SIGNIFICANT ISSUES IN INDIAN ADMINISTRATION

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Wisdom Press
NEW DELHI

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CHAPTER 1
A BRIEF OVERVIEW OF INDIAN ADMINISTRATION

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ABSTRACT:

The Vedic era is when Indian administration first began to take shape. Even though India as we know it now has a more recent history than the Vedic era had, the origins of government may be traced back to that time period. India has a monarchical system of government and a long history of village governance. A village form of government was used to carry out the first documented instances of grassroots governance. In ancient India, there existed a mixture of centralization of authority under a monarchy and decentralization, or its opposite. Indian government's first known incarnation dates back to the monarchical order. The monarchical system has been used in public administration to carry out governmental duties ever since the beginning of time. Many administrative institutions formed and perished over the lengthy history of Indian administration.The primacy of the village as the principal administrative unit and coordination between the two opposing processes of centralization and decentralization are two fundamental aspects of the Indian administrative system that have persisted throughout the millennia. In a nutshell, the current government has evolved since the Vedic era. To acquire a thorough picture of the history of the Indian administrative system, several sources are accessible. Many sources, including Vedic literature, Buddhist treatises, Jain literature, Dharmasastras, Indian Puranas, Ramayanas, Mahabharata, Manu Smriti, SukraNiti, and Arthashastra, provide extensive information on the structure and activities of Indian government.

KEYWORDS:

Administration, Authority, Commercial Employment.

INTRODUCTION

Factors That Make Up the East India Company The East India Company was a monopolistic, commercial company that received permission from the British crown to do business in the eastern regions on December 31, 1600. Factory was regarded as a trade station with a variety of characteristics. An agent was in charge of a settlement (number of factories). The word "factor" was used to describe an agent who conducted business on place of another in commercial activities. Writers, factors, and merchants were all rated. The hiring of officials, their nomenclature, terms of service, and circumstances surrounding their employment were controlled by laws and customs relevant to commercial enterprise. Patronage was often used in the services as a recruiting and promotion strategy. The Directors or Proprietors of the Company controlled patronage. During the early years of Company regulations, moving officials from one region to another was common. They were not given any on-the-job training, and they had to learn by making mistakes. They had no knowledge of the locals' laws, traditions, or languages. The Company's staff were known to be crooked since they received very low pay. The form of government used was one with a commercial bent. Council essentially served as the means of governing. The Governor or the Governor-General held the only vote in the Council's legislative and administrative decisions. additional territorial sovereignty has been acquired, and the Because of the necessity to make decisions quickly, more authority was consolidated in the hands of the Chairman of the Council, but the core idea of collective accountability and governance was preserved. The government was also run by boards. However, the Board of Revenue had the most illustrious history and body

of work. The Railway Board also existed afterwards. The Board enabled activities including counselling, debate, decision-making, and even legislative and judicial processes.

The Board resolved disputes involving behaviour, action, and questions of policy and philosophy.It was government business as usual. Records for business transactions were condensed and easy to read. However, due to political manoeuvring, record keeping became laborious and extensive. Reports, dispatches, notes, and minutes were a crucial component of British administration. All of this was somewhat required since authorities in the governmental hierarchy could only exert control via written reports and records. Record keeping assisted in preventing absolutism and unchecked authority since the Company's headquarters were in distant England. The administration of newly acquired Indian regions was poorly handled by the East India Company. Clive's Double or Dual Government of Bengal, Bihar, and Orissa is one example of it. Internal affairs, like as income collection, were still left to the Nawab and his officials who worked on behalf of the Company, even though the Company had direct responsibility for protecting these regions from external invasion. This occurred as a result of the Company's lack of familiarity with regional conventions and practises and its comfort level in maintaining the current method of revenue collecting. However, when the greatest amount of money was taken from the people, this led to usage of the worst kind. The Company suffered because of what was done even though it was done in its name; as a result, the Nawab and his men amassed vast wealth at the expense of the Company[1], [2].

DISCUSSION

The General, Revenue, and Commercial divisions made up the Central Secretariat in 1784. In 1793, the judicial department was formally acknowledged. The Central Secretariat operated via four sections and was bounded between the years 1793 and 1834. The civil branch of the General branch was among them, and it was governed by Secretaries to Government in several departments under the direct supervision of the Supreme Board, which was made up of the Governor General in Council. The Government Secretaries Departments A Secretary and a few Assistants assisted in handling all commercial transactions before to 1756 via one general department. The General Department had to be reorganised to ensure efficiency and dispatch due to the demands of business and the war. As a result, a plan was created to have two departments: the Public Department, which dealt with trade, shipping, revenues, accounts, and other public-facing issues, and the Secret Department, which handled military operations and all other business with foreign powers. It is best to keep separate records for each. A Secretary, an Assistant Secretary, and a sub-Secretary connected to each Department were required to jointly manage the two departments. The Secret Department had seven assistants, whereas the Public Department had eight. Their exact responsibilities were laid down. This strategy was approved by the President and Council at Fort William, and it was put into action in 1764. Under the Regulating Act of 1774, the Governor-General and Council assumed control of Bengal's entire civil and military administration. The Public and Secret Departments each had a Secretary due to the increase in administrative work and the monitoring of military operations against the Marathas and Mysore. The position of assistant secretary was eliminated, and each of the two departments received a subsecretary in its place. The responsibilities of each were once again outlined, and the Secret Department was relocated to a different residence so that its documents and records wouldn't be "exposed to improper inspection."

