Sabha (GS)

The Gram Sabha (GS) has been given the following rights and responsibilities under the Act:

(i) It will recommend works to be taken up under NREGS.

(ii) It will conduct social audits on implementation of the scheme.

(iii) In addition, it is suggested that the GS be used extensively as a forum for sharing information about the scheme.

Gram Panchayat (GP)

The Gram Panchayat (GP) is the pivotal body for implementation at the village level. Where Part Nine of the Constitution does not apply, local councils/authorities as mandated by the state concerned will be invested with corresponding responsibilities.

The GP is responsible for the following activities:

(i) Planning of works

(ii) Receiving applications for registration

(iii) Verifying registration applications

(iv) Registering households

(v) Issuing job cards

(vi) Receiving applications for employment

(vii) Issuing dated receipts

(viii) Allotting employment within fifteen days of application

(ix) Executing works

(x) Maintaining records

(xi) Convening the GS for social audit

(xii) Monitoring the implementation of the scheme at the village level

Block level

(i) **Intermediate Panchayat (IP):** The IP will be responsible for the consolidation of the GP plans at the block level into a block plan and for monitoring and supervision.

(ii) **Programme Officer (PO):** The PO essentially acts as a coordinator for NREGS at the block level. The chief responsibility of the PO is to ensure that anyone who applies for work gets employment within fifteen days. A PO's other important functions are:

(a) Scrutinizing the annual development plan proposed by the GPs

(b) Including the proposals of the intermediate Panchayat

(c) Consolidating all proposals into the block plan and submitting it to the intermediate Panchayat

(d) Matching employment opportunities with the demand for work at the block level

(e) Monitoring and supervising implementation

(f) Disposal of complaints

(g) Ensuring that social audits are conducted by the GS and following up on them

(h) Payment of unemployment allowance in case employment is not provided on time

The PO is accountable to the District Programme Coordinator.

District level

(i) **District Panchayats:** District Panchayats will be responsible for finalizing the district plans and the labour budget and for monitoring and supervising the employment guarantee scheme in the district.

(ii) **District Programme Coordinator (DPC):** The state government will designate a DPC who can be either the Chief Executive Officer of the District Panchayat, or the District Collector, or any other district-level officer of appropriate rank. The overall responsibility for ensuring that the scheme is implemented according to the Act belongs to the District Programme Coordinator (DPC) at the district level.

A DPC will be responsible for:

(i) Information dissemination

(ii) Training

(iii) Consolidating block plans into a district plan

(iv) Ensuring that administrative and technical approvals to the shelf of projects has been accorded on time

(v) Release and utilization of funds

(vi) Ensuring 100 per cent monitoring of works and muster roll verifications

(vii) Submission of monthly progress reports

State level

(i) **State Employment Guarantee Council (SEGC):** A State Employment Guarantee Council (SEGC or State Council) is to be set up by every state government under Section 12 of MNREGA. The SEGC will advise the state government on the implementation of the scheme, and how to evaluate and monitor it. Other roles of SEGC include deciding on the 'preferred works' to be implemented under NREGS, and recommending the proposals of the works to be submitted to the Central government under Schedule I Section 1 (ix) of the Act.

The SEGC will prepare an annual report on the implementation of the NREGS in the state to be presented to the State Legislature.

(ii) The state government will be responsible for:

(a) Wide communication of the scheme

(b) Setting up the SEGC

(c) Establishing a State Employment Guarantee Fund

(d) Ensuring that full time dedicated personnel are in place for implementing

MNREGA, specially the Gram Panchayat assistant (Gram Rozgar Sahayak) and the Programme Officer, and the technical staff

(e) Ensuring that the state share of the NREGS budget is released on time

(f) Delegation of financial and administrative powers to the DPC and the Programme Officer, as is deemed necessary for the effective implementation of the Scheme

(g) Training

(h) Establishing a network of professional agencies for technical support and for quality-control measures

(i) Regular review, monitoring and evaluation of NREGS processes and outcomes

(j) Ensuring accountability and transparency in the scheme at all levels

Central level

(i) **Central Employment Guarantee Council (CEGC):** A Central Employment Guarantee Council (CEGC or Central Council) has been set up under the chairmanship of the Minister of Rural Development. The CEGC is responsible for advising the Central government on MNREGA-related matters, and for monitoring and evaluating the implementation of the Act. It will prepare annual reports on the implementation of NREGA for submission to Parliament.

(ii) **Ministry of Rural Development (MORD):** The Ministry of Rural Development (MORD) is the nodal ministry for the implementation of MNREGA. It is responsible for ensuring timely and adequate resource support to the states and to the Central Council. It has to undertake regular review, monitoring, and evaluation of processes and outcomes. It is responsible for maintaining and operating the management information system (MIS) to capture and track data on critical aspects of implementation, and assess the utilization of resources through a set of performance indicators. MORD will support innovations that help in improving processes towards the achievement of the objectives of the Act. It will support the use of information technology (IT) to increase the efficiency and transparency of the processes as well as improve interface with the public. It will also ensure that the implementation of NREGA at all levels is sought to be made transparent and accountable to the public.

8.4 CENTRAL SOCIAL WELFARE BOARD

A separate department to look after subjects connected with social security was set up in June 1964. The new Department of Social Security took over items of work related to social security from the Ministries of Industries, Home Affairs, Labour and Employment, and Education. In January 1966, the following subjects under the Department of Social Security were transferred to other ministries:

(i) 'Village industries' to the Ministry of Commerce

(ii) 'Bal Bhavan and Children's Museum' to the Ministry of Education

(iii) 'Unemployment insurance, employees' insurance and provident fund to the Ministry of Labour, Employment and Rehabilitation

Following the transfer of these subjects, the Department of Social Security was re-designated as the Department of Social Welfare.

In 1967, the Department of Social Welfare took over the subjects 'prohibition' from the Ministry of Home Affairs, post-matric scholarships for scheduled castes and scheduled tribes from the Ministry of Education and 'public cooperation' from the Planning Commission.

8.4.1 Functions of Social Welfare Board

The Department of Social Welfare has been allocated the following subjects:

(i) Social welfare

(ii) Child welfare and coordination of activities of other ministries and organizations in connection with this subject

(iii) Orphans and orphanages

(iv) Beggary, juvenile vagrancy, juvenile delinquency, and other CARE (Cooperative for Assistance and Relief Everywhere) programmes

(v) United Nations International Children's Emergency Fund (UNICEF)

(vi) Education of the handicapped

(vii) Social and moral hygiene programmes so far as they relate to women in moral danger, that is to say, rescue homes and reception centres, including aftercare programmes, the administration of the Suppression of Immoral Traffic in Women and Girls Act, 1956, and the establishment and maintenance of protective homes

(viii) Scheduled castes, scheduled tribes, ex-criminal tribes and other backward classes

(ix) (a) Appointment, resignation, etc., of Special Officer for scheduled castes and scheduled tribes, etc.

(b) Reports of the Special Officer

(x) (a) Commission to report on the administration of scheduled areas and the welfare of scheduled tribes

(b) Issue of directions regarding the drawing up and execution of schemes essential for the welfare of the scheduled tribes in the states

(xi) Reports of the commission to investigate into conditions of backward classes

(xii) Prohibition

(xiii) Public cooperation in plan programmes

(xiv) Social security measures

(xv) Central Social Welfare Board

(xvi) All attached or subordinate offices or other organizations concerned with any of the subjects specified in this list

8.4.2 Organization of Social Welfare Board

The Department of Social Welfare consists of a Secretariat and seventeen subordinate offices (including five regional centres for pre-vocational training and five zonal offices of the Backward Class Welfare Directorate). The Secretariat of the Department of Social Welfare is organized in two wings. The first wing, under the Director-General of Backward Classes, is responsible for functions related to the welfare of scheduled castes and scheduled tribes. The developmental functions, which were earlier the responsibility

of the office of the Commissioner for Scheduled Castes and Scheduled Tribes, are now under the charge of the Director-General of Backward Classes. The commissioner for scheduled castes and scheduled tribes is now concerned with only those duties which have been defined in the Constitution of India. The seventeen field offices under the commissioner for scheduled castes and scheduled tribes have now come under the Director-General of Backward Classes and these offices have been grouped into five zonal offices. The second wing named 'General Social Welfare Wing' is responsible for all other functions under the department. This wing is headed by the Commissioner of Social Welfare.

The Department of Social Welfare is in the charge of a Minister of Cabinet rank, who is currently also the Minister of Law. He is assisted by a Minister of State and one Deputy Minister.

8.5 EXISTING SCENARIO (CONSTITUTIONAL/ LEGAL)

In order to meet the objectives of equality and justice as laid down in the Preamble itself, the Constitution makes special provisions for the scheduled castes (SCs), the scheduled tribes (STs), the backward classes (BCs), the minorities and the Anglo- Indians.

Some of the articles in Part XVI, Part III, Part IV and other parts of the Constitution contain special provisions for the SCs and STs. While most of these articles are common to both SCs and STs, a few are exclusively meant for either of these two categories of people. These provisions can be classified into the following broad categories:

  (a) **Permanent and temporary:** Some of them are a permanent feature of the Constitution, while some others continue to operate only for a specified period.
  (b) **Protective and developmental:** Some of them aim at protecting the SCs and STs from all forms of injustice and exploitation, while some others aim at promoting their socio-economic interests.

However, the Constitution does not specify the castes or tribes that are to be called as the SCs or the STs. It leaves the power to specify as to what castes or tribes in each state and union territory are to be treated as the SCs and STs to the President. Thus, the lists of the SCs or STs vary from state to state and union territory to union territory. In case of the states, the president issues the notification after consulting the governor of the state concerned. But, any inclusion or exclusion from the presidential notification of any caste or tribe can be done only by the Parliament and not by a subsequent presidential notification. The president has issued several orders specifying the SCs and STs in different states and union territories and these have also been amended by the Parliament.

Various constitutional safeguards for the SCs and STs

Seats are to be reserved for the SCs and STs in the Lok Sabha and the state legislative assemblies on the basis of population ratios. Originally, this reservation was made for ten years (that is, up to 1960). But, this has been extended continuously since then by ten years each time. Now, under the 79th Amendment Act of 1999, this reservation is to last until 2010.

The claims of the SCs and STs are to be taken into consideration, while making appointments to the public services of the Centre and the states, without sacrificing the efficiency of administration. However, the 82nd Amendment Act of 2000 provides for making of any provision in favour of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to the public services of the Centre and the States.

The President should set up a National Commission for the SCs to investigate all matters relating to the constitutional safeguards for the SCs and to report to him (Article 338). Similarly, the President should also set up a National Commission for the STs to investigate all matters relating to the constitutional safeguards for the STs and to report to him (Article 338-A). The President should place all such reports before the Parliament, along with the action taken memorandum. Originally, the Constitution provided for a combined National Commission for SCs and STs. The 89th Amendment Act of 2003 bifurcated the combined commission into two separate bodies.

The president is required to appoint a commission to report on the administration of the scheduled areas and the welfare of the STs in the states. He can appoint such a commission at any time, but it is compulsorily after ten years of the commencement of the Constitution. Hence, a commission was appointed in 1960. It was headed by UN Dhebar and submitted its report in 1961. After four decades, the second commission was appointed in 2002 under the chairmanship of Dilip Singh Bhuria.

The Centre should pay grants-in-aid to the states for meeting the costs of schemes of welfare of the STs and for raising the level of administration in the scheduled areas. Further, the executive power of the Centre extends to the giving of directions to a state with respect to the drawing up and execution of such schemes.

The Fifth and Sixth Schedules of the Constitution envisage a special system of administration for the areas inhabited by the STs. These areas are designated as 'scheduled areas' and tribal areas.

A minister in charge of tribal welfare should be appointed in the states of Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa. He may also be put additionally in charge of the welfare of the SCs, OBCs or any other category. Originally, this provision was applicable to Bihar, Madhya Pradesh and Orissa. The 94th Amendment Act of 2006 freed Bihar from the obligation of having a tribal welfare minister as there are no Scheduled Areas in Bihar now and the fraction of population of the Scheduled Tribes is very small. The same Amendment also extended the above provision to the newly formed states of Chhattisgarh and Jharkhand (Article 164).

The state is permitted to make any special provision for the advancement of the SCs and STs (Article 15). Further, the state is empowered to make any special provision for the advancement of the SCs and STs regarding their admission to educational institutions including private educational institutions, whether aided or unaided by the state, except the minority educational institutions (Article 15(5). This provision was added by the 93rd Amendment Act of 2005. These two provisions constitute exceptions to the general 'rule of non-discrimination' laid down by Article 15.

The two fundamental rights (the right to move freely throughout the territory of India and the right to reside and settle in any part of the territory of India) can be restricted on the ground of the protection of interests of the STs (Article 19).

The State is directed to promote with special care the educational and economic interests of the SCs and STs and protect them from social injustice and all forms of

exploitation (Article 46). In addition to the SCs and STs, the Constitution has also made separate provisions for the protection and development of BCs.

However, the Constitution has neither specified the BCs nor used a single uniform expression to characterize the BCs. The expression 'BCs' means such backward classes of citizens other than the SCs and the STs as may be specified by the central government. Thus the expression 'BCs' in this context means the 'Other Backward Classes' (OBCs) as the SCs and STs are also backward classes of citizens.

Various constitutional safeguards for the BCs (or OBCs)

The state is permitted to make any special provision for the advancement of any socially and educationally backward classes of citizens (Article 15(4)). Further, the state is empowered to make any special provision for the advancement of any socially and educationally backward class of citizens regarding their admission to educational institutions including private educational institutions, whether aided or unaided by the state, except the minority educational institutions (Article 15(5)). This provision was added by the 93rd Amendment Act of 2005. These two provisions constitute exceptions to the general 'rule of non-discrimination' laid down by Article 15.

The State can provide for the reservation of appointments or posts in favour of any backward class which is not adequately represented in the state services. This provision constitutes an exception to the general 'rule of equality of opportunity in public employment' laid down by Article 16.

The State is directed to promote with special care the educational and economic interests of the weaker sections of the people and protect them from social injustice and all forms of exploitation (Article 46).

The tribal welfare ministers appointed in Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa may also be put additionally in charge of the welfare of the BCs (Article 164).

The president may appoint a commission to investigate the conditions of socially and educationally backward classes and to recommend the steps to improve their condition. The report of the commission is to be placed before the Parliament, along with action taken memorandum.

Under the above provision, the President appointed two commissions so far. The first Backward Classes Commission was appointed in 1953 under the chairmanship of Kaka Kalelkar. It submitted its report in 1955. But no action was taken on it as the recommendations were considered to be too vague and impractical, and also there was a sharp division among the members on the criterion of backwardness.