Foreign Department

The Secret Department's duties included handling foreign policy matters in India. These were now divided and put under the control of the Foreign Department, which was established in 1783 and placed under the Secret Department's Secretary to Government. Military Division

Before, the Government's General or Public Department handled issues connected to military spending, ranks, pensions, and other demands of a military character. Warren Hastings proposed in 1776 that military issues dispersed across many ministries be consolidated into a single Military Department. This occurred in 1777.

Revenue Department

When the Company acquired the provinces of Diwani in 1765, the tax collection was delegated to Indian officials who served as British envoys. This system was in use until 1769, when the Governor-General and Council appointed Supervisors in each area to learn about income assets and report on abuses of the prevailing system. But since their authority was constrained and they did not perform their tasks, a new management was instituted. A controlling council of revenue was to be established in Murshidabad and another in Patna. A Controlling Committee of tax was established in 1771 in Calcutta with the authority to oversee, supervise, and administer tax matters since they were not coordinated.

The Company made the decision to assume the role of diwan and handle all tax administration via its own staff in 1772. This led to the formation of a Committee of Route that collaborated with the Controlling Committee of Revenue. Finally, a Revenue Department was established in Calcutta in 1772 to take the role of these many organisations. There was a Secretary, an Assistant Secretary, a Sub-Secretary, a Persian Translator, a General Accountant, and several Assistants in the Department.There were three subordinate Boards to handle the specifics of implementation in addition to Department Secretaries to Government who worked under the guidance and control of the Council. Which were:To oversee finances, justice, and law enforcement, the Committee of Revenue was established in 1781.In 1775, the Board of Ordinance was established to oversee military supplies.In 1774, the Board of Trade was established for business dealings.

These were reorganised as the Board of Trade, the Military Board, and the Board of Revenue in 1785. The previous Secret Department changed its name to Secret Political Department in 1786. The Secret and Foreign Department was assigned to the Foreign Department. Edward Rav was appointed as the Secretary of all three departments when a new Secret and Military Department was established. The previous Military Department was split off from the Secret and Military Department in 1786 and reorganised as the Military Department of Inspection. These continued after 1787 with only minor nomenclature modifications, such as eliminating the term "Secret" from Department names and forming a new Secret Department.The Secretariat underwent changes between 1787 and 1808 under Cornwallis. The Public, Secret, and Revenue Departments each retained a sub-secretary while a Secretary-General was appointed. This structure brought all departments together under the Secretary-General while preserving their individual autonomy. Additionally, Cornwallis recognised a distinct judicial branch with separate divisions for civil and criminal cases. Wellesley reorganised the Secretariat, and the modifications he made turned out to be long-lasting. There were four groupings of Departments up to this point. The Secret, Political, and Foreign Departments were them.

The departments of judicial and revenue. The Commercial Branch is included in the Public Department.The Department of Defence. Each of these divisions had a sub-secretary, and they were all subject to the directives of a Secretary-General who was typically appointed Secretary to Government.Secretaries evolved from being sub-secretaries. Although the Chief Secretary possessed overall authority, control, and power, it was not his responsibility to carry out the specifics. Secretaries for each person were thoroughly they are in charge of running business in their respective Departments. The wages were also significantly increased. Since additional regions were gained via the Company, he also formed new Departments. Overall, Wellesley improved the stature of the Secretaries to Government by

increasing their pay and expanding the scope of their duties to include planning and research[3], [4].

Financial and Colonial Departments

As a result of Wellesley's structure, secretaries acquired more responsibilities and gained a reputation for being exceptional administrators. When Minto assumed leadership, he opted to rely on and be directed by his Secretaries rather than acting in accordance with his own beliefs and values. Colonial and Financial were introduced as two new departments by Minto. In 1810, the government's financial operations were split from the public department and given their own Financial Department. The Colonial Department was created to oversee the affairs of Java and Mauritius once they were placed under the Company's control.

Departments were rebuilt in 1815.In 1815, the Governor-General suggested a proposal that conventionally changed the Secretariat's organisational structure. The Charter Act of 1813, which had mandated that separate accounts be kept for the Company's territory and commercial earnings, had partially prompted this. This division was likewise mandated by the Court of Directors and was required by the policy established by the Parliament and the domestic authorities. Accordingly, a new Territorial Department was established, along with other civil agencies and departments reporting to the governor-general.The formal staff of the Governor-General's office included a number of Assistants, his Interpreter, and his Private Secretary. The administration of Darbar charges, which served as stipends for the Nawab of Bengal and other individuals, was one of the Private Secretary's key responsibilities. Several regions of the nation appointed residents. To fully understand what occurred at local monarchs' courts and to defend British interests in opposition to those of other foreign powers, a resident was chosen. Though handled by the Secretary to Government in the Secret and Political Departments, the management of political residencies was basically a function of the office of the Private Secretary to the Governor-General. Residents quickly grew in authority and had a sizable administrative staff.The Treasury, which dealt with money, oversaw the government's financial assets, and controlled its spending, the Department of Audit and Accounts, the Persian Department, and the Agencies designated as the Agent for Stationery, Agent for Indigo, and Agent for Despatching Ships to Europe were included among the other civil departments. Under the Civil Department, there was also the Post Office, the Mint, and other businesses including those of Surgeons and Chaplains, the Clerk of the Market, and the Coroner.