The second Backward Classes Commission was appointed in 1979 with BP Mandal as chairman. It submitted its report in 1980. Its recommendations were also lying unattended till 1990 when the V P Singh Government declared reservation of 27 percent government jobs for the OBCs.

In 1993, a National Commission for Backward Classes was established as a permanent statutory body. It consists of five members (including the chairman) nominated by the central government for a term of three years. It considers inclusions in and exclusions from the lists of castes notified as backward for the purpose of job reservation and provides the needful advice to the central government. Similarly, the states have also constituted commission for BCs.

The government has made reservation for SCs, STs and OBCs in services under its control. The quantum of reservation to SCs, STs and OBCs in direct recruitment on all-India basis by open competition is 15 per cent, 7.5 per cent and 27 per cent, respectively. In direct recruitment on all-India basis, otherwise than by open competition, the reservation is 16.66 per cent for SCs, 7.5 per cent for STs, and 25.84 per cent for OBCs. In case of promotion, the percentage of reservation for SCs and STs is 15 and 7.5 per cent, respectively. There is no reservation for OBCs in case of promotion.

The National Commission for SCs is also required to discharge similar functions with regard to the OBCs as it does with respect to the SCs. In other words, the commission has to investigate all matters relating to the constitutional and other legal safeguards for the OBCs and report to the President upon their working. The Constitution refers to two types of minorities, namely, religious minorities and linguistic minorities. However, the term 'minority' has not been defined anywhere in the Constitution. The Central government has notified five communities, namely, Muslims, Sikhs, Christians, Buddhists and Zoroastrians as religious minorities at the national level.

A linguistic minority is a group of people whose mother tongue is different from that of the majority in the state or part of a state. This means that linguistic minorities are determined on a state-wise basis.

The Constitution contains special provisions to safeguard the social, educational and economic interests of the minorities. Some of these are common to both religious minorities and linguistic minorities, while some others are exclusively meant for linguistic minorities only. Hence, these provisions are mentioned here under two headings.

Religious and linguistic minorities

- Any section of the citizens having a distinct language, script or culture of its own has the Fundamental Right to conserve the same (Article 29).

- No citizen is to be denied admission into any educational institution maintained by the state or aided by the state on grounds of religion, race, caste or language (Article 29).

- All minorities, whether based on religion or language, have the Fundamental Right to establish and administer educational institutions of their choice (Article 30). The Supreme Court ruled that this right also includes the right of a minority to impart education to its children in its own language.

- The compensation amount fixed by the state for the compulsory acquisition of any property of a minority educational institution should not restrict or abrogate the fundamental right guaranteed to the minorities, whether based on religion or language (Article 30).

- In granting aid to educational institutions, the state should not discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language (Article 30).

Linguistic minorities

- When the President (on a demand being made) is satisfied that a substantial proportion of the population of a state desire the use of any language spoken by them to be recognized by that state, he may direct that such language should also be officially recognized in that state.

- Every aggrieved person has the right to submit a representation for the redress of any grievance to any officer or authority of the Union or a state in any of the languages used in the Union or in the state, as the case may be. This means that a representation cannot be rejected on the ground that it is not in the official language.

- Every state and a local authority in the state should provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minorities.

The president can issue necessary directions for this purpose. The President should appoint a special officer for linguistic minorities to investigate all matters relating to the constitutional safeguards for linguistic minorities and to report to him. The President should place all such reports before the Parliament and send to the state governments concerned.

In 1992, the Parliament enacted the National Commission for Minorities Act. Under this act, a National Commission for Minorities was established in 1993 with a statutory status. This commission replaced the erstwhile non-statutory Minorities Commission which was established in 1978. The new Commission consists of a chairman, a vice-chairman and five members nominated by the central government for a term of three years. It evaluates the progress of the development of minorities, monitors the working of the safeguards provided to the minorities in the Constitution as well as in the Central and state laws and makes recommendations for their effective implementation.

Provisions for Anglo-Indians

Unlike in the case of SCs, STs, OBCs and minorities, the Constitution has defined the persons who belong to the Anglo-Indian Community. Accordingly, 'An Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only'.

Some of the articles in Part XVI of the Constitution contain special provisions to protect the interests of the Anglo-Indian community. These provisions are temporary in nature and hence cease to operate after the specified period. They are:

The president can nominate two members of the Anglo-Indian community to the Lok Sabha, if the community is not adequately represented. Similarly, the governor of a state can nominate one member of the Anglo-Indian community to the state legislative assembly, if the community is not adequately represented.

Originally, this special representation was to operate for ten years (i.e., up to 1960) only. But this duration has been extended continuously since then by ten years each time. Now, under the 79th Amendment Act of 1999, this special representation is to last until 2010.

The reason for this special representation to these people is as follows: 'Anglo Indians constitute a religious, social, as well as a linguistic minority. These provisions were necessary, for, otherwise, being numerically an extremely small community, and being interspersed all over India, the Anglo-Indians could not hope to get any seat in any legislature through election.'

Before independence, certain posts were reserved for the Anglo-Indians in the railway, customs, postal and telegraph services of the Union. Similarly, the Anglo-Indian

educational institutions were given certain special grants by the Centre and the States. Both the benefits were allowed to continue under the Constitution on a progressive diminution basis and finally came to an end in 1960.

The National Commission for SCs is also required to discharge similar functions with regard to the Anglo-Indian community as it does with respect to the SCs. In other words, the Commission has to investigate all matters relating to the constitutional and other legal safeguards for the Anglo-Indian community and report to the president upon their working.

8.5.1 Critique of Empowerment

The reservation policy in India has been criticized by those who believe in the 'merit' system. They are primarily believers in the free market ideology. According to them, reservations were not envisaged as a permanent system of entitlement. The authors of the reservation policy saw it as a way of remedying an imbalanced situation. They meant well, but it turned out to be something else.

Unfortunately, there were not enough people to voice honest criticism against the idea, both at the time it was launched, and later. Long before the term 'political correctness' was coined, India's intelligentsia observed a conspiratorial silence about this critical issue.

Had there been honest criticism and debate about reservations, it would have served as a good counterpoint. What was needed was a periodic review of reservations and a report on what was achieved and what was not. However, it was not done.

Even today, the opposition to reservation does not emanate from public intellectuals, but from upper class and upper caste students who do not understand the implications of the reservation policy. So it becomes easy to knock down their half-interested objections.

The case against reservations needs to be made on behalf of those who are supposed to benefit from it. If people say that there is a case for reservation after decades of a positive discrimination policy, there is a need to question the efficacy of affirmative action as such.

It is true that the entrenched upper castes and upper classes in this country would not welcome any policy measure that would break their privileged position. But they would not have been able to hold on to their position because of the natural expansion in the economy.

The country would have needed more skilled people than could be provided by the small number of the traditional elites. It was the compulsion of markets that opens the doors for outsiders. At the beginning of the industrial revolution, women and children became part of the factory workforce not just for the cheap wages but because there was need for those extra hands. It is the same in the case of immigrants in Europe and in the United States.

India's economic growth cannot be sustained by a quarter of the population as constituted by the upper castes and upper classes. The logic of economic expansion requires that those from the other strata, classes and castes have to enter the mainstream of education, jobs and consumers.

Unfortunately, growth has never been considered a factor in social progress in political debates in India. The reason is that political leaders took upon themselves the role of enlightened reformers who wanted to share their privileges with the deprived masses in a gesture of generosity. A look at the reservations policy over the decades

shows that it has been a rather inefficient model because it was not accompanied by expansion of educational and job opportunities. The remedy does not lie in perpetuating reservations, but in finding a more effective way of opening up opportunities for all.

Instead of fighting over smaller slices of a small pie of national income, what is needed is the expansion of the national pie which would help everyone to get their rightful and bigger share of the slice. The oppressed and the marginalized people need expansion of opportunities rather than favours from the state.

ACTIVITY
Prepare a report on the success of employment generation activities in India

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DID YOU KNOW
The National Credit Fund for Women (NCFW) known as Rashtriya Mahila Kosh (RMK) was set up by Government of India in 1993 to meet the credit needs of the poor and the women in the informal sector. RMK extends micro credit through MFIs for various activities including setting up of micro enterprises.

8.6 SUMMARY

In this unit, you have learnt that:

- The National Rural Employment Guarantee Act (MNREGA) was notified on 7 September 2005 and it was implemented by the Ministry of Rural Department.

- The MNREGA covers the entire country with the exception of districts that have a 100 per cent urban population.

- The objective of the Act is to enhance livelihood security in rural areas by providing at least 100 days of guaranteed wage employment to every household whose adult members volunteer to do unskilled manual work.

- The Act is a significant vehicle for strengthening decentralization and giving a pivotal role to the Panchayati Raj institutions in planning, monitoring and implementation.

- The National Rural Employment Guarantee Scheme (NREGS) is implemented as a centrally sponsored scheme on a cost-sharing basis between the Centre and the states as determined by the MNREGA.

- The key stakeholders in the NREGS are: o Wage seekers
  - o Gram Sabha
  - o PRIs, specially the Gram Panchayat o Programme officer at the block level o District programme coordinator
  - o State government
  - o Ministry of Rural Development

- The wage seekers are the primary stakeholders of the NREGA.

- The Gram Panchayat is the pivotal body for plan implementation at the village level.

- District Panchayats are responsible for finalizing the district plans and the labour budget in the district.
- The SEGC can advise the state government on the implementation of the NREGS and how to evaluate and monitor it.
- The Central Employment Guarantee Council is responsible for advising the Central government on MNREGA-related matters, and for monitoring and evaluating the implementation of the MNREGA.
- A separate department to look after subjects connected with social security was set up in June 1964.
- The Department of Social Welfare consists of a Secretariat and seventeen subordinate offices (including five regional centres for pre-vocational training and five zonal offices of the Backward Class Welfare Directorate).
- The Department of Social Welfare is in the charge of a Minister of Cabinet rank, who is currently also the Minister of Law.

8.7 KEY TERMS

- **Wage employment:** An employee whose terms and conditions of employment stipulate an hourly rate of pay.
- **Drought:** A long period of abnormally low rainfall, especially one that adversely affects growing or living conditions.
- **Deforestation:** The process of clearing of forests and using that land for other purposes.
- **Soil conservation:** The preservation of soil against deterioration or erosion, and the maintenance of the fertilizing elements for crop production.
- **Afforestation:** To convert (open land) into a forest by planting trees or their seeds.
- **Social Audit:** A formal review of a company's endeavours in social responsibility.

8.8 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Rural Department
2. True
3. Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA)
4. True
5. 16.23
6. B.P. Mandal
7. The Fifth and Sixth Schedules of the Constitution envisage a special system of administration for the areas inhabited by the STs.
8. A linguistic minority is a group of people whose mother tongue is different from that of the majority in the state or part of a state.

8.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What are the transparency safeguards in MNREGA?
2. Enlist the key stakeholders that need to be taken into account while formulating state employment programmes and policies.
3. State the rights and responsibilities of Gram Sabha under MNREGA.
4. Write a short note on the organization of Social Welfare board.

Long-Answer Questions

1. Write an explanatory note on the objectives and goals of the MNREGA.
2. Describe the salient features of the MNREGA.
3. 'MNREGA marks a paradigm shift from all precedent wage employment programmes.' Discuss the statement.
4. Compare and contrast between the SEGC and the CEGC.
5. What role does the Central Social Welfare Board play?

8.10 FURTHER READING

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UNIT 9 MANAGERIAL ADMINISTRATION

Structure

9.0 INTRODUCTION

Public administration is a segment of the wider field of 'administration'. But on its scope, there are differences. According to some, the use of the word 'public' before 'administration' restricts its coverage to the administrative activities of the government; government being the only organization which covers within itself all the people living in the state. According to them, public administration is defined as the organization and management of human and material resources to fulfil the objectives laid down by the government. But government, as we all know, consists of three branches—legislature, executive and judiciary. To some, public administration is identified with the entire range of government activities covered under the three branches: legislative, executive and judiciary.

9.1 UNIT OBJECTIVES

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

- Understand the meaning of Managerial Administration
- Discuss the evolution of the concept of Managerial Administration
- Describe the basics of the management of public enterprises
- Explain the functioning of the basic patterns of Indian public sector enterprises

9.2 MANAGERIAL ADMINISTRATION: CONCEPT AND EVOLUTION

According to the managerial view, the work of only those who are engaged in the performance of managerial functions in an organization constitutes administration. It is these people who shoulder the responsibility of keeping the enterprise on an even keel and to run it most efficiently. Their job is to plan, programme and organize all the activities

in an organization so as to achieve the desired ends. It may be appropriate here to quote W.F. Willoghby: 'The term "administration" maybe employed in political science in two senses. In its broadest sense, it denotes the work involved in the actual conduct of governmental affairs, regardless of the particular branch of government concerned. In its narrow sense, it denotes the operations of the administrative branch only. As a student of Administration we are concerned with the narrowest meaning of the term.'

L.D. White defines public administration in broader terms. According to him, 'Public administration consists of all those operations having for their purpose the fulfilment or enforcement of public policy.' Luther Gullick, on the other hand, views: 'Public administration is that part of the science of administration which has to do with government and thus concerns itself primarily with the executive branch, where the work of government is done, though there are obviously administrative problems also in connection with the legislative and judicial branches.'

We, in India, cannot accept the restricted definition of public administration. So much is the mutual dependence and so intensive is the interaction between the executive, the legislature and the judiciary that public administration must be defined in the broader terms so that it covers all the three branches of the government—the executive, the legislature and the judiciary.

The diversity of views we noted in the definition of public administration as an activity confronts us also in defining its scope as a study or branch of learning. The differences of opinion centre round the crucial points whether public administration is only the managerial part of the governmental work, or the entire complex of activities of only the executive branch of government, or of all the branches, and finally whether administration is mere execution or application of policy or is a factor in the formulation of policy also.

Herbert Simon, Smithburg and Thompson and Luther Gullick, on the other hand, subscribe to the managerial view of public administration. The managerial view postulates that administration is the organization and use of men and materials in the pursuit of common objectives. It, thus, does not include all the activities of an organization into its ambit, but takes out only those activities for its study that involve the techniques of management and are, therefore, common to all sorts of organizations. Administration is the specialized vocation of managers (executives) who have skills of organizing and directing men and materials just as definitely as an engineer has the skill of building structures or a doctor has the skill of understanding human ailments. As Ordway Tead puts it, 'Administration is conceived as the necessary activities of individuals (executives) in an organization who are charged with ordering, forwarding and facilitating the associated efforts of a group of individuals brought together to realize certain defined purposes'. Luther Gullick is of the view that administration is to be identified with managerial techniques. He sums up those techniques in the word 'POSDCORB' each letter of which describes one technique namely - Planning, Organizing, Staffing, Directing, Co-coordinating, Reporting and Budgeting.

The above two views differ from each other in many ways about the scope of public administration. As M.P. Sharma points out, 'If we accept the integral view, we will have to regard the work of every one of them as part of administration and perhaps also to call every one of them an administrator. If, on the other hand, we look at things from the point of view of the managerial theory of administration, then the work of only the manager, has of departments, and foremen and supervisors would be called

administration and what the labourers, clerks, messengers, etc., do would be excluded. Furthermore, administration, according to the integral view, would differ from one sphere to another depending upon the subject-matter whereas this will not be the case according to the managerial point of view, because the managerial view is identified with managerial techniques common to all the fields of administration.'

9.3 MANAGEMENT OF PUBLIC ENTERPRISE

Public enterprises have become a universal phenomenon. Not to speak of communist countries including the erstwhile Soviet Russia, where the public sector is all pervasive, but even in the United States, which is a capitalist country, there are certain projects owned and operated by the government. In developing countries, public sector occupies a pivotal role in their economic strategy. In fact, these countries may find it difficult to entrust the fulfilment of long-term objectives to the private enterprises as such. A public enterprise is thus, an agency of the government through which the government manages its commercial and economic activities. According to Dr. A. H. Hanson, public enterprises mean state ownership and operation of industrial, agricultural, financial and commercial undertakings. In the words of S. S. Khera, 'By public enterprises is meant the industrial, commercial and economic activities carried on by the central government or by a state government or jointly by the centre government and a state government and in each case either solely or in association with private enterprises, so long as, it is managed by a self-contained management.' The *Encyclopaedia Britannica* defines public enterprises as 'an undertaking that is owned by a national, state or local government, supplies services or goods at a price and is operated in a more or less self supporting basis'. Such enterprises may also be international, inter-state or inter-municipal in character, i.e., owned and operated jointly by two or more national, state or local governments.

It may be noted that the terms 'public sector' and 'public enterprises' are used interchangeably in contrast with the private sector. However, the two terms differ in their connotations. The term 'public sector' is used in two senses-broad and specific. In its broad sense, it covers all activities of the government whether economic or non-economic undertaken by them individually, collectively or jointly along with the initiative of private sector. In a more specific sense, the term 'public sector' includes only economic activities of the government and this covers the departmental undertakings of the central government like (a) railways, post and telegraph, and defence, etc.; (b) the state enterprises like electricity generation and distribution and transport activities; and (c) the central public sector enterprises, which covers vast gamut of industrial, commercial and trading activities. It is the last group of enterprises, which constitutes the hard core of public sector development in our country. The Bureau of Public Enterprises has used the term in this sense.

Public enterprises, on the other hand, are known for the economic activities including industrial, economic, trading and banking for which the government

(i) provides the capital either singly from public resources or jointly with private sector,

(ii) provides the structure, content and control of the management, and (*iii*) bears all the profits or loss solely or jointly with private owners in the ratio of capital contributions.

In what form a public enterprise should be organized and managed depends upon the particular requirements of that undertaking. In India, there is a multi-pattern growth of public sector enterprises. The main organizational patterns are: departmental, semi-departmental, public corporations, companies operating contract.

1. Departmental management

The oldest or the traditional form of public enterprise is the departmental form. The railways, post and telegraph services, Integral Coach Factory at Perambur, Diesel Components Works (DCW) at Patiala, ordnance factory and some other public utility services are organized and managed as departments of the Government of India. They are not much different from a regular government department.

The main characteristics of this form of organization are:

- It is a strictly hierarchical organization at whose head is a minister answerable to the Cabinet and Parliament for its activities.
- The administration of the department is largely on the basis of civil service rules, as they apply to other civil servants.
- The finances are drawn from the government treasury with the consent of the Parliament and all or a major share of revenues is paid into the treasury.
- The enterprise is subject to the budget, accounting and audit controls applicable to other government activities.
- As it has no separate legal identity, it is immune from legal proceedings.
- It can be created by an ordinary executive order.

Departmental form is best suited for those activities which concern a large number of people or the whole population, e.g., the public utility services and the defence services. They are also held desirable for those services which require greater public accountability. A close relationship with other parts of the government is another advantage of this type of setup.

The main defects in this form of organization are:

- Due to the rigidity of rules and regulations, there are bound to be delays and red-tapism as it is characteristics of other government department.
- There is always a fear that its policies will undergo a change with the change of Ministers.
- It is also argued that it tends to raise the powers of the government.
- It involves too much centralization and inadequate delegation of power.
- Another weakness of the departmental pattern is that too much of control in the form of ministerial accountability, parliamentary and budgetary control curbs the initiative of the workers and also reduces flexibility.
- The departmentally managed enterprises are also feared to be used as a tool of party politics. They are exposed to the danger of reckless adventure in order to strengthen and stabilize the ruling party's position, particularly when it is at stake.
- Another major drawback of this form of enterprise is that they tend to be run as other government departments whereas some difference is essentially to be made between an ordinary government department and a departmental

enterprise providing certain commercial service. Business proficiency is a must for any public undertaking which lacks considerably in departmentally managed enterprises.

Keeping in view these shortcomings A.D. Gorwala pointed out, 'Departmental management must be the rare exception, not the general rule.'

2. Semi-departmental form

In a semi-departmental undertaking, the management of the enterprise is entrusted to a board of inter departmental committee. The board consists of representatives of all those ministries concerned with the enterprise or those who are to be consulted in drawing up a plan or framing any policy or taking major decisions. So far as other characteristics are concerned, there is no basic difference between departmental and semi-departmental forms. They are also subject to all sorts of governmental controls and are organized in more or less similar manner. But the constitution of boards provides them considerable autonomy and flexibility in internal working.

With this end in view, many powers were delegated to the railway administration for which a board was set up. The 'Railway Board' exercises enormous powers relating to various activities concerning the enterprise. It has complete power of framing policy and its execution. But due to enormous controls exercised by the government in the form of budget, auditing and above all parliamentary control, they also suffer from weaknesses similar to those of departments.

Over the years, notwithstanding a few examples of success, the performance of the public enterprises has not measured up to the expectations with which they were setup. The return on the colossal investment in them has been very low and their contribution to the growth of the economy through large-scale employment generation, development of backward areas and technology development has also not been very significant. The reasons for their poor performance have been many and varied and analysed ad nauseam.

Dr. Bimal Jalan, who has been closely associated with our development planning over many years; has, in his 'India's Economic Policy' graphically summed them up thus: While physical output and financial investments were expanding productivity and profitability of the public sector were declining for a variety of reasons:

- The government at the centre and in states became heavily involved not only in planning and guiding investment priorities, but in actually managing enterprises.

- Since most public sector enterprises operated as monopolies, without external or internal competition, there was no financial accountability or pressure to generate profits.

- The government became the sole source of funds for investment and the sole arbiter of how public sector resources were to be used.

- The sector also became, overtime, the principal source of providing fully secure jobs at wages which were rising faster than elsewhere in the economy.

- A multiplicity of trade unions owing allegiance to different political parties emerged in different plants. This had the effect of further politicizing the public sector and placing a discount on productive efficiency.

- As the sector became more politicized and more politically controlled, it also became financially unviable.

- Over the time, it acquired a multiplicity of roles: a provider of jobs, rescuer of sick enterprises, supplier of social services and a source of funds. So the spread of political and administrative corruption was unavoidable. There were contracts to be awarded, technologies to be selected, supplies to be procured, services to be brought and managers to be appointed. The government through its ministers and administrators began intervening in all these decisions. Political and personal considerations became dominant factors in decision making.

Thus, the public sector, which was supposed to generate resources for the growth of the rest of the economy, gradually became a net drain on the society as a whole.

Disinvestment of a part of the government's share holdings in public enterprises for mobilizing resources and encouraging public participation was envisaged in the Industrial Policy of 1991. Taking into account the continuing poor performance of many of the public enterprises and the failure of the reform measures so far to effectively ensure their functional autonomy without diluting their accountability for performances, of late, it has been persuasively argued that the government should steadily and systematically divest in share holdings in them and thus privatize the public enterprises. The collapse of the concept of central planning in the command and control regimes of several countries in the world, coupled with the sweeping changes in the international political and economic structures has lent great support to the protagonists of privatization. At the same time, the growing public debt, apprehension of a looming debt crisis and the possibility of utilizing the proceeds of disinvestment for reducing a substantial part of the debt-burden have added a practical dimension of urgency to the moves towards privatization. However, there is no consensus in favour of privatization which involves transfer of ownership of public enterprises to private hands.

Based on a study of nine developing countries, including India, the World Bank has reported ('Bureaucrats in Business') that only a few countries have made measurable progress in their attempts at privatization of public enterprises. The same study has also brought out that public enterprises sector is larger and the problems associated with it are more severe in the world's poorest countries.

Against this background, the Government of India set up the Disinvestment Commission in August 1996 as an expert body to draw up a comprehensive long- term disinvestment programme taking into account the interests of stock holders, workers, consumers and other concerned. Keeping in view the government's industrial policy and other wide ranging consultations and detailed examination context, the Commission has evolved certain general principles and criteria for disinvestment based on the classification of public enterprises as strategic core and non-core sectors. The Commission has suggested that in tune with the present industrial policy:

(i) arms and ammunition and allied items of defence equipment, air-defence and warships
(ii) atomic energy
(iii) minerals specified in the schedule to the Atomic Energy (Control of Production and Use) Order
(iv) railway transport

These are of strategic importance and will continue to remain the exclusive preserve of the public sector and hence there will be no disinvestment in the public enterprises in these areas.

From the core sector, which generally consists of capital or technology intensive industries like power generation and transmission, petroleum exploration and refining and telecommunication, disinvestment up to a maximum of 49 per cent of the share holdings has been suggested so that the presence of the public sector continues as a countervailing force.

As in the present stage of our economic development, public sector has no unique or special responsibility in setting up or managing industries which are not in the strategic or core categories, disinvestment up to 74% or more and gradual privatization of the existing public enterprises in them has been considered desirable.

The public sector in India is thus at the cross roads today. The historic role that was assigned to it at the commanding heights of the economy has been eroded on account of a number of socio-economic and political factors which have been at work during the last few decades.

However, going by the experience of similarly placed developing countries and the general perception of the developmental processes in the current context, it can be safely assumed that the public sector will continue to be significantly crucial to our economy and its growth. Hence, its efficient management will continue to be a serious concern of the government and the general public.

Numerous governmental bodies have emerged in different countries due to the expansion of government activities of modern states. These bodies differ considerably from the traditional departments. These are called quasi-governmental bodies and independent public bodies. The boards and commissions are also such bodies which are at present engaged in the administration of various public functions.

9.4   CHALLENGES—LIBERALIZATION AND GLOBALIZATION

Globalization and liberalization have been consistently responsible in changing the role and position of the nation-states, leading to a spread of global culture, which is characterized by global corporate dominance, global mass media and communication technologies. The conception of the welfare state is being overridden by a corporatist state due to the influence of the market forces. Concerns are also being raised about enhancing the capacity and effectiveness of administration. Globalization tends to affect the public administrative system as it is embedded in the state framework. Public administration is expected to promote public interest, but in course of time, many significant questions have been raised with regard to its capacity to deliver, many of its institutions have been subject to critical analysis. The collapse of the communist regimes, increase in public expenditure and taxation, dissatisfaction with the functioning of bureaucracy, and so on, have strengthened the notion that the traditional state model has apparently failed to implement appropriate policies and deliver effective services. This inevitably led to the emergence of new public management with the far-reaching consequences in the areas of organization and institutionalization. Increasing significance is also being assigned to the policy prescriptions put forth by international organizations, such as the

World Bank and the International Monetary Fund (collectively known as Bretton Woods Institutions).

Globalization is resulting in a multiplicity of linkages and interconnections between nation, states and societies that constitute the present world system. It is also a process by which events, decisions and activities in one part of the globe lead to significant consequences for individuals and communities in quite distant parts of the globe. In fact, Anthony Giddens defined it as *new and revolutionary* mainly due to the *massive increase* in financial and foreign exchange transactions, resulting in the global web of services, goods, technologies, ideas and processes. It is thus bringing about significant changes in the nature of the state, the government and the people as a community.

However, globalization and liberalization seem to have invoked mixed reactions from various quarters. The LPG (liberalization privatization and globalization) approach to development started de-recognizing the role of the state. This led to the closure of several public undertakings managed earlier by the state, retreat from the welfare domain, including public distribution system, abandonment of agrarian reforms and relaxation of laws meant for protecting the industrial labour. All this was done with a single argument that the state was incapable of performing the role of producer of wealth or even of a distributive agent to effect efficient allocation of values. The emphasis on privatization led to downsizing the bureaucracy, confining government's role to only maintenance of law and order, through the rule of law. Some consider these capable of fostering interdependence, spreading global capitalism, opening up societies; increasing avenues for restructuring economies and administrative system, while others are of the opinion that globalization and liberalization are making developing countries reorient their policies in time with the global corporate power.

Globalization is also affecting the public administrative system. This is to a great extent due to the impact of pressure generated especially on developing countries by global institutions, IT and increasing concern over, efficiency and economy. The pressure exerted by global institutions is immense; a formalized institution with a global jurisdiction has authority and power over individual countries in a given policy area. This in many countries has resulted in people being devoid of any choice in determining their own priorities and policy preferences. Structural adjustment policies pursued by many developing countries have been considered as a negation of local democracy.

The wave of globalization and liberalization is bringing about an unprecedented expansion of trade, finance and investment accompanied by unparalleled technological innovations, and high levels of consumer demands and expectations. The deepening integration of economies and societies through improved communications and policy liberalization is broadly very positive in its effects and worth trying to preserve. It has brought in its wake historically unprecedented advances in living standards and wider opportunities for numerous individuals in both rich and poor countries. Deeper and wider economic integration has also brought about a plethora of problems, such as heightened exposure to internationally transmitted shocks and upheavals in financial markets, greater freedom of exchange of *bads* as well as *goods* and growing pressure of economic activity on the global commons.