The administration of revenue

Land revenue was the government's primary important source of income, and settling revenue claims was one of its most challenging tasks. It included taking into account a variety of rights and duties, and it varied from place to location in terms of core ideas and specifics. The Company's employees were required to obtain accurate information on the people's economic status and social customs, as well as ways of revenue management that were previously used. They had to develop adequate regulations for the imposition of tax and proper technology for its collection on the basis of the facts that were afterwards collected. The Diwani's Imperial Grantthroughout 1765, the Company received the Diwani concession, granting it the authority to levy taxes throughout Bengal, Bihar, and Orissa. But it refrained from taking direct command. This course of action, whereby the Company via the Resident, confined its responsibility to overseeing the collection and disposition of funds, was required by expediency and policy. The British preferred that the Nawab or his minister remain to be in charge of civil administration because they lacked the expertise and experience necessary to collect taxes and because they did not want to enrage or alienate the people. This indicated that authority and accountability were separate. Peasants were taken advantage of by zamindars, native authorities, and other people. As long as they met the British government's

income requirements, they could do oppressive activities without worrying about facing penalties. The government soon established supervisors in the districts of the diwani provinces to keep an eye on the land's output, income, taxes, and other things in 1769. Two regulating Councils of Revenue were established in 1770, one in Murshidabad and the other in Patna. Without their consent, no appointment could be arranged via the Nawab's men. These ad hoc solutions did nothing to address the fundamental issues relating to the separation of power and accountability. Famines were on the rise, particularly the one in 1770, which made things worse for the average person. The Supervisors did a fantastic job of rebuilding the revenue data, nevertheless.The Directors declared in 1771 that they would take over the whole administration of the income of Bengal, Bihar, and Orissa via the intermediary of the Company's workers. A Committee of Route was established in 1772 to give effect to his decision, and supervisors were proposed as Collectors[5], [6].

District Administration and the District Collector

The District Officer functioned as the cornerstone of British control in India. Since the beginning of time, district administration via the Central Government's intermediaries has been a crucial aspect of our governmental structure. The Mauryan Empire was split into a number of provinces, with districts within each province.Village communities were in charge of running the villages. The Provincial Governor, then the Emperor, were the district officer's ultimate bosses. Under the Guptas, a similar setup was in place. Even under the British, the District continued to be a prominent administrative region. Warren Hastings appointed a British Collector to oversee a territory in 1772. Two After being abandoned for a while, this arrangement was resumed in 1781. The area gradually ascended to the centre of local governance by the end of 1786. Some districts were combined in 1829 to form a Division that was governed by a Commissioner of Revenue and Route. This Commissioner was granted administrative oversight and management authority over the districts. Subdivisions of districts were later created, each under the control of a subdivisional officer.

The assumption that all power and authority should be concentrated in one person at the top of each unit was quickly embraced by one school of British administration. Although it was uncommon, there appeared to be no other option given the chaos of the 18th century but to have such a system in place. The Collector served as a Revenue Collector, Judge, and Magistrate once the district became the foundation for government in 1786. The District Officer was responsible for maintaining law and order, assessing and collecting revenue, and prosecuting civil and revenue matters.This system for an official who evaluated the income and had to face complaints about that assessment did not sit well with Lord Cornwallis. The temptation would be to use his judicial skills to defend what he had done while serving as a revenue officer. As a result, in 1793, a new Regulation was passed by the Governor General in Council, which stated that Collectors would no longer try tax matters. There were two important authorities in each district: Collectors for revenue collection and Judge Magistrates for maintaining order, supervising police activity, catching robbers and thieves, trying them as magistrates, and serving as civil judges.

Additional changes to the responsibilities of District officials occurred in 1831. Up until this point, the Collector was in charge of collecting money, while the Judge-Magistrate was in responsible of upholding law and order, performing various general responsibilities, and managing lesser criminal justice. In 1831, these civil judicial responsibilities were transferred to a separate Civil Judge, and the Collector was given responsibility for the Judge-Magistrate's remaining tasks. The Collector is currently in charge of all duties associated with being the district's chief executive officer, including tax collection, administration of the criminal justice system at the lower levels, and upkeep of peace and order. The Collector was carrying a much too heavy load, particularly because he lacked both a qualified support staff

and a well-organized police force. As lawlessness increased, Lord Auckland formed the Bird Committee in 1836 to look into the matter.

The Committee felt that these duties were excessively demanding and that the District Officer could not handle them. Something has to be done since he prioritised income collection above responsibilities for general and police administration. The Committee proposed that revenue-related duties be given to distinct employees known as collectors. Through 1845, this was influenced and put into action. But the effectiveness of police administration was not increased by this labour division. Because the separation of the Collector and Magistrate offices had been detrimental to the administration's character and the interests of the populace, modifications were once again made towards the end of 1853, resulting in the reunification of the magisterial and revenue duties. The concept of unity of power in district administration was promoted, and the oriental idea of governance was explicitly stated. In actuality, a district had three officials, flanked by 1838 and The District Magistrate, District Collector, and District Judge were established in 1859. Following a reunion of the District Magistrate and Collector offices in 1859, both positions were going to be held by the same person going forward. Later, the British began to strongly believe that the District Magistrate's authority would be compromised if he could not punish the lawbreakers personally. They supported combining executive and criminal justice systems[7], [8].

Board of revenue

Several Provincial Revenue Councils were active during the early days of British governance, and a Secretariat was located in Calcutta. A Board of tax was established to replace these Provincial Revenue Councils, and over the course of the next 140 years, it grew to play a significant role in both tax collection and general administration. The Board's authority included all aspect of tax administration, including the allocation, collection, and receipt of public funds. Cornwallis changed the Board of Revenue's charter in 1788. The Board was worried about the supervision, control, and discussion. Collectors, who answered to the Board, were given control over the specifics of revenue management. With the ultimate approval of the government, the Board might punish or even suspend any official as part of the exercise of its authority to bring them to account for their actions.

The Collectors played a huge role since they first provided all the information needed to create the Board's report to the government. After choices were made and orders were given, it was up to the Collectors, who, thanks to the discretionary authority they had, rose to the top of district administration, to carry out the specifics.On the basis of John Shore's suggestions in 1788, the Board of Revenue underwent two more revisions. Through the covenanted public workers, they aimed to achieve complete control over the collection of taxes.

A rule that gave the Board authority to serve as both an appeals court and a court of review in all tax issues was approved in 1790. In the same year, the Board of Revenue was transformed into a Court of Wards by the Governor-General in Council. This was done in order to put all estates that belonged to women, children, fools, lunatics, and anyone of questionable character under the control of the Board. Regulations were sometimes published to direct the Board in its action. Divisional Commissioners were subsequently appointed. Since 1786, there have been two major expansions in the Board of Revenue's history: one was jurisdictional and the other was functional in nature. Up until 1807, the jurisdictional scope of the areas under its authority steadily grew to include Bengal, Bihar, Orissa, Banaras, as well as the conquered Provinces. It was carried out through a decentralisation process that was initially indicated by the creation of the Board of Commissioners for the conquered and surrendered Provinces.This practise persisted until two district Boards of Revenue with a number of Commissioners of Revenue to handle local oversight were recognised in 1831.

Functionally, the Board of Revenue's role as a governing and supervising body was unaltered. The Cornwallis approach, which promoted separating judicial from revenue activity, was overturned in terms of judicial authority. This was necessary due to the periodic evaluation requirements in the provinces that were surrendered and conquered, where numerous legal issues occurred. showed up. A third change was the government's propensity to decrease the number of Board members or to give all the power and authority now held by the Board to a single member. This was done in order to perform business quickly, economically, and due to a lack of skilled personnel.

The Morley-Minto reforms 1909

The Imperial and Provincial Legislative Councils were significantly strengthened by the Indian Councils Act (1909). The extra members for the Imperial, or Supreme Council, were increased from 16 to 60. The limit was increased to 50 for large provincial councils and set at 30 for lesser provinces. Both nominations and elections were made for the extra members. Functional representation was the guiding premise of elections. In the provincial councils, the non-officials formed the majority while the official majority was upheld in the Supreme Legislative Council. The Act undoubtedly increased the legislative councils' capabilities. These were conversations on the budget (the Annual Financial Statement), conversations about any issue of wide public interest, and thirdly, conversations about the power of questioning. In addition, the Act raised the number of Executive Councillors in the three important Presidency regions of Bengal, Madras, and Bombay. Indians were now appointed to the Governor-Generals' Council (1909) and the Secretary of States' Council (1907).

The Act of 1909 also gave Muslims the right to vote separately, gave the Secretary of State for India the authority to increase the number of the Madras and Bombay Executive Councils from two to four, nominated two Indians to the Secretary of State for Indian Affairs Council, and gave the Governor-General the authority to nominate one Indian Member to his Executive Council, among other noteworthy features.As the government transitioned to the federal form, constitutional revisions were mirrored in the evolving organisation of the legislative and executive branches. Naturally, it became necessary to create new departments, reorganise existing ones, and establish processes for efficient departmental operations.

Departmental arrangement not only ensures efficient administration but also simplifies procedures and ensures operational economy. Initially, there were two large sectors for administration: one covered general, foreign policy, and finance; the second encompassing the departments of Revenue, Justice, and Secret. Military, Foreign, Home, and Finance were the four departments that made up administration in 1843. Additionally, the Home section dealt with law. A separate department of Public Works was established in 1855 when irrigation and railroads were being built. Three primary departments were identified throughout time. The Home Department's legislative duties were transferred to the Legislative Department in 1869. It's obvious that it didn't start or create laws. Agricultural, Revenue, and Commerce, the second department, was established in 1871 primarily to serve as a directing body in the setting of ongoing famines. Industries and Commerce were recognised as the third department in 1905. In the same year, the Railway Board was established as well. Its purpose was to oversee the nation's industrial and commercial growth. The Curzon and Kitchner issue surrounding the military regime in India has caused the Military department was split into the Army Department and the Military Supply Department, two independent agencies. The Department of Education was established in 1911. The rising amount of work being handled by departments is reflected in their formation.

The idea of departmental responsibility developed at this time, and Lord Dalhousie gave each member of the Council a distinct department to work in. He also established the idea of

categorising documents as urgent, ordinary, important, and noteworthy. The Governor-General would only receive urgent files personally. The portfolio method was finally put into use in 1862. The system of note was created, and the sharing of effort was made explicit. The flat file system was introduced in 1882. Lord Curzon made improvements to this method to cut down on official minutiae; the focus was on avoiding over-noting and promoting interpersonal contact.