The impact of globalization on the economy is mixed, with benefits accruing due to competition along with negatives like economic crisis; weakened State, apparatus; propagation of market-oriented values; disruption of distribution of wealth leading to increasing levels of poverty, inequality and social crises with significant repercussions on

development. According to Luke (1992), the new globalized public administration incorporates:

- Communication, computer technology and a global info structure
- Economics and the internationalization of trade, finance and technology transfer
- Natural resource interdependence in the biosphere

Studies indicate that the opening of countries' economies to competition has undoubtedly benefited the developed countries. Even developing countries are said to have achieved increase in economic growth, trade and investment, as well as expansion of domestic markets. The studies undertaken by the (OECD) 1998 also reveal that freer and more open market economies can bring both economic and social benefits to countries at all levels of development. Some of the potential benefits are as follows:

- Greater freedom of choice for individuals about what to buy and sell, and at what price; from where to obtain inputs; where and how to invest; and what skills to acquire
- Comparative advantages in world trade that allow individuals and businesses to prosper by using their resources to do well as compared to others
- Higher income to those employed in jobs producing goods and services for international markets
- Greater freedom for individuals to engage in specialization and exchange
- Lower prices and a greater availability of goods and services
- Opportunities to diversify risks and invest resources where returns are the highest
- Access to capital at the lowest costs
- More efficient and productive allocation of resources
- Greater opportunities for firms to gain access to competitive sources of materials and inputs
- Inward transfer of technology and know-how

Globalization is resulting in a transition from centrally-planned economies to market structures integrated with the global economy. This has an impact on the administrative framework-the functioning of state machinery along with the acquiring of new skills, capabilities and transformation in peoples' mind-set to adjust to the new environment. The nature and processes of public administration have been severely affected by the changing perceptions of the role of the state, the market-driven approach to development, and the movement towards a synergy between the government, market and civil society.

Globalization-propagating economic integration and technological change- is pushing the state towards adherence to certain global standards and behaviours, while internal social and political pressures are attempting to assert the role of the state and its powers in protecting the interests of the governed. The state is undergoing a transformative phase and as a corollary its impact on public administration has also been multi-dimensional.

Globalization is leading to the marketization of administration, dismantling of large bureaucratic structures, introduction of flexible production systems, lessening of control on public goods by the nation-state and the favouring of a government guided by market phenomena. It has seemed apparent that the institutions, mechanisms and processes of

public administration are inappropriate and ineffective in being able to respond in prompt, satisfactory, flexible and innovative ways in tune with the changing scenario. A welfare state and a highly planned bureaucratic system focused attention on the overarching paradigm that produced the negative conceptualization of the heavy hand of the state. The welfare state was criticized as being:

- Unresponsive, but all pervasive, which fostered citizen dependence rather than self sufficiency (invasive state)

- Encompassing over time and unable to carry out functions and responsibilities effectively (over-extended state)

- Controlled by elite groups that used the state to serve their own interests rather than public interest (private interest state)

- A powerful new paradigm of limited government action that was dominant in western democracies held the view that the government should:

- Do less

- Reduce or relinquish its previous overburdening responsibilities

- Privatize public services or their delivery wherever practicable

- Reform their own operations in accordance with the market concepts of competition and efficiency

These beliefs in governments by the market rest upon the premise that the market system is inherently a better method of satisfying human wants and aspirations than taking recourse to government.

Public administration, traditionally speaking, has always had the major obligation of adhering to the rule of law-promoting public interest-assuring equity, representativeness and responsiveness to the citizens. This model, termed as new public management, aims at making public administration market base, and committed to the three primary goals of economy, efficiency and effectiveness. New public management has condemned traditional public administration as a failure. Globalization appears to be a major factor in stirring the debate reinventing public administration. Cerny (1994) considers: 'Globalization has caused state policies to converge on a more liberal, deregulatory approach because of the changing structural character of the international system, its greater structural complexity and inter-penetrativeness; which, in turn, transforms the changing position of states themselves within that system.' The result is the emerging globalized nature of public administration. This is based on a number of structural adjustments or readjustments that have been taking place around the globe. The readjustments have been in the form of redefining the scope and boundaries of the public and private sectors, of administrative reforms or civil service reforms, of organizational re-configuration and many others.

ACTIVITY

Prepare a report on the role of key public sector enterprises in India that have set up inspiring parameters of sound management policies. Also report on the role played by them in the social development of the area.

9.5   SUMMARY

In this unit, you have learnt that:

- According to managerial view, the work of only those persons who are engaged in the performance of managerial functions in an organization constitutes administration. It is these persons who shoulder the responsibility of keeping the enterprise on even keels and to run it most efficiently. Their job is to plan, programme and organize all the activities in an organization so as to achieve the desired ends.

- Public administration is a segment of the wider field of 'administration'. But on its scope, there are differences. According to some, the use of the word 'public' before 'administration' restricts its coverage to the administrative activities of the government-government being the only organization which covers within itself all the people living in the State.

- Public enterprises have become a universal phenomenon. Not to speak of communist countries including the erstwhile Soviet Russia where the public sector is all pervasive, but even in the United States which is a capitalist country, there are certain projects owned and operated by the government. In developing countries, public sector occupies a pivotal role in their economic strategy.

- It may be noted that the terms 'public sector' and 'public enterprises' are used interchangeably in contrast with the private sector. However, the two terms differ in their connotations. The term 'Public sector' is used in two senses-broad and specific.

- The oldest or the traditional form of public enterprise is the departmental form. The Railways, Post and Telegraph services, Integral Coach Factory at Perambur, Diesel Components Works (DCW) at Patiala, ordnance factory and some other public utility services are organized and managed as departments of the Government of India. They are not much different from a regular government department.

- In a semi-departmental undertaking, the management of the enterprise is entrusted to a board of inter departmental committee. The board consists of representatives of all those Ministries concerned with the enterprise or those who are to be consulted in drawing up a plan or framing any policy or taking major decisions. So far as other characteristics are concerned there is no basic difference between departmental and semi-departmental forms

9.6 KEY TERMS

- **Administration:** Denotes the work involved in the actual conduct of governmental affairs, regardless of the particular branch of government concerned.
- **Public administration:** The organization and management of human and material resources to fulfil the objectives laid down by the government.
- **Public enterprises:** The undertakings that are owned by a national, State or local government.
- **Semi-departmental undertaking:** The enterprises whose management is entrusted to a board of inter departmental committee

9.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. True
2. We in India cannot accept the restricted definition of public administration. so much is the mutual dependence and so intensive is the interaction between the executive, the legislature and the judiciary that public administration must be defined in the broader terms so that it covers all the three branches of the Government-the executive, the legislature and the judiciary.
3. Planning, organizing, staffing, directing, co-coordinating, reporting and budgeting
4. Public
5. Departmental
6. True

9.8 QUESTIONS AND EXERCISES

Short-Answers Questions

1. What do you mean by the managerial view of managerial administration?
2. Differentiate between the terms public administration and public enterprise.
3. What are the main characteristics of departmental management?
4. What are the potential benefits of globalization?

Long-Answer Questions

1. Discuss the evolution of the concept of managerial administration.
2. Explain the role of public enterprises in helping India emerge as a welfare state.
3. Discuss the basic features of a public enterprise.
4. Describe the essentials of the management of public enterprises.
5. Discuss the main organizational pattern of the Indian public sector enterprises.
6. Discuss the challenges presented by globalization and liberalization

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UNIT 10 ADMINISTRATIVE ACCOUNTABILITY AND CORRUPTION

Structure

10.1 INTRODUCTION

Administrative accountability and transparency are the main constituents of good governance, while good governance is a pre-condition to achieving human development, which is the main concern or mission and the ultimate goal for all states' programmes and activities.

Administrative accountability and corruption are interrelated concepts and inversely proportional to each other. If the administrative accountability would be less, the level of corruption would be very high. In other words, unless there is administrative accountability, transparency would be of no value. A responsible administration contributes to effective, efficient and equitable management in public and private institutions.

10.1 UNIT OBJECTIVES

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

- Explain the concept of administrative accountability
- List and discuss the different forms of corruption
- Paraphrase the methods of ensuring accountability
- Summarize ways of redressing grievances with a focus on Central Administrative Tribunal and Central Vigilance Commission

10.2 CONCEPT OF ADMINISTRATIVE ACCOUNTABILITY

Administrative accountability indicates that public officials are elected and removed from office; it is their responsibility to clarify their decisions and actions to the citizens. Government accountability is achieved by using various mechanisms-political, legal and administrative - designed to prevent corruption and ensure that public officials remain answerable and accessible to the people they serve. In the absence of such mechanisms, corruption may thrive.

The concept of democracy does not limit itself to a government that people have elected. A democratically elected government also owes responsibility to the people. Government officials, i.e., public servants should work in public interest and accountability to the public for their actions is part of their duty. Usually, government processes are kept secret and confidential. In addition to this, governmental operations are so wide in their span of operations that they cover both the public and the administration. By being accountable, the government can bridge the gap between people and administration. Therefore, administrative accountability is the lifeline of good democracy and administration. A democracy can only function in a realistic way when civil servants, on the whole, are made accountable to the people. In addition to this, accountability branches out into two facilities; answerability and enforceability.

Enforceability means that if the public servants are found guilty of inappropriate actions, they should be compulsorily punished. It gives the right to the respective departments to take punitive actions against members of their staff, who abuse their power.

Purposes of accountability

Accountability has the following purposes:

- The first purpose is to curtail abuse of the power and judgment of bureaucracy.
- The second purpose is to gain the trust of the people so that they are convinced that their rights will not be abused.
- The third purpose is to encourage learning in the quest of uninterrupted advancement of public service and governance.

10.3 CORRUPTION

The prevalence of corruption in civic life is a universal experience, but recently, it has assumed alarming proportions in India. It has spread to each part of the governmental bodies, and a more speedy growth of corruption has been observed among the politicians, the political workers at all stages and even in the uppermost ranks of political leadership, both at the levels of the state and the Centre. There persists a massive public scepticism towards corruption, and there is a general feeling of acceptance of corruption in civic life by people. It is felt that people indicted of political corruption always go guiltless, and thus, accumulate more power, status and wealth. All this has resulted in a state of affairs, where even the most resolute efforts to fight the evil of corruption have failed dejectedly. In all likelihood, the government knows the manner in which it can be controlled, but lacks the will required to implement such measures successfully. J. Nye states that 'corruption denotes the abuse or misuse of public offices for personal gains.' The

dictionary defines corruption as 'an inducement to wrong by bribery or other unlawful means: a departure from what is pure and correct'.

The following are some of the characteristics of corruption in India:

- It damages the whole body politic, economic and social-whether individual groups, establishments or business organizations.
- It means exercising more demands and influences by using the power of money.
- It expands and spreads when unethical politicians, government officials and power holders get the power of making decisions and when they become pliant.
- It makes effortless headway in a lane of financial inequalities, societal backwardness and ethical decline.
- It has some major manifestations such as defection, factionalism and political bargaining, red-tapism, nepotism, white-collar crimes, blue-collar crimes and bureaucracy.
- It displaces all political systems, but its offshoots mainly annihilate democracies in developing countries.
- It demoralizes the whole fabric of the social order doomed in illiteracy, poverty and backwardness.
- In India, corruption has emerged from the colonial and feudal order, which can be seen even today in the conduct of the Indian political system. Despite a drastic change in political elites and leadership, political corruption has continued until date.
- The act of corruption involves the dereliction of duty, moral and legal lapses.
- Corruption involves the practice of receiving bribes not only for getting wrong things done, but also getting right things done at the right time.

10.3.1 Political Corruption

Corruption in India has emerged as a social occurrence. It is extensive, and the cases of corruption are increasing at an unbelievable pace. There is barely any area of activity, which has remained totally free from the influence of corruption. As a matter fact, corruption has now become a commonly accepted practice. In India, taking bribes, under-the-table payments, gifts and commissions by the politicians or bureaucrats are not frowned upon. To legitimize them as a part of normal life activities, subtle ways have been found. In short, such an ethos has been generated in the society that corruption has stopped being considered a crime any longer. In simple terms, corruption is defined as the behaviour of public officials who deviate from accepted norms in order to serve private ends. In more sophisticated terms, corruption is a form of behaviour which deviates from the formal duties of a public role.

However, on the aspects of political corruption in the country, people are very much familiar with the following issues:

- The getting hold of (through fake and illegal means) large areas of farmland by the senior bureaucratic officials and political leaders
- The abuse and misuse of official position to enrich themselves directly or indirectly by employing their relations as proxies

- Granting of favours to member of their caste by superseding the due procedure, and overlooking the claim of others by using favoured officials as instruments
- The use of political position to overcome the purpose of judicial process
- Preservation of corrupt but well-entrenched political bosses to avoid the loss of power in case of a political party
- Misuse of governmental machinery for the political party purposes
- Starting businesses with the support of government and then enriching themselves
- Conducting business with the government offices in the name of firms owned by them, but supposedly managed by their wives
- Exploitation of public funds managed by statutory bodies to bolster business concerns that act as financiers of public parties
- Embezzlement of public funds or the inability of governments to render accounts for public expenditure

Therefore, political corruption is a kind of wide range, multi-dimensional corruption. Political corruption refers to corrupting the political life of a country at all levels. In its broader sense, it searches for politicizing all walks of life and in its narrower aspect, it legitimizes unworthy political actions for benefiting vested interests whether they are institutional or personalized.

Various forms of political corruption

The whole infrastructure in contemporary Indian society is built on the structure of corruption. It has come down from the top level to the bottom. Many a times, political corruption in the country happens in conspiracy with the bureaucracy in the form of huge kickbacks in big nationalized and global deals, which go unpunished for understandable reasons. In India, the link between corruption and the worsening of the basic administrative system has not been sufficiently understood and focused upon. Corruption in post-independent India can be said to have begun with the Jeep scandal in 1948. V.K. Krishna Menon, who was the High Commissioner for India in London at that time was involved in a deal with a foreign company, and bought jeeps amounting to ₹ 80 lakh for the Indian Army in Kashmir without following normal procedure. At the level of states also, there are a number of such cases. The significant ones are the Fodder Scandal case, in addition to the purchase scam in the Health Department of Bihar. These cases involved several hundred crores of rupees, which resulted in the collapse of Laloo Prasad Yadav's government as he was accused in both these cases. The Jharkhand Mukti Morcha Scam was another scam that institutionalized corruption because the MPs were involved in this scam, and not the bureaucrats. In 1993, the MPs belonging to the Janata Dal and JMM allegedly received bribes to defeat a no-confidence motion moved in the Lok Sabha against the minority government of P.V. Narasimha Rao. Apart from openly taking money or gifts in kind or favours, political corruption in the country has been apparent in various ways. Political corruption in our country has been seen to occur in the following forms:

- **Implementation of extra-constitutional authority:** The most significant spheres for political corruption are legislature, election and bureaucracy. The materialization of extra-constitutional centres of power exercise vast influence and power on behalf of the legally constituted institutions and authorities.

- **Raising of political funds by professional politicians:** In India, politics has come to obtain the character of a big industry in which the fund-raising qualities of a politician draw the largest premium. As elections have become an exclusive proposition, each party has shifted its focus from honesty to a capacity to raise funds regardless of the means used.

- **Kickbacks:** The most famous case of political corruption, which has presumed global impact, has been the supposed kickbacks in the purchase of Bofors 155m FH-778 guns. In 1987, the Swedish Radio claimed that an Indian firm was given a commission of 33 million Swedish Kroners (₹ 65 millions) regarding a deal worth billions of rupees for the delivery of the Bofors guns. It was said that the commission was remunerated in foreign exchange to the persons and friends who were close to the then Prime Minister Rajiv Gandhi. The Joint Parliamentary Committee that held an enquiry into this deal, did not find anything wrong, and pardoned Rajiv Gandhi. However, the Comptroller and Auditor General of India accused the government for improprieties in the whole negotiations and the deal. It resulted in such a public protest that it became the most important issue in the 1989 general elections and resulted in the defeat of Rajiv Gandhi's government. The Central Bureau of Investigation is still working on this case to resolve the ambiguity of political kickbacks alleged to have been rewarded in the deal.

- **Bribing MPs to save government from accusation against the prime minister and a few cabinet members:** The Bank Securities Scam of 1992 was a scam with a major political fallout. In 1993, the main accused in the scam Harshad Mehta had alleged in a packed press conference hall that he had himself given a suitcase containing ₹ 6.7 million to the then Prime Minister Narasimha Rao at the latter's official house at New Delhi's Race Course Road. Later, the remaining ₹ 3.3 million were given to the prime minister's men. Although many people did not believe Rao's involvement in the scandal, the opposition made it an issue. It called for a no-confidence motion against the Rao government. The speedy no-confidence motion brought out by the Bharatiya Janata Party (BJP) and the Communist Party (Marxist) (CPM), which were the opposition parties at that time in the Parliament, was ignominiously defeated. It was alleged that the managers of the Congress Party had bought out enough votes (a dozen in numbers) to defeat the no-confidence motion. The defeat of the no-confidence motion and survival of the Rao government were the two aims accomplished by the commercial transaction. The Congress Party declared that as the motion was defeated, it proved that the people were not keen to believe that the government was fraudulent.

- **Selling public offices:** Another way of bribing the MPs and members of legislative assemblies (MLA) is by the incentive to give the legislators berths in the Council of Ministers or grant them the bait of public offices to allow a party in minority or a particular political leader to remain in power. This leads to the establishment of jumbo-sized governments. It has become a common practice of specifically all governments that have coalition governments, both at the centre and states level.

- **Money laundering:** In February 1996, there occurred the $18 million Jain Hawala Case (money laundering scandal). The former Prime Minister Rao, some cabinet ministers and almost sixty politicians of different political parties and bureaucrats were involved in this scandal. These people were guilty of the violation of the Foreign Exchange Regulation Act (FERA), and were receiving money in foreign

countries by means of Hawala transactions through some businessmen like N.K. Jain and his brothers.

The process of politicization and criminalization of politics adds to the political corruption in the country. Democracy is threatened due to the politicization of the police. Politicians use most pernicious methods such as the use of the services of the anti-social elements during elections. There is a close nexus between criminal elements and mafia leaders and the politicians. Practices such as booth-capturing, violence, threats and victimization of voters in the electoral process are quite prevalent. These practices ruin the weaker sections of our electorate. Today, it is extremely hard to affect the conviction of culprits, who are guilty of crimes such as murder, grievous hurt, intimidation and rape.

10.3.2 Bureaucratic Corruption

The following are the examples of activities, which are generally considered corrupt practices and unethical behaviour on the part of the bureaucracy:

- Bribery, graft, patronage, nepotism and influence peddling
- Conflictofinterest(includingsuchactivitiesasfinancialtransactionsto gain personal advantage, accepting outside employment during the tenure in government)
- Misuse of inside knowledge-for example, through the acceptance of business employment after retirement or resignation, favouring relatives and friends in awarding contracts or arranging loans and subsidies and accepting improper gifts and entertainment
- Protecting incompetent people
- Regulating trade practices or lowering standards in such a manner so as to give advantage to oneself or to the family members
- Use and abuse of official and confidential information for private purposes

Such activities may produce many such costs for a society as inefficiency, mistrust of government and its employee's distortion of programme achievements, waste of public resources, encouragement of black market operations and eventual national instability. Due to the large prevalence of bureaucratic corruption, a situation is created, which tolerates white-collar crimes against the nation by those who are its employees.

The following factors result in corruption and unethical conduct among public servants:

- Job scarcity
- Insufficient salary
- The ever-increasing powers that they enjoy to regulate the states' economy and social affairs

Various opportunities for making money are offered by this increased regulatory authority; for instance, in cases of development planning, granting permits, import-export licenses, contracts for construction; collecting customs and other duties and accounting for foreign exchange. Due to a valueless polity that governs the country, the integrity of civil services has eroded. Political executives achieve their short-term objectives by deploying pliant functionaries, handpicked on lines of their caste, community or political associations to handle key assignments. Due to this, the cadres of several civil services, which include the police and judicial services, are demoralized and their functioning is badly affected.

10.3.3 Causes of Corruption

The following are some of the chief causes of corruption in India:

1. **Scarcity of resources:** The scarcity of resources-educational, natural and monetary-leads to job scarcities, insufficient salaries, and so on. This means more people need these resources. There is an increase in competition for these resources and people resort to paying bribes and other evil practices in order to avail them.

2. **Conflict of values in our expanding economy:** In our emerging society, with its emphasis on purposively initiated processes of urbanization and industrialization, there has come about a steady weakening of the old system of values without it being replaced by an effective system of new values. Corruption thrives in such a conflict of values simply because there is no agreement on the definition of corruption.

3. **Acute poverty:** The coexistence of acute poverty and confounding prosperity has also eroded the integrity of the people. The Railway Corruption Enquiry Committee (1953-1955), which was presided over by Acharya J.B. Kripalani, observed:

   'We believe that, so far as the disparity in emoluments of the lowest and the highest paid government employees is conceded, it should be narrowed down. It is argued that as long as the disparity between the lowest and highest paid employees in trade and industry remains high, the Government, if it tried to reduce high emoluments of its executive, will not get the requisite talent for public service. We believe that if the Government takes the initiative in reducing disparity of emoluments of its high paid and low paid employees, it will progressively reduce corruption as we march towards socialism, which has been declared to be the goal of government policy.'

4. **Lack of strong public opinion against the evil of corruption:** Corruption is a consequence of the way of life of our acquisitive society, where people are judged by what they have rather than by what they are. The possession of material goods seems to have become the *sine qua non* of life. Thus, materialism, importance of status resulting from the possession of money and economic power, group loyalties and parochial affinities, and so on seem to be on the increase. This is because of the general apathy or inability of all sections of the society to appreciate in full, the need of strict observance of a high standard of behaviour. This has resulted in the emergence and growth of white-collared and economic crimes.

5. **Economic necessity:** Inadequate remuneration or salary scales and the rising cost of living is probably one of the most important causes of corruption. In recent years, the ever-rising cost of living has brought down the real income of various sections of the community, particularly that of the salaried classes. It is, therefore, inevitable that government servants are the worst hit and have had to face an appreciable fall in the standard of living. The economic necessity has encouraged those who had the opportunities to succumb to temptations.

6. **The structure or system of government induces corruption to influence peddlers:** Peddlers are ostensibly designated as liaison officers, public relations officers, officers on special duty, and so on, or alternatively work independently as 'contact men', on a commission basis. They are generally influential people who are either related, or otherwise closely connected with ministers and senior

bureaucrats, or retired high government officers who are in a position to influence or bring pressure upon the concerned officers. These concerned officers are likely to be their erstwhile colleagues or subordinates.

7. **Complicated and cumbersome working of government offices:** It is alleged that the working of certain government departments is complicated, cumbersome and dilatory. This has encouraged the growth of dishonest practices like the system of 'speed money'. In these cases, the bribe giver generally does not wish to get anything done unlawfully, but only wants to expedite the process of movement of files and communications, relating to decisions.

8. **Collusion of commercial and industrial magnates, etc. to serve their individual interests:** It is not always a government servant who takes the initiative in the matter of corruption. Corruption can exist only if there is someone willing to corrupt and is capable of corrupting. Both willingness and capacity to corrupt are found in ample measure in the industrial and commercial classes.

9. **Non-cooperation of trade associations and Chamber of Commerce:** Unscrupulous and dishonest members of industrial and commercial classes are major impediments in the purification of public life. It is quite important to fight these unscrupulous agents of corruption so as to eliminate corruption in public services. In fact, they go together. The Trade Association, the State Chambers of Commerce and the Federation of Indian Chambers of Commerce could lend powerful support to the fight against corruption. However, it is not easy to achieve their cooperation.

10. **Protection given to the public services in India:** There is too much security of tenure accorded to the bureaucracy by requiring that no public servant shall be dismissed or removed by an authority, subordinate to that by which he was appointed. And further, no such person shall be dismissed, or removed, or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

11. **Lack of severe punishment for the offenders:** Anti-corruption laws in India are weak and do not empower the people since there is an absolute lack of penalties for corrupt bureaucrats.

12. **Get-rich-quick attitude of the masses:** The attitude of get-rich-quick has crept into Indian society. This has resulted in several frauds, crimes and corrupt practices, especially among the youth.

13. **Cut-throat competition:** Banks, political parties, companies, educational institutes-all social organizations in India are competing to become the pioneers in their respective fields. Corruption is one of the ways in which such competition is tackled.

14. **Presence of black money:** Black money refers to the amount held illegitimately by an individual, organization or party. Illegal practices such as black marketing, smuggling of drugs and illegal objects, bribery and terrorism can lead to the accumulation of black money. The practice of not revealing the actual income for tax evasion also amounts to its amassment. Black money is often deposited in tax havens.

15. **System of democracy:** The system of democracy allows for public funds to be used by bureaucrats and public servants for public welfare schemes. The consortiums involved in various schemes interfere with the allocation of these funds.

16. **High cost of elections:** All political parties strive hard to win voters and embark on election campaigning on a massive scale. There have been reports of the voters being bribed with liquor and money.

17. **Meagre salary being paid to government servants:** The public servants are paid very low salaries, and it is not easy to shun the temptation of more funds to increase one's standard of living. This is one of the reasons that corruption is seen as indispensable by government employees.

10.3.4 Measures against Corruption

The Indian Government has failed in monitoring-let alone eliminating-the danger of corruption from civil life. Since Independence, the government has employed the following tools to eliminate corruption from time to time.

- Prevention of Corruption Act, 1947 (later modified in 1988)
- Commissions of Inquiries under the Commission of Inquiry Act, 1952-55
- Appointment of Santhanam Committee to recommend measures for combating corruption
- Recommendations of the Administrative Reform Commission
- Shah Commission appointed by the Janata Government after the Emergency
- Establishment of the institution of Lokayuktas in states
- Constitution of the Central Vigilance Commission
- Investigations by the CBI under the Delhi Special Police Establishment Act, 1946
- System of judicial review of political corruption
- Recent phenomenon of Public Interest Litigation (PIL)
- Anti-Defection Law
- Election expenditure ceilings
- Foreign Exchange Regulation Act (FERA)

All these tools and acts have failed to make the slightest deterrent for people resorting to corrupt practices. It is time that some radical measures are adopted to check this ever-growing menace.

The strategies frequently suggested at various forums of academic and political discussions, and in various thought-provoking and scholarly writings, fall into a number of areas for action:

- Reorganization of the political system
- Overall reorientation of the bureaucracy
- Empowerment of citizens and mobilization of the people against corruption
- Creation of continued public pressure for a change
- Comprehensiveness of the anti-corruption strategies to attack the causes of corruption
- Political will to implement the strategies
- Redefining the role of the state: removal of the state ownership and state discretionary controls
- Re-crafting of the electoral process to include the regulation of legitimate sources of funding of elections, which is one of the basic sources of corruption

- Better institutional framework to deal with corruption and to bring about an effective investigative machinery to bring the errant to book
- Revitalizing and strengthening the existing anti-corruption laws and agencies (e.g., the existing Prevention of Corruption Act, 1947, Commissions of Inquiry Act, 1952, Delhi Special Police Establishment Act); strengthening it by a separate and comprehensive CBI Act to vest it with legal powers to investigate corruption cases of higher-level politicians and officials throughout the country without the requirement of prior consent of the state governments, etc.
- Strengthening and depoliticizing the existing offices of the Lokayuktas in many states, creating new institutional framework like the Lokpal at the Centre
- Strengthening the autonomy of the Chief Vigilance Commissioner and giving it the power and status of an independent autonomous authority to conduct investigations, and constitution of an Accountability Commission that is free from political control
- Simplifying administrative procedures and enactment of Freedom of Information Act
- Deregulation of monopolies
- Speedy judicial trial in cases of corruption and effective enforcement of punitive judgments
- Establishing an anti-corruption cell in the PMO to be staffed by officials, who have the courage of conviction with a missionary zeal to eradicate corruption, an
- impeccable integrity and personal honesty, who would have the time bound mandate to get after the most corrupt

Confronting bureaucratic corruption

The Indian government is aware of the problem of corruption in the administrative system. It has adopted various means to check it from time to time. In the pre- Independence era, during the Second World War, the then British colonial government had established a special police force at the central level in 1941. It was called 'the Delhi Special Police Establishment (DSPE)'. Its objective was to monitor the wartime corruption confined to lower or middle-level officials of some departments keenly involved in war supplies and contracts. By enacting the DSPE Act in 1946, this was given a statutory status. As the Central Bureau of Investigation (CBI) was established in April 1963, the DSPE was merged with this larger anti-corruption police organization. Meanwhile, the government acquired extra legal powers to punish corrupt public servants with the enactment of 'Prevention of Corruption Act, 1947'. These two instruments, in addition to the Commission of Inquiry Act, 1952, were largely considered enough to cope up with the degree and intensity of corruption prevailing at that time. However, with time, the efficiency and efficacy of the CBI has declined, and questions are being asked about its impartiality and ability as a probing and prosecuting agency. The Santhanam Committee Report (1964) and the Administrative Reforms Commission (1967) advocated the creation of the tradition of Lokpal at the Centre and the Lokayuktas in the states in order to probe alleged corruption cases against ministers. While in the last three decades, various state governments have experimented with the Constitution, the abolition and reconstitution of Lokayuktas, the Centre is yet to set up the office of the Lokpal.

An independent Central Vigilance Commission (CVC), created through a government resolution of 11 February 1964, was supposed to tackle high-level corruption

in administration. Its tenure changed from a starting six years to three years (1977) and again to five years (1990). This rendered it weaker and vulnerable. The CVC's jurisdiction was extended in 1986 to include the staff and officers of the public sector undertakings. Several ministries and government offices also set up individual vigilance departments and looked into the complaints of corruption in their offices. However, despite many cases of alleged corruption and reports submitted to the legislature, just a few of them have been forwarded for prosecution.