The East India Company's Court of Directors was in charge of choosing and appointing civil servants prior to the Charter Act of 1833. The Directors received the individual nominations. Young Englishmen who chose to work as writers made a promise to the corporation to do so honestly and diligently. As such, they were referred to as "Covenanted Servants." The uncovenanted employees were not employed on a regular basis in a graded capacity. The service's security also has certain limitations. But over time, the line between the two was becoming less obvious. The disciplinary authority of the Government of India over public officials was acknowledged with the passage of the Act of 1833. The recruiting age, the partition of the service into the executive and judicial branches, and the necessity for the admittance of Indians into these services were all key concerns in the establishment of the civil service. In 1874, Lord Salisbury lowered the maximum and lower age restrictions to nineteen and seventeen, respectively. Indian candidates were impacted by this. Although Sir Campbell did not approve the split of the service into administrative and judicial branches, he created the Parallel Lines of Promotion system, which allowed a covenanted servant to choose after a certain number of years of service. Due to the limited number of covenanted servants, it became necessary to increase non-covenanted services to cover the gaps in subordinate services. This became clear with the expansion of governmental operations and provincial services.

The prior financial structure was too scattered for efficient supervision and economy, thus a centralised financial system was established in 1833. At the Central stage, Lord Ellenborough established the position of Finance Secretary and subjected all financial activities to the scrutiny of the The Indian government. Although it achieved efficient management and economy, the delay in final approval was the result. Ellenborough fervently desired to have a member of finance on his council. The position of the Comptroller General of Accounts was established for Central Control, and he continued to be in charge of Appropriation Audit. The budgeting method was first used in 1860. When Lord Mayo assigned provincial governments to oversee local finances in several sectors that were principally of provincial concern, financial connections were first decentralised in 1870. The Imperial Finance was also reassured since local tax increases were anticipated by province governments to generate extra money. It goes without saying that provincial budget requests have to be approved by the Indian government.

Institutions of local governance are both natural and beneficial. In India, a village headman served as the civil and judicial authority in the local community. However, the current municipal government structure was fully developed by the British. The ancient municipal government system did not recognise the idea of elections or representativeness. The Mayo resolution of 1870 emphasised the need of establishing local self-government in order to develop local resources, manage locally important services, and foster local interest and concern in the administration of their resources. As a result, municipal acts were approved in a number of provinces as elected local authorities sprung into being.

In 1687, the Madras Corporation, the first municipal government, received official recognition. Local administrations in other Presidency towns also evolved throughout time. The resolution passed by Lord Ripon in 1882 is seen as a turning point in India's history of local administration. The resolution said that "this measure is primarily desirable as an instrument of political and popular education" and that "it was not primarily with a view to

improvement that this measure is... put forward." With an elected non-official Chairman, the resolution expanded upon the election premise. Ripon aimed to reduce inflexible bureaucracy by providing the growing educated middle class with a means of association[9], [10].

Constitutional Basis of Indian Administration

The country's parliamentary democracy is recognised under the Constitution. Prior to becoming independent, the nation had both a national and provincial legislature. These didn't have the same level of power and authority as the current Constitution. The public services were partially answerable to the publicly elected representatives and the ministers accountable to them during the periods of partial legislative rule, 1920–35, 1937–39, and 1946–47. This was yet another aspect of post-independence administrative stability.The administrative structures of the Central and State (formerly called Provincial) administrations were in place throughout the pre-independence period. This played a part in the peaceful transition of power from the British to Indian hands. After 1947, the management of the nation's security, law, and order, finances, communication system, educational organisation, and other infrastructural aspects was maintained in the same manner.External Affairs and Commonwealth Relations, Defence, Finance, Home, States, Legislative (Law), Commerce, Industries and Supplies, Railways, Transport, Communications, Labour, Agriculture, Food, Education, Health, Information and Broadcasting, Works, Mines, and Power were among the 18 departments (now known as Ministries) that served the Government of India at the time of its independence on August 15, 1947.

The number of departments increased dramatically from five in 1858, when the East India Company took over administration of India's government, to eighteen in 1947, when the British Parliament took over that responsibility (in reality, it was handled by the British Government). During these nine decades of British control, basic social services such primary education, health and medicine, agricultural research, financial incentives for companies, etc., were introduced. Legislative work had started. The two World Wars led to an increase in armed forces, war industries, and war supplies while also introducing pricing and physical restrictions over basic commodities including food, clothing, fuel, and kerosene. Nine departments were present in 1921; twelve departments were present in 1937. Due to decentralisation under the 1919 and 1935 Government of India Acts, the primary administrative functions in agriculture, education, health, and labour were handled via the province governments after 1919.

The Constitution of India, which was approved by the Constituent Assembly on November 26, 1949, and took effect on January 26, 1950, is the legal framework within which the Republic of India is governed. The basic, political, and civil rights of the people are intended to be safeguarded by the Indian Constitution. It also symbolises the nation's fundamental system of government. In comparison to other constitutions throughout the globe, the Indian Constitution contains certain distinctive and special elements. According to Dr. B.R. Ambedkar, the chairman of the drafting committee, the framers made an effort to compile and incorporate the finest elements of previous constitutions while keeping in mind the unique issues and requirements of our nation.

The constitution establishes three different categories of services: central services, including the military services, state services, and all India services common to the union and states to staff specified "strategic posts." The introduction of new common services is permitted under the constitution's article 312 if the council of states adopts a resolution that has support from an absolute majority and two thirds of members who are present and voting. Three further all-India servicesthe all-India engineers' service, the Indian forest service, and the Indian medical servicewere established under this article in 1962, bringing the total to five. However, only the Indian forest service was put into operation. A review of articles 308, 309, and 311 in the

Indian constitution would provide a clear understanding of the role of the civil service in India. These articles include particular provisions pertaining to the development of civil services at both the union and state levels. Article 309 also gives the union and state governments the authority to plan for their respective services. under actuality, this sort of arrangement is provided for under Article 309 with reference to the establishment of civil services inside the political system and the union. The issue then becomes: What drove the constitution's authors to include such a provision? In this case, their decisions were more influenced by administrative, historical, and social imperatives.