Combating bureaucratic corruption calls for the following steps:

- Minimizing opportunities and incentives for corrupt behaviour and maximizing the sense of responsibility on the part of civil officials.

- Effectively setting up anti-corruption measures; it would mean that steps should be rationally consistent with regard to the phasing of a time table for speedy probe and conviction; a strong political will to put into practice the strategies and enforcing anti-corruption steps and people's active contribution from below in the implementation of administrative, legal and judicial measures, thus mobilizing the people against corruption in civil life.

A growing number of government officials have realized that corruption is a tool for executing illegal orders and collecting funds for their political masters. Owing to political corruption, the law-enforcing agencies have to protect the very elements whose illegal activities they are expected to monitor. Since the politicians patronize and protect, a frightening triangular nexus has developed between criminals, government officials and politicians. Also, political instability and the progressive reduction in the values of the political system have led to the ruin of the parliamentary system, spoiling of the way the Cabinet functions, ignoring of the Indian Constitution and the rule of law leading to an erosion of values among the civil servants.

It has been lately observed that the society is openly expressing its resentment against corruption by mobilizing itself and participating in rallies, protests, and so on, organized by civil society activists. The revolutionary thinking engendered in the society by the likes of Anna Hazare and Arvind Kejriwal has led to the frequent demands for the graft of the anti-corruption bill called the Jan Lokpal Bill. These activists have proposed passing the Jan Lokpal Bill to tackle corruption at all levels of the governmental structure.

10.4 METHODS OF ENSURING ACCOUNTABILITY

Accountability Initiative's research programme is intended to deepen the current insight of how to reinforce accountability links and better the provision of public services. In present times, India has seen a virtual increase of accountability efforts promoted mostly by the activists of the civil society. This hard work has focused at making the citizen's voice louder by developing platforms for engagement with the state and presenting citizens with the power of information and tools with the help of which they can demand accountability. Simultaneously and partly as a result of civil society activism, the Government has started to slowly and steadily move towards bringing in higher levels of transparency and creating scope for increased citizen role in its daily working.

10.4.1 Right to Information Act

Information is the fundamental democratic right of any human being. Empowering the public with full information is the fundamental duty of the government. The people then

become the nation's greatest asset in implementing policies and programmes of our democratic developing polity. The Right to Information is mainly made up of different rights and responsibilities namely:

(i) Every person's right to request information from the government and even private bodies in some cases;

(ii) The duty on the government to make available the information that is demanded, except defined exceptions;

(iii) The duty on the government to disclose proactively the information that is of general public interest without the need for requests from citizens.

Status of Right to Information Act

The Right to Information has not been mentioned specially anywhere in the Constitution of India, but it has been recognized by the Supreme Court of the country long back and has been considered as a fundamental right for the proper functioning of democracy in the country. In India, the Supreme Court has acknowledged the right to information as a vital part of the right to freedom of expression and speech guaranteed by the Constitution of India under Article 19, and an essential part of life under Article 21.

The right to information shows the reality that all the information of the government belongs to the general masses. In other words, all the governmental information is not supposed to be hidden or held by the government; rather, it should be held by the people as most of the information is generated by public money and by public servants. One can have access to avail information about government decision-making process, policies, decisions, action, etc.

The right to information is not always absolute. There are certain information that may be kept back. Leaking of such information may harm the interests of the people, thus it is good to keep those information secret; for instance, information about army force at the time of war or information about national economic policies prior to their publication. In all these cases, it is valid for government officials to keep such information closed.

Utility of Right to Information

Right to information can be used by the people to take initiatives in making sure that the government provides them with the services they are entitled to and the rights and benefits that are their due as the citizens of India.

The right to information applies to the whole country, across all states and Union territories (except Jammu & Kashmir). Thus, one can easily avail information of any state on any topic from the government of that particular state. One can easily sort the problem or know the numbers through the intelligent use of the right to information. For instance:

- Parents can ask for details of grants made to government-aided schools to ensure that funds are being spent properly, or check that admissions are not being brought through bribes, or that funds meant for education are not being diverted for other purposes.

- People holding ration cards can check the stocks and sales registers held by ration card dealers and the food department to make sure that they are getting their proper amount of rations and that rations are not being siphoned off in their name.

- Unemployed people can ask about the criteria for giving government jobs or the status of their applications and position in the wait list.
- Owners of small businesses can find out the basis on which licenses, tax concessions or subsides are granted by the government and who the beneficiaries are. They can also check whether the government is granting licenses/concessions/subsidies on the basis of properly applied criteria.
- People can check on the progress of their applications for the government services.
- People can also get information on the number of deaths in government hospitals and question the shortfall of doctors and nurses, if there are any.
- People can know the daily attendance of teachers in government schools.
- People can get information on the number of people being housed in local jails.
- People can know about the number of inspector visits in the factories and other manufacturing units to check that they are not illegally releasing hazardous materials in the environment.

10.4.2 Lokpal and Lokayukta

The Administrative Reform Commission (ARC) submitted a particular provisional report on 'Problems of Redressal of Citizen's Grievances' in 1966. In the report, the ARC suggested the establishment of two authorities elected as 'Lokpal' and 'Lokayukta' for citizen's grievances redressal. These institutions were set up on the patterns of the institution of Ombudsman in Scandinavian countries and the Parliamentary Commissioner for Investigation in New Zealand.

The Lokpal would deal with complaints against ministers and secretaries at Central and State levels, and the Lokayukta, one at the Centre and one in every state, would deal with the complaints against other specified higher officials. The ARC kept the judiciary outside the preview of the Lokpal and Lokayuka as in New Zealand. But, in Sweden the judiciary is within the preview of Ombudsman.

According to the ARC, the appointment of the Lokpal is mainly done by the President after the consultation with the Chief Justice of India, the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha.

Features of the Lokpal and Lokayukta

The salient features of the 'Lokpal' and 'Lokayukta' specially recommended by the Administrative Reform Commission (ARC) are as follows:

1. The 'Lokpal' and 'Lokaykta' should be demonstrably impartial and independent.
2. The analysis and the proceedings of the 'Lokpal' and 'Lokayukta' should be done privately and should also be informal in nature.
3. The appointment of 'Lokpal' and 'Lokaykta' to the maximum should be non-political.
4. In the country, the status of the 'Lokpal' and 'Lokaykta' should be compared with the highest judicial functionary.
5. There should not be any judicial interference in the proceedings of 'Lokpal' and 'Lokaykta' functions.
6. The 'Lokpal' and 'Lokayukta' should handle the matters in the discretionary field involving acts of favouritism, corruption, and injustice.

7. From the executive government, the 'Lokpal' and 'Lokayukta' should not look for any kind of benefits, profits or pecuniary advantage.

Bills of Lokpal

There were a series of Lokpal bills introduced in the Parliament. The Government of India accepted the recommendations of the ARC in general terms. The lists of bills introduced in the Parliament in different years are as illustrated in Figure 10.1.

Fig. 10.1 Lokpal Bills Included in the Parliament

A Bill known as the Lokpal and Lokayuktas Bill, 1968, was introduced in Lok Sabha in May, 1968. After a consideration of the Bill by a Joint Committee of the two Houses, it was passed by the Lok Sabha on August 20, 1968 and was sent to the Rajya Sabha for consideration. The Bill, however, lapsed due to the early dissolution of the fourth Lok Sabha in December 1970.

A fresh Bill on the same subject was introduced in the Lok Sabha on August 11, 1971. But for some unknown reasons, there was a delay and, in the mean time, the entire nation faced a severe turmoil with the deceleration of National Emergency in June 1975. This obviously put an end to the introduction of any such democratic institution as the Lokpal or the Lokayukta.

In March 1977, the 6th general election took place which established an altogether new leadership under Morarji Desai who headed a combination of all opposition parties under the name of Janta Party. The Janta Party had promised to set up the Lokpal and the Lokayukta as a major move with a view to eliminating corruption. In July 1977, the Janta Government introduced the new Lokpal Bill which, for some unknown reasons, could not be passed.

Quite a few years had passed since the Lokpal Bill was first introduced in the Lok Sabha in May, 1968. Naturally, both the Congress and the Janta Government were faced with some basic hurdles in the way of introducing such an Ombudsman like institution in India. The question, likely to be raised, was whether such an institution could really

accord with our system of Ministerial responsibility. By the introduction of such an institution, it began to be argued, two fundamental bases of the parliamentary form of government are directly challenged.

First, the Prime Minister and the other Central Ministers are political appointees and can be held accountable only to a political body like the Parliament consisting of their 'elected masters'. It implies that Ministers can reasonably be expected to accept only political punishment for their official acts of commission and omission. Any investigation of their official conduct by any other institution, no matter how powerful it is, will be the negation of the principle of Ministerial responsibility. No person, not even a Minister, can remain responsible for his official conduct to two different bodies at the same time.

Secondly, the parliamentary system of government has accepted the principle of civil service anonymity and neutrality. It implies that the Minister is held responsible for the misdeeds of his subordinate, i.e., the permanent officials. The public official is thus protected from public fury and attack. He is only subject to departmental investigation and punishment. Under the proposed Ombudsman setup, high officials will also be subject to investigation, condemnation and punishment if they are found guilty by the ombudsman.

When Rajiv Gandhi became the Prime Minister in the year 1984, he received the entire matter of Lokpal and on August 26, 1985, the Lokpal Bill was again introduced in Lok Sabha. But in 1985 Lokpal Bill, the President, the Vice-President, the Prime Minister, the Speaker of the Lok Sabha, and all the Chief Ministers were kept outside the purview of the Lokpal.

The matters were again reviewed during the Prime Ministership of V.P. Singh and the Bill, known as Lokpal Bill, 1990 was passed in the Lok Sabha. The Bill brought all officers, including the Prime Minister, within the ambit of the law. However, the entire matter was suddenly nullified with the fall of the National Front Government at the Centre in November, 1990. The Chandra Sekhar Government was too short-lived to take up the matter. The Congress government of P.V. Narsimha Rao did not show any special interest in the matter.

Exasperated by the delaying tactics of the parliamentarians and the political executives in creating the institution of a Lokpal, H.D. Shourie, Director, Common Cause (An NGO), presented a civil writ petition in 1994 before the Supreme Court. This public interest litigation, filed under Article 32 of our Constitution prayed for a writ of certiorari or any other writ, order or direction, directing the Union Government of India to specifically declare when they will bring before the Parliament an appropriately draft bill for the enactment of the legislation for introducing the system of Lokpal in the country.

In 1998-99, the NDA government under the Prime Minister of A.B. Vajpayee introduced the Lokpal Bill. The Bill was accepted in 2001. Regarding the objectives of the Lokpal Bill, it was categorically stated that the main objective of the Lokpal Bill was 'to offer for the development of the institution of Lokpal to find out into contention of corruption against the functionaries of public and for matters connected therewith'. In 2004, UPA-I did not make any attempt to bring the bill. In the beginning 2014, the Lokpal bill was finally passed.

Jan Lokpal Bill

The Jan Lokpal Bill which is also known as the Citizen's Ombudsman Bill is an anti-corruption bill initiated by well-known civil society activists who demand the appointment

of an independent body or Jan Lokpal that will not only investigate corruption cases but will complete their investigation within a year. In case a trial takes place after investigation, the courts should pass judgment within a year of the trial. The Jan Lokpal Bill has been drafted by the following:

1. Justice Santosh Hedge, former Supreme Court judge and former Lokayukta of Karnataka.

2. Prashant Bhushan, Supreme Court lawyer

3. Arvind Kejriwal, RTI activist

According to the draft, the bill envisions a political system, where a person found guilty of corruption will be imprisoned within two years of the complaint made against him. The bill also demands that the proscribed property and wealth of the corrupt person is to be confiscated. The Jan Lokpal Bill also seeks to empower itself to prosecute politicians and bureaucrats without government permission. Retired IPS officer Kiran Bedi, Swami Agnivesh, Sri Sri Ravi Shankar, Anna Hazare and Mallika Sarabhai are some of the renounced members of IAC or 'India Against Corruption' movement. This has also been described as a citizen's movement demanding strong anti-corruption laws. They suggest that the Lokpal bill was introduced in the Indian Parliament on numerous occasions since 1968, however it was never passed. The official website of IAC describes its movement as 'an expression of collective anger of people of India against corruption.' It further goes on to describe their fight against corruption. 'We have all come together to force/request/persuade/pressurize the government to enact the Jan Lokpal Bill. We feel that if this bill was enacted it would create an effective deterrence against corruption.'

It is due to the people's protests and the efforts of veteran social activist Anna Hazare who fasted until the government relented. Within four-days of him fasting, the government agreed to set a joint committee with equal number of members from the government and the civil society to draft a Lokpal bill. Both sides met on several occasions, however, a consensus could not be reached. Factors like Prime Minister under the purview of Lokpal were matters of disagreement. Eventually, both sides drafted their own Lokpal bills.

The principal objections to government's proposal are as follows:

1. The Lokpal will not have power to initiate suo moto action in any case, nor will they receive complaints of corruption from general public. If the public has any issue with a politician, bureaucrat or any other government servant, they will forward their complaints to the Lok Sabha Speaker or the Rajya Sabha Chairperson. The Lokpal is only authorized to investigate those cases which have been forwarded by the Lok Sabha Speaker or the Rajya Sabha Chairperson. According to IAC, this severely restricts the cause of Lokpal. It not only provides a tool in the hand of the ruling party to select cases and then forward only a few of them to Lokpal, it also provides protection to corrupt politicians.

2. The government's proposal demotes the position of the Lokpal to merely an advisory body, where Lokpal will investigate the matter and forward the report to a competent authority. The chosen competent authority has the final say whether action is to be taken on the Lokpal's report or not. In the case of Prime Minister and MPs, the competent authority is the Lok Sabha or Rajya Sabha, whereas in the case of cabinet ministers, the Prime Minister is the competent authority. Keeping the upper hand in decision-making, the Lokpal structure will be totally weakened.

It has been seen that the Indian government is basically a coalition government which thrives on the support of its political partners. This would make it difficult for the Prime Minister to prosecute any of his cabinet ministers.

3. The IAC finds the government's version of the Lokpal bill legally unsound. Since the Lokpal has not been given police powers, the Lokpal cannot register an FIR. Therefore, all enquiries conducted by the Lokpal will be defined as 'preliminary enquiries.' The government's Lokpal bill also does not mention details in case a Lokpal report is accepted. Questions which remain unanswered are as follows:

   (i) Who will file the chargesheet in court?

   (ii) Who will initiate prosecution?

   (iii) Who will appoint the prosecution lawyer?

   (iv) The role of CBI has not been clearly demarcated in this bill. It is not clear whether CBI and Lokpal will investigate the same case or will CBI lose the power to investigate politicians. If the latter is true, then the main objective of this bill is to completely insulate politicians from any investigations whatsoever, which in these days is only possible through CBI.

4. If any complaint filed is found to be frivolous or false, then the Lokpal will have the power to send the complainant to jail on the basis of a summary trial. However, if the complaint is found to be valid and true, then the Lokpal will not have the power to send the guilty person to jail. IAC view this as a threat and discouragement to those fighting against corruption.

5. Lokpal will only have the power of jurisdiction on MPs, ministers and the PM. However, their power of jurisdiction is curtailed when it comes to the ranks of officers. It has been noted that officers and politicians do not indulge in corruption separately. In any case of corruption, there is always an involvement of both of them. According to the government, each and every case needs to be investigated by both CVC (Central Vigilance Commission) and Lokpal. So now in each case, CVC will look into the role of bureaucrats while Lokpal will look into the role of politicians. Since the case records will be with one agency and it is a known fact that the government functions in such a way that it does not share its records with other agencies. One outcome may also be that two agencies come up with completely opposite conclusions. Therefore, killing the case in the process.

6. According to the government's version of Lokpal, it will consist of three members, all of them being retired judges. There is no reason why the membership of the Lokpal needs to be confined to the judiciary. The IAC believe that the government is creating numerable post-retirement positions for judges, making judges vulnerable to government influences right before retiring as it has been seen in the case of retiring bureaucrats. The retiring judges, in the hope of getting post retirement employment would do the bidding of the government in their last few years.

7. The selection committee comprises of the Vice President, Prime Minister, leaders of both houses of parliament, opposition leaders in both houses of parliament, law minister, and home minister. Besides the Vice President, the Lokpal is permitted to investigate the remaining politicians. This leads to a direct conflict of interest. It has been observed that the select committee is influenced by the ruling party and favours it immensely. Since the ruling party makes the final selections, it will never appoint a strong and effective Lokpal.

8. Lokpal will also not have the power to investigate any case against the Prime Ministers which deals with foreign affairs, security and defence. Therefore, corruption in defence deals will not be scrutinized by the Lokpal. This is a major handicap, if something like the Bofors episode occurs in future.

Salient features of the Jan Lokpal Bill

1. The institution of Lokpal to be set up at the centre and a similar institution called Lokayukta to be set up at the state level.

2. The Lokpal and Lokayukta will function independent of the government like the Election Commission and Supreme Court and therefore no politician or bureaucrat will be able to influence it.

3. Cases against corrupt officials to be cleared within two years of the complaint-one year for investigation and one year for trial.

4. Recovery of loss funds caused to the government by a corrupt official

5. If the system does not complete a citizen's work in the prescribed time, it will penalize the guilty officials and this amount will be transferred to the citizen as compensation.

6. A person may approach the Lokpal, in matters pertaining to the issuance of voter cards, passports or ration card and also if police are not registering their complaints then Lokpal will have to get it done within a month's time. A citizen may also report any incidents of corruption like hoarding of ration, quality of roads being constructed or siphoning of official funds. Lokpal will need to complete investigations within a year and the trial should take not more than another year, so that the guilty can be jailed within two years of the complaint being filed.

7. The functioning of the Lokpal and Lokayukta will be completely transparent. The Lokpal officials will be appointed by the judges, citizens and constitutional authorities and not by politicians.

8. In circumstances where an appointed Lokpal official becomes corrupt, then he will also be prosecuted in the same manner as any other corrupt official. After investigation, if a Lokpal official is found guilty than he will be terminated within two months.

9. In case of existing anti-corruption agencies, the CVC, departmental vigilance and anti-corruption branch of the CBI will be merged into the Lokpal and the Lokpal will have complete powers and machinery to independently investigate and prosecute any judge, officer or politician.

10. The Lokpal will also be responsible to provide protection to those citizens who are being victimized for raising their voice.

Lokayukta

While the Central Government was still debating the establishment of the institution of Lokpal, many states have already set up the institution of Lokayuktas. According to Donald C. Rowat, 'India has the most populous Ombudsman jurisdiction in the world'. Table 10.1 gives the details of the establishment of the institutions of Lokayukta in various states in India.

Table 10.1 Establishment of Lokayukta in Various States

Serial No.	States	Enacted in
1.	Andhra Pradesh	1983
2.	Bihar	1974
3.	Gujarat	1986
4.	Himachal Pradesh	1983
5.	Karnataka	1985
6.	Maharashtra	1971
7.	Orissa	1970
8.	Rajasthan	1973
9.	Madhya Pradesh	1981
10.	Punjab	1995
11.	Uttar Pradesh	1975

Orissa was the first state to create the institution of Lokayuktas at the State level in 1970. It was then followed by Maharashtra in 1972, Rajasthan in 1973, Bihar in 1974, Uttar Pradesh in 1975, Karnataka in 1979, Madhya Pradesh in 1981, Andhra Pradesh in 1983, Gujarat in 1986, and Punjab in 1995. Two other states where the institution of Lokayukta was created are Assam and Himachal Pradesh. In 1995, the Chief Minister of the National Capital Territory of Delhi announced that his government was in the process of introducing a Bill on the subject.

In 1992, Orissa abolished its Lokpal, but the institution was again established in 1994. There are, however, some variations in the structure of the institution in different states. In very few states like Orissa and Punjab, the official is designated as Lokpal, though it goes against the pattern as suggested by the Administrative Reform Commission. In some states there is a provision for Lokayukta as well as Uplokayukta, though the post of Uplokayukta may have been lying unfilled for a long time, as in the case in Rajasthan. But there is no such provision for the appointment of a Uplokayukta in Himachal Pradesh, Uttar Pradesh and Bihar.

There are many states which have not yet joined the ombudsman movement. They are satisfied with their variations of the conventional models. For example, Kerala has created a three-man commission under the Kerala Public Men's Corruption Commission, 1984, whose members are all appointed by the Governor on the advice of the Chief Minister, the Chief Justice, and the leader of the opposition. By 'Public Man', Kerala legislation implies a wide range of people including the Chief Minister, Ministers, MLAs, members of local bodies and University syndicates, the State Transport Authority, Regional Transport Authorities, people in the managing committees of private colleges and schools and even political party officials.

Characteristics of Lokayukta

- The Lokayukta presents, annually, to the governor of the state a consolidate report on his performance.

- The governor places this report along with an explanatory memorandum before the state legislature.

- The Lokayukta is responsible to the state legislature.

- He takes the help of state investigation agencies for conducting enquiries.

- He can call for relevant files and documents from the state government departments.

- The recommendations made by the Lokayukta are only advisory and not binding on the state government.

Excerpts from the Bill:

PART I

Preliminary

1. (1) This Act may be called the Lokpal and Lokayuktas Act, 2013.

(2) It extends to the whole of India.

(3) It shall apply to public servants in and outside India.

(4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

PART II

Lokpal for the union

CHAPTER I

Definitions

2. (1) In this Act, unless the context otherwise requires,-

(a) "bench" means a bench of the Lokpal;

(b) "Chairperson" means the Chairperson of the Lokpal;

(c) "competent authority", in relation to-

  (i) Prime Minister, means the House of the People;

  (ii) a member of the Council of Ministers, means the Prime Minister;

  (iii) a member of Parliament other than a Minister, means-

    (A) in the case of a member of the Council of States, the Chairman of the Council; and

    (B) in the case of a member of the House of the People, the Speaker of the House;

  (iv) an officer in the Ministry or Department of the Central Government, means the Minister in charge of the Ministry or Department under which the officer is serving;

  (v) a chairperson or members of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the Minister in charge of the administrative Ministry of such body or Board or corporation or authority or company or society or autonomous body;

  (vi) an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the head of such body or Board 40 or corporation or authority or company or society or autonomous body;

  (vii) in any other case not falling under sub-clauses (i) to (vi) above, means such Department or authority as the Central Government may, by notification, specify:

Provided that if any person referred to in sub-clause (v) or sub-clause (vi) is also a Member of Parliament, then, the competent authority shall be-

(A) in case such member is a Member of the Council of States, the Chairman of the Council; and

(B) in case such member is a Member of the House of the People, the Speaker of the House;

(d) "Central Vigilance Commission" means the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003;

(e) "complaint" means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;

(f) "Delhi Special Police Establishment" means the Delhi Special Police Establishment constituted under sub-section (1) of section 2 of the Delhi Special Police Establishment Act, 1946;

(g) "investigation" means an investigation as defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;

(h) "Judicial Member" means a Judicial Member of the Lokpal;

(i) "Lokpal" means the body established under section 3;

(j) "Member" means a Member of the Lokpal;

(k) "Minister" means a Union Minister but does not include the Prime Minister; (l) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(m) "preliminary inquiry" means an inquiry conducted under this Act;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "public servant" means a person referred to in clauses (a) to (h) of sub-section (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957 and the Coast Guard Act, 1978 or the procedure is applicable to such public servant under those Acts;

(p) "regulations" means regulations made under this Act;

(q) "rules" means rules made under this Act;

(r) "Schedule" means a Schedule appended to this Act;

(s) "Special Court" means the court of a Special Judge appointed under subsection

(1) of section 3 of the Prevention of Corruption Act, 1988.

(2) The words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.

(3) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

CHAPTER II

Establishment of Lokpal

3. (1) On and from the commencement of this Act, there shall be established, for the purpose of this Act, a body to be called the "Lokpal".

(2) The Lokpal shall consist of-

(a) a Chairperson, who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person who fulfils the eligibility specified in clause (b) of sub-section (3); and

(b) such number of Members, not exceeding eight out of whom fifty per cent shall be Judicial Members:

Provided that not less than fifty per cent of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and women

(3) A person shall be eligible to be appointed,-

(a) as a Judicial Member if he is or has been a Judge of the Supreme Court or is or has been a Chief Justice of a High Court;

(b) as a Member other than a Judicial Member, if he is a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

CHAPTER V

Expenses of Lokpal to be charged on Consolidated Fund of India

13. The administrative expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, shall be charged upon the Consolidated Fund of India and any fees or other money taken by the Lokpal shall form part of that Fund.

CHAPTER VIII

Powers of Lokpal

25. (1) The Lokpal shall, notwithstanding anything contained in section 4 of the Delhi Special Police Establishment Act, 1946 and section 8 of the Central Vigilance Commission Act 2003, have the powers of superintendence and direction, over, and to give direction to, the Delhi Special Police Establishment in respect of the matters referred by the Lokpal for preliminary inquiry or investigation to the Delhi Special Police Establishment under this Act:

Provided that while exercising powers of superintendence or giving direction under this sub-section, the Lokpal shall not exercise powers in such a manner so as to require any agency (including the Delhi Special Police Establishment) to whom the investigation has been given, to investigate and dispose of any case in a particular manner.

(2) The Central Vigilance Commission shall send a statement, at such interval as the Lokpal may direct, to the Lokpal in respect of action taken on complaints referred to it under the second proviso to sub-section (1) of section 20 and on receipt of such statement, the Lokpal may issue guidelines for effective and expeditious disposal of such cases.

(3) Any officer of the Delhi Special Police Establishment investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal.

(4) The Delhi Special Police Establishment may, with the consent of the Lokpal, appoint a panel of Advocates, other than the Government Advocates, for conducting the cases referred to it by the Lokpal.

(5) The Central Government may from time to time make available such funds as may be required by the Director of the Delhi Special Police Establishment for conducting effective investigation into the matters referred to it by the Lokpal and the Director shall be responsible for the expenditure incurred in conducting such investigation.

26. (1) If the Lokpal has reason to believe that any document which, in its opinion, shall be useful for, or relevant to, any investigation under this Act, are secreted in any place, it may authorise any agency (including the Delhi Special Police Establishment) to whom the investigation has been given to search for and to seize such documents.

(2) If the Lokpal is satisfied that any document seized under sub-section (1) may be used as evidence for the purpose of any investigation under this Act and that it shall be necessary to retain the document in its custody or in the custody of such officer as may be authorised, it may so retain or direct such authorised officer to retain such document till the completion of such investigation:

Provided that where any document is required to be returned, the Lokpal or the authorised officer may return the same after retaining copies of such document duly authenticated.

27. (1) Subject to the provisions of this section, for the purpose of any preliminary inquiry, the Inquiry Wing of the Lokpal shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-

   (i) summoning and enforcing the attendance of any person and examining him on oath;

   (ii) requiring the discovery and production of anydocument; (iii) receiving evidence on affidavits;

   (iv) requisitioning any public record or copy thereof from any court or office;

   (v) issuing commissions for the examination of witnesses or documents:

Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokpal, is not in a position to attend the proceeding before the Lokpal; and

   (vi) such other matters as may be prescribed.

(2) Any proceeding before the Lokpal shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

28. (1) The Lokpal may, for the purpose of conducting any preliminary inquiry or investigation, utilise the services of any officer or organization or investigating agency of the Central Government or any State Government, as the case may be.

(2) For the purpose of preliminary inquiry or investigating into any matter pertaining to such inquiry or investigation, any officer or organization or agency whose services are utilised under sub-section (1) may, subject to the superintendence and direction of the Lokpal,-

(a) summon and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document; and

(c) requisition any public record or copy thereof from any office.

(3) The officer or organisation or agency whose services are utilised under sub-section (2) shall inquire or, as the case may be, investigate into any matter pertaining to the preliminary inquiry or investigation and submit a report thereon to the Lokpal within such period as may 45 be specified by it in this behalf.

29. (1) Where the Lokpal or any officer authorised by it in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that-

(a) any person is in possession of any proceeds of corruption; and

(b) such person is accused of having committed an offence relating to corruption;

(c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence, the Lokpal or the authorized officer may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order, in the manner provided in the Second Schedule to the Income-tax Act, 1961 and the Lokpal and the officer shall be deemed to be an officer under sub-rule (e) of rule 1 of that Schedule.

(2) The Lokpal or the officer authorised in this behalf shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court may

extend the order of attachment and keep such material for such period as the Court may deem fit.

(3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under subsection (2).

(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.

Explanation.-For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.

CHAPTER XIV

Offences and penalties

46. (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to one lakh rupees.

(2) No Court, except a Special Court, shall take cognizance of an offence under sub-section (1).

(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made or by an officer authorised by the Lokpal.

(4) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the Central Government.

(5) In case of conviction of a person [being an individual or society or association of persons or trust (whether registered or not)], for having made a false complaint under this Act, such person shall be liable to pay compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.

(6) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation.-For the purpose of this sub-section, the expression "good faith" means any act believed or done by a person in good faith with due care, caution and sense of responsibility or by mistake of fact believing himself justified by law under section 79 of the Indian Penal Code shall have the same meaning assigned to it in section 52 of the Indian Penal Code.