A structural structure and coherence between the three branches of government—the Executive, the Legislature, and the Judiciary—is necessary for transparency, accountability, and adherence to the rule of law. The Union Government, also known as the Government of India or the Central Government (also known as the "Centre"), which governs the Union of India as a whole, is given greater authority under the provisions of the Indian Constitution than the other two arms. The Parliament of India is the highest legislative body. According to Article 79 of the Indian Constitution, the Council of Parliament of the Union is made up of the President and the two Houses known as the Rajya Sabha and the Lok Sabha. Either House of Parliament may be called to order by the President, as well as the LokSabha. Within six months of its preceding session, each House is required to reconvene. In certain circumstances, two Houses may meet together.

India's post-independence government was mostly stable because of the long tenures of the public officials who held their positions before to independence. The two All India Services that helped keep the nation together were the Indian Police Service and the Indian Civil Service. The medical, engineering, forest, educational, and other services made up the other All India Services. The most important and esteemed of these services was the Indian Civil Services. Its members had roles in the executive councils of both the provincial governors and the Governor General of India. They held the majority of the positions of Secretaries to the departments in the Central and Provincial Governments, as well as those of Heads of Executive Departments. District collectors and magistrates/deputy commissioners were ICS men. Before Following India's independence, the Secretary of State for India was responsible for appointing the ICS and other All India Services personnel. The ICS and other All India Services officers who continued in their positions after independence became officers in the Government of India under the terms of the India Independence Act, 1947. roughly 250 European ICS officials retired at the time of independence, while roughly 50 of them chose to remain in office. Indian Home Minister Vallabhbhai Patel saw the critical necessity for Indian members of the ICS to continue serving in this capacity after 1947. He pledged to uphold the current terms and the stability of their employment. They did make a contribution to the administration of India's stability.

The Indian Administrative Services took the place of the Indian Civil Services after independence. The Indian Police Service, which took over for the Imperial Police Service, and the IAS both needed more officers to fill their respective ranks. In the freshly unified princely states, they were required to staff the positions. More importantly, following independence, the nature of these All India Services had altered. India gained its freedom and adopted democracy. The nation's citizens, not the imperial overlords, had to henceforth be served by the services. The ICS personnel were members of the colonial administration in addition to being bureaucrats. The democratic temperament of its politics had to be ingrained in the officials of independent India, no longer ruled by monarchs. From the situation before 1947, this represented a shift.

The Indian Administrative Service and the Indian Police Service were created by the All India Services Act, 1951, passed by the Indian Parliament. This was a result of the discussions in the Indian Constituent Assembly. Services under the Union and the States is a

distinct Part XIV of the Constitution. In the Constitution, there is a reference to the All India Services in Article 312.Although the All India Services Act, 1951 was amended in 1963 to allow for the creation of three additional All India Services, including the Indian Services of Engineers, a new All India Service, the Indian Forest Service, was established in July 1966. The Central Government's several departments employ individuals from the Central Services. Based on the salary rates of the roles in each, they are divided into four groups: A, B, C, and D. Some of the central services include the following: the Indian Audit and Account Service, the Indian Defence Accounts Service, the Indian Foreign Service, the Indian Postal Service, the Indian Revenue Service, the Central Legal Service, the Central Information Service, the Indian Statistical Service, and the Indian Economic Service. Prior to 1947, specialised officials were employed by the Central Government in a number of functional departments, but following independence, other services (cadres) were created. Statistical, economic, informational, and foreign services were a few of the new cadres developed to meet the Central Government's evolving demands. Along with the Indian Administrative Service, the Indian Foreign Service draws educated young graduates, and those who join may advance to the highest rank of ambassador to other nations. Some of them include: the Forest Service, the Agricultural Service, the Animal Husbandry, the Prohibition and Excise, the Judicial, the Police, the Jail, the Medical, the Public Health, the Educational, the Engineering, the Accounts, the Sales Tax, and the Industries Service. A handful of these services did exist before 1947, but their numbers have increased since then. Additionally, Class III and IV The new public services have a great deal in common with the ICS and other pre-independence agencies in terms of political neutrality, merit-based hiring, and honesty. The goals of the Constitution are upheld by the public services in a free India. The regional organisations and cooperatives employ their own workers.

The Legislature's primary duties include supervising administration, approving the budget, airing public complaints, and debating numerous issues such national policy, foreign relations, and development plans. In accordance with the method outlined in the Indian Constitution, the Parliament is also empowered to impeach the President, dismiss judges of the Supreme Court and High Courts, the Chief Election Commissioner, and the Comptroller and Auditor General. Each piece of legislation must get approval from both Houses of Parliament. The Indian Parliament has the authority to propose revisions to the Constitution.The President is both the Supreme Commander-in-Chief of the armed forces and the Executive Head of the State. According to Article 74(1) of the Indian Constitution, the President must be assisted and advised by a Council of Ministers, whose chairman shall be the Prime Minister.The Prime Minister, Cabinet Ministers, Governors of States and Union Territories, Supreme Court and High Court Judges, Ambassadors, and other diplomatic officials are all chosen by the President. When the Parliament is not in session, the President is also permitted to issue Ordinances that have the same legal effect as a Parliamentary Act.

Before making any executive decisions, the President must confer with the Prime Minister and the Council of Ministers. It is crucial to remember that the Prime Minister and the Council of Ministers, collectively referred to as the "Cabinet" and made up of representatives of the ruling political party or alliance, are both elected members of Parliament. As a result, by custom, the legislative and executive authority of the Centre rests in their hands.The federal entities, or the States, are organised similarly to the Centre in terms of state administrative wings and legislatures (often referred to as the "State Legislature"). Although the Chief Minister and his or her council of ministers have the actual authority in this situation, the Governor is the head of the executive. In India, there are certain areas that are not States but rather are Union Territories, and the Centre has direct control over these areas.

The Union and the States are to have separate legislative and administrative authority, according to the Indian Constitution. Defence, railroads, marine, interstate commerce,

aviation, banking, and other fields lie under the authority of the Centre (Union List), whilst public order, police, agriculture, and other areas are under the authority of the States (State List). There is a third classification of list, known as the Concurrent List. It encompasses topics like criminal law and procedure, economic and social planning, trusts, bankruptcy, etc., over which both the Centre and the States have legislative and executive authority; nevertheless, in cases of dispute between the two, the Centre's viewpoint is taken into consideration.

The British legal system created by the English in the middle of the 19th century is still in use in India today. India was ruled by rules based on the Arthashastra, which dates from 400 BC, and the Manusmriti, which dates from 100 AD, before the advent of the Europeans. These were the works that were the most influential treatises in India. However, even today, the British system's influence may be seen in India's common law system, which is still regarded as authoritative legal advice. The common law system is responsible for the country's substantive and procedural laws, judicial procedures, and other elements.

The Indian judiciary is a stand-alone institution that operates independently from the country's legislative and executive branches of government. In India, the judiciary gives the populace the "auxiliary precaution" they need to make sure that the government works in their best interests, for their uplift, and for the advancement of society.India's legal system is organised into four fundamental tiers. The Supreme Court, located in New Delhi, is the highest court in India and serves as both its protector and its interpreter according to the Constitution. It is followed by High Courts at the State level, District Courts at the District level, and LokAdalats at the Village and Panchayat levels. The "Fundamental Rights" of the citizen are protected by Part III of the Constitution, and the Supreme Court and High Courts have a specific constitutional duty to uphold these rights[11], [12].

Role of Public Administration in India

The practise of administration is as ancient as civilization itself. However, it began as a field of study with the 1887 publication of Wilson's article on the study of administration.Public and private administration are the two main categories of administration. Since the advent of political system(s), it has existed as a component of governmental action. Private administration refers to the management of private corporate companies, while public administration refers to the functions performed by the government. The Latin term "administere," which meaning to take care of or handle matters, is the root of the English word "administer." A group action that requires collaboration and coordination with the aim of accomplishing desired goals or objectives is referred to as administration.

The idea of developmental administration has fundamentally altered the nature of administration as a whole. It speaks to the administration's overarching objectives and plays an ethical or enlightened role in the human development initiatives. It is the vision of development that is oriented on people. Administration is evaluated based on how well it carries out public policy as opposed to how well it follows bureaucratic procedure. The rules and practises of legal or normative elements of management are followed by public administration. The rationale behind public administration disdains democratic government's policy objectives and is essentially unaware of its due process. Traditional public administration has a cold, impersonal demeanour and pays little attention to the administration's overarching objectives. Development is described as a progressive unfolding, fuller working out, well-grown condition, stage of progression, etc. in the Concise Oxford Dictionary. Consequently, it describes the development into a higher, richer, and mature form. Instead of positing an ultimate mature condition, the scholars of "development administration" regard development as the dynamic transformation of a society from one state of being to another. Scholars in the field of public administration have attempted to

define development administration in the context of these definitions of development. Accordingly, "Development Administration is the blending of all the elements and resources (human and physical) into concerted effort to achieve agreed upon goals." The ongoing process of developing, assessing, and putting into action associated plans, policies, programmes, initiatives, activities, etc other measures to reach established development objectives in a scheduled time sequence"(Sakendra Prasad Singh)

The Union State Relations in India

The Indian Constitution is neither just "federal" nor "unitary." The constitutional division of powers between the federal government and the states, including the legislative, executive, and administrative spheresclearly reflects the federal form. In normal circumstances, the constitutional framework must guarantee the independence of the states with respect to the areas of responsibility set apart for them in the Constitution. Certain topics have been assigned to the exclusive domains of the centre and the states, while others have been With the caveat that the states should be allowed to pursue their own policies in the "state" and "concurrent" domains, with the exception of the extent to which Parliament itself chooses to legislate using the authority granted to it by the Constitution.

In the past, a highly centralised colonial authority gradually gave way to a semi-feudal system. The necessity for planned growth, national unity, and the upkeep of law and order in India after independence led to a significant degree of authority being centralised in the hands of the government. The long-term dominance of a single party has also contributed to the center's growing dominance. In fact, the center-state relationship is a result of interactions between the two tiers of government as they carry out their responsibilities to the populace. The two levels of government must collaborate when managing issues like education, health, agriculture, and other areas for the sake of effective management of these duties. When relationships are shaped by concerns about power and hegemony, administrative issues take on a political hue. "The problem of Centre-State relations has acquired new dimensions and new importance in recent times due to the presence of multiple political parties at the Centre and in the States," the Administrative Reforms Commission observed.

A federal state is India. According to Article 1 of the Indian Constitution, "India, or Bharath, shall be a union of states." A written constitution makes it feasible for the union government and state governments to have different levels of authority. The constitution, which split all authorities legislative, executive, and financial among them, is the source of authority for the union and the states. As a consequence, the states no longer serve as representatives of the union but rather are independent within the boundaries set out in the constitution. The Indian Constitution's Seventh Schedule (Article 246) allows for the separation of authority between the federal and state governments.