47. (1) Where any offence under sub-section (1) of section 46 has been committed by any society or association of persons or trust (whether registered or not), every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the society or association of persons or trust, for the conduct of the business or affairs or activities of the society or association of persons or trust as well as such society or association of persons or trust shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a society or association of persons or trust (whether registered or not) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of such society or association of persons or trust, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

10.5 REDRESSAL OF GRIEVANCES

The Department of Administrative Reforms And Public Grievances is the nodal agency to formulate policy guidelines for citizen-centric governance in the country. Redress of citizens' grievances, being one of the most important initiatives of the department, the DAR&PG formulates public grievance redress mechanisms for effective and timely redress/settlement of citizens' grievances.

The DAR & PG has been making endeavours to bring excellence in public service delivery and to redress grievances of citizens in a meaningful manner by effectively coordinating with different Ministries and Departments of the Government and trying to eliminate the causes of grievances.

This is a Government of India Portal aimed at providing the citizens with a platform for redress of their grievances.

The grievances arising out of unsatisfactory response or No response from the Ministry/Department concerned will be taken up by the PG officers of DAR&PG who will take up the matter with the Ministry/Department concerned for close monitoring and expeditious redress.

Vision

Facilitate pursuit of excellence in governance for the benefit of all citizens

Mission

To foster excellence in governance and pursuit of administrative reforms through:

- Improvements in government structures and processes
- Promoting citizen-centric governance with emphasis on grievance redressal
- Innovations in e-Governance
- Documentation and dissemination of best practices

10.5.1 Central Administrative Tribunal

With a view to easing the congestion of pending cases in various High Courts and other Courts in the country, Parliament had enacted the Administrative Tribunals Act, 1985 which came into force in July, 1985 and the Administrative Tribunals were established in November, 1985 at Delhi, Mumbai, Calcutta and Allahabad. Today, there are 17 Benches of the Tribunal located throughout the country wherever the seat of a High Court is located, with 33 Division Benches. In addition, circuit sittings are held at Nagpur, Goa, Aurangabad, Jammu, Shimla, Indore, Gwalior, Bilaspur, Ranchi, Pondicherry, Gangtok, Port Blair, Shillong, Agartala, Kohima, Imphal, Itanagar, Aizwal and Nainital.

The Central Administrative Tribunal has been established for the adjudication of disputes with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or other local authorities within the territory of India or under the control of Government of India and for matters connected therewith or incidental thereto. This was done in pursuance of the amendment of Constitution of India by Articles 323A. In the statement of objects and reasons on the introduction of the Administrative Tribunals Act, 1985, it was mentioned that the setting up of such Administrative Tribunals exclusively would go a long way in reducing the burden on the various courts and reduce pendency and would also provide to the persons covered by the Administrative Tribunals a speedy and relatively cheap and effective remedy. In addition to Central Government employees, the Government of India has notified 45 other organizations to bring them within the jurisdiction of the Central Administrative Tribunal. The provisions of the Administrative Tribunals Act, 1985 do not, however, apply to members of paramilitary forces, armed forces of the Union, officers or employees of the Supreme Court, or to persons appointed to the Secretariat Staff of either House of Parliament or the Secretariat staff of State/Union Territory Legislatures.

A Chairman who has been a sitting or retired Judge of a High Court heads the Central Administrative Tribunal. Besides the Chairman, the authorized strength consists of 16 Vice-Chairmen and 49 Members. The conditions of service of Chairman, Vice-Chairmen and Members are governed by the provisions of the Central Administrative Tribunal(Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members), Rule, 1985, as amended from time to time. As per Rule 15-A, notwithstanding anything contained in Rule 4 to 15 of the said Rules, the conditions of service and other perquisites available to the Chairman and Vice-Chairmen of the Central Administrative Tribunal shall be same as admissible to a serving Judge of a High Court as contained in the High Court Judges (Conditions of Service)Act, 1954 and High Court Judges (Traveling Allowances) Rules, 1956, as amended from time to time.

After the constitution of the Tribunal in 1985, in the beginning, under Section 29 of the Administrative Tribunals Act, 1985, the Tribunal received on transfer from the High Courts and Subordinate Courts 13,350 cases, which were pending there. Thereafter, till November 2001, 3,71,448 cases were instituted in the Tribunal. Out of these, 3,33,598 cases have already been disposed of. The total number of cases received on transfer as well as those instituted directly at various Benches of the Tribunal till 30.06.2006 is 4,76,336, of which the Tribunal has disposed of 4,51,751 cases leaving a balance of 24585 cases which constitutes disposal of 94%. The institution of cases in the Tribunal has increased tremendously but the rate of disposal of the cases has also quantitatively increased and in the Principal Bench of the Tribunal at New Delhi, the disposal is 94%. During the year 2000, over 91% of cases of the Principal Bench of the Tribunal have been upheld in Writ Petition by the Delhi High Court and so quantitatively also the Tribunal has performed well.

The Central Administrative Tribunal is empowered to prescribe its own rules of practice for discharging its functions subject to the Administrative Tribunals Act, 1985 and Rules made there under. For this purpose, the Central Administrative Tribunal Rules of Practice, 1993 have been notified. Similarly, for the purpose of laying down a common procedure for all Benches of the Tribunal, the Central Administrative Tribunal (Procedure) Rules, 1987 have been notified. Under Section 17 of the Administrative Tribunal Act, 1985, the Tribunal has been conferred the power to exercise the same jurisdiction and authority in respect of contempt of itself as a High Court.

The employees of the Central Administrative Tribunal are required to discharge their duties under the general superintendence of the Chairman. Salaries and allowances and conditions of service of the officers and other employees of the Tribunal are specified by the Central Government. Pursuant to these provisions the Central Government has notified the Central Administrative Tribunal Staff (Conditions of Service) Rules, 1985. There are 1288 posts classified in 38 categories for assisting the Tribunal in discharging its functions. The Central Administrative Tribunal is a growing institution with increasing responsibilities and load of work.

10.5.2 Central Vigilance Commission

The Central Vigilance Commission (CVC) was set up by the Government in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam, to advise and guide Central Government agencies in the field of vigilance.

The CVC is conceived to be the apex vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work. Consequent upon promulgation of an Ordinance by the President, the Central Vigilance Commission has been made a multi member Commission with 'statutory status' with effect from 25th August, 1998.

The CVC Bill was passed by both the houses of Parliament in 2003 and the President gave its assent on September 11, 2003. Thus, the Central Vigilance Commission Act 2003 (No. 45 of 2003) came into effect from that date. The Commission consists of:

- A Central Vigilance Commissioner - Chairperson;

- Not more than two Vigilance Commissioners - Members;

With the GOI Resolution on 'Public Interest Disclosure and Protection of Informer' dated April 2004, the Government of India has authorized the Central Vigilance Commission as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

The functions and powers of the Central Vigilance Commission under the Central Vigilance Commission Act, 2003 are as follows:

- Exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988; or an offence under the CrPC for certain categories of public servants - section 8(1)(a);

- Give directions to the DSPE in Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 - section 8(1)(b);

- To inquire or cause an inquiry or investigation to be made on a reference by the Central Government - section 8(1)(c);

- To inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 - section 8(1)(d);

- Review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the CrPC - section 8(1)(e);

- Review the progress of the applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988 - section8(1)(f);
- Tender advice to the Central Government and its organizations on such matters as may be referred to it by them - section 8(1)(g);
  - Exercise superintendence over the vigilance administrations of the various Central Government Ministries, Departments and organization of the Central Government section 8(1)(h);
- Shall have all the powers of a Civil court while conducting any inquiry - section 11;
  - Respond to Central Government on mandatory consultation with the Commission before making any rules or regulations governing the vigilance or disciplinary matters relating to the persons appointed to the public services and posts in connection with the affairs of the Union or to members of the All India Services section 19;
- The Central Vigilance Commissioner (CVC) is also the Chairperson of the two Committees, on whose recommendations, the Central Government appoints the Director of the Delhi Special Police Establishment and the Director of Enforcement -section 25 and section 26;
- The Committee concerned with the appointment of the Director CBI is also empowered to recommend, after consultation with the Director(CBI), appointment of officers to the posts of the level of SP and above in DSPE -section 26;
- The Committee concerned with the appointment of the Director of Enforcement is also empowered to recommend, after consultation with the Director of Enforcement appointment of officers to the posts of the level of Deputy Director and above in the Directorate of Enforcement - section 25;

ACTIVITY

Visit the website www.ipaidabribe.com and read reports of people who have given bribes to get their work done. The stories belong to all parts of India, and highlight the pervasiveness of corruption in our country. Share your concern, if any, on the website. Use the following link to read these stories:

http://www.ipaidabribe.com/all-reports

DID YOU KNOW

In every government department there are people who have been designated as Public Information Officers (PIO). They are the nodal officers and are supposed to accept your application under RTI, collect information and provide it to you in writing. If the desired information is not provided within 30 days of application by you or if the information provided is incomplete, the concerned officer becomes liable for a penalty of ₹ 250 per day of default upto a maximum of ₹ 25,000 per application. And if he provides you the wrong information, a penalty upto a maximum of ₹ 25,000 can be imposed on the officer.

10.6 SUMMARY

In this unit, you have learnt that:

- The prevalence of corruption in civic life is a universal experience, but recently, it has assumed alarming proportions in India.

- The dictionary defines corruption as 'an inducement to wrong by bribery or other unlawful means: a departure from what is pure and correct'.

- Corruption demoralizes the whole fabric of the social order doomed in illiteracy, poverty and backwardness.

- Political corruption refers to corrupting the political life of a country at all levels. In its broader sense, it searches for politicizing all walks of life and in its narrower aspect, it legitimizes unworthy political actions for benefiting vested interests whether they are institutional or personalized.

- Political corruption in our country has been seen to occur in the following forms: implementation of extra-constitutional authority; raising of political funds by professional politicians; kickbacks; bribing of MPs; selling public offices, money laundering, etc.

- Corrupt practices and unethical behaviour on the part of the bureaucracy include bribery, graft, patronage, nepotism and influence peddling, use and abuse of official and confidential information for private purposes, and so on.

- Job scarcity, insufficient salaries and the ever-increasing powers that civil servants enjoy to regulate the states' economy and social affairs are some of the factors that result in corruption and unethical conduct among public servants.

- The following are some of the chief causes of corruption in India: scarcity of resources, conflict of values in our expanding economy, acute poverty, lack of acute public opinion against the evil of corruption, complicated and cumbersome working of government offices, and so on.

- Since Independence, the government has employed the following-and many other-tools to eliminate corruption from time to time:
  o Prevention of Corruption Act, 1947 (later modified in 1988)
  o Commissions of Inquiries under the Commission of Inquiry Act, 1952-55 o Appointment of Santhanam Committee to recommend measures for combating corruption

- It is important to empower citizens and mobilize the people against corruption. There should be a better institutional framework to deal with corruption and to bring about an effective investigative machinery to bring the corrupt to book.

- The Santhanam Committee Report (1964) and the Administrative Reforms Commission (1967) advocated the creation of the tradition of Lokpal at the Centre and the Lokayuktas in the states in order to probe alleged corruption cases against ministers.

- An independent Central Vigilance Commission (CVC), created through a government resolution of 11 February 1964, was supposed to tackle high-level corruption in administration. Its tenure changed from a starting six years to three years (1977) and again to five years (1990).

- Political instability and the progressive reduction in the values of the political system have led to the ruin of the parliamentary system, spoiling of the way the Cabinet functions, ignoring of the Indian Constitution and the rule of law leading to an erosion of values among the civil servants.

- The revolutionary thinking engendered in the society by the likes of Anna Hazare and Arvind Kejriwal has led to the frequent demands for the graft of the anti-corruption bill called the Jan Lokpal Bill. These activists have proposed passing the Jan Lokpal Bill to tackle corruption at all levels of the governmental structure.

10.7 KEY TERMS

- **Scepticism:** A doubting or questioning attitude or state of mind.
- **Embezzlement:** The misappropriation of funds that have been entrusted to one for care or management.
- **Kickback:** A return of a percentage of a sum of money already received, typically as a result of pressure, coercion or a secret agreement.
- **No-confidence motion:** A parliamentary motion traditionally put before a parliament by the opposition in the hope of defeating or weakening a government, or, rarely by an erstwhile supporter who has lost confidence in the government.
- **Graft:** Money or an advantage gained or yielded by unscrupulous means.
- **Nepotism:** Favouritism shown or patronage granted to relatives, as in a business.
- **White-collar crime:** A crime committed by a person of respectability and high social status in the course of his occupation.
- *Sine qua non:* Latin phrase meaning an essential element or condition.
- **Lokpal:** A proposed ombudsman (Legal Representative) in India.

10.8 ANSWERS TO 'CHECK YOUR PROGRESS'

1. (c) Central Vigilance Commission
2. (a) Lokpal; (b) Central Bureau of Investigation; (c) 1988; (d) corruption
3. (a) False; (b) True
4. The Right to Information is mainly made up of different rights and responsibilities namely:
   (i) Every person's right to request information from the government and even private bodies in some cases;
   (ii) The duty on the government to make available the information that is demanded, except defined exceptions;
   (iii) The duty on the government to disclose proactively the information that is of general public interest without the need for requests from citizens.
5. The Right to Information has not been mentioned specially anywhere in the Constitution of India, but it has been recognized by the Supreme Court of the country long back and so it has been considered as a fundamental right for the proper functioning of democracy in the country. In India, the Supreme Court has acknowledged the right to information as a vital part of the right to freedom of

expression and speech guaranteed by the Constitution of India under Article 19, and an essential part of life under Article 21.

6. Right to information can be used by the people to take initiatives in making sure that the government provides them with the services they are entitled to and the rights and benefits that are their due as the citizens of India.

7. The Department of Administrative Reforms And Public Grievances is the nodal agency to formulate policy guidelines for citizen-centric governance in the country.

8. The Central Vigilance Commission (CVC) was set up by the Government in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam, to advise and guide Central Government agencies in the field of vigilance.

9. The members of the CVC are:
   (i) Central Vigilance Commissioner - Chairperson;
   (ii) Not more than two Vigilance Commissioners - Members;

10.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What does political corruption involve?
2. Why is bureaucratic corruption prevalent in India?
3. Why is corruption a recurrent social problem in India?
4. What are the salient features of the Right to Information Act?
5. Give the features of the Lokpal and Lokayukta.
6. What are the salient features of the Jan Lokpal Bill?

Long-Answer Questions

1. Write a note on the significance of administrative accountability of government servants.
2. Enumerate the various forms that political corruption takes in India.
3. Discuss the steps taken by the Indian Government to keep a check on corruption.
4. Suggest some ways in which bureaucratic corruption can be tackled.
5. Enumerate various methods used by the Government to ensure accountability.

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