The concurrent list is the Indian Constitution's most distinguishing characteristic since it is unique and not present in any other federal constitutions. The 47 items on the list are all subject to legislation by both the state legislature and the union parliament since both have concurrent legislative authority. This specific list primarily functions as a tool to reduce the two-fold distribution's excessive rigidity. Most people consider it to be the "twilight zone of the Depending on the significance of the issues, the constitution permits the legislative authority to shift from the state legislature to the parliament. Similar to how state legislatures take responsibility of less important issues, Parliament does the same with vital issues. Additionally, state legislatures have the ability to draught supplemental legislation to amplify laws established by the union parliament. Criminal law, criminal procedure, preventive detention for reasons related to state security, marriage and divorce, transfer of property other than agricultural land, contract, actionable wrongs, bankruptcy and insolvency, trust and trustees, administration of justice, evidence and oaths, civil procedure, contempt of court,

lunacy, prevention of animal cruelty, forests, protection of wild animals, and bi The list's core strength once centred around 52, but five more items were included as a result of the 42nd Constitutional Amendment.The things that are handed to the central government for legislation under residuary powers are those that are not on either of the lists[13], [14].

CONCLUSION

The 97 items on the Union List are the topics that are of national significance and allow for consistent regulations across the board. And the union parliament is the only body with the authority to pass laws on these topics. Defence, foreign affairs, currency and coinage, war and peace, atomic energy, national resources, railways, post and telegraph, citizenship, navigation and shipping, foreign trade, interstate trade and commerce, banking, insurance, national highways, census, elections, higher education institutions, and others are some of the essential topics that fall under the purview of the Union List.The state list, which consists of 66 items, discusses topics that are relevant to local or state interest and so directly comes within the legislative purview of state legislatures. State court fees, jails, local government, public order, police, public health and sanitation, hospitals and dispensaries, Indian pilgrimages, alcoholic beverages, assistance for the disabled and jobless, libraries, communications, agriculture, animal husbandry, water supply, irrigation and canals, fisheries, road passenger tax and goods tax, capitation tax, and others are among the major items on the State List.

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CHAPTER 2
COMPREHENSIVE REVIEW OF CENTRAL ADMINISTRATION

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ABSTRACT:

The Indian Constitution is a wonderful work of literature. It has a significant position not just among the recently formed States but also in the global constitutional history. The Indian Constitution deals in detail with issues pertaining to public services, special groups including Anglo-Indians, scheduled castes, and scheduled tribes. It also addresses the issue of ties between the Union and the States. The Directive Principles of State Policy are also included in the Constitution along with a comprehensive list of Fundamental Rights. India is proclaimed to be a sovereign socialist secular democratic republic in the Preamble of the Constitution. Its characteristics show that it is a special document in terms of size, shape, and content. We will examine the key elements of our constitution in this unit, as well as the function of the council of ministers, as well as the constitutional commissions and agencies.A written constitution exists in India. It is the world's longest and most comprehensive constitution. The majority of its clauses were lifted from every known constitution in a manner that suited the demands and circumstances of the nation at the time. The chapter on fundamental rights was drafted using the American constitution as a guide. The U.K.'s parliamentary system of governance has been implemented.

KEYWORDS:

Administration, Constitution, Federal States, Legislative.

INTRODUCTION

Although the word "federation" is not mentioned in the Constitution, the political framework of the Indian Constitution is founded on the dual concepts of the parliamentary form of government and federalism. A review of our Constitution reveals that it has every component necessary for a federal structure. A federal state has two governments, the national or federal government and the governments of the component states, as opposed to a unitary state, which only has one government, the national government.A federal state combines many states into one state when it comes to issues involving shared interests, yet each state retains its autonomy when it comes to other issues. States serve as both the federal governments and the state's agents, not vice versa.The Constitution serves as the foundation for all government power. States do not have the authority to leave the federation.

The Constitution serves as the legal foundation for federal states. Every authority, whether it belongs to the federation or to the component states, whether it is executive, legislative, or judicial, is subject to and governed by the Constitution. Courts have the ultimate authority to interpret the Constitution and invalidate any actions taken by the federal, state, or any of their many institutions that are in violation of its provisions. The separation of powers between the federal government and the governments of the component states is another crucial aspect of a federal state.

The political system in India includes each of these elements. According to needs and circumstances, the Indian Constitution might be either federal or unitary. It is designed to function normally as a federal system. However, it functions more like a unified system during times of war, revolt, or the collapse of constitutional machinery in the states. A federal state becomes a unitary state when a state of emergency is declared nationwide.The

Constitution specifies three lists of subjects Union, State, and Concurrent for the division of legislative authority between the Federal Government and the States. Defence, foreign affairs, currency, communication, banking, income taxes, and customs duties are among the ninety-seven items on the union list, which grants the Centre sole right to act on areas of national significance.

Among the 61 items on the State list are law and order, local administration, public health, education, and agriculture.The Concurrent list has fifty-two items. The judicial system, business and industry, and economic and social planning are a few of them. Concurrent issues are governed by legislation approved by the Central Parliament, not state governments.The Union has the remaining authority, and when there is a dispute between the Union and a State, Union law is applied.In contrast to State administrations, the Constitution therefore grants the Central Government enormous authority. In times of emergency, the Parliament may pass legislation pertaining to any of the items listed in the State list for the whole country of India or just a specific region. If the Governor or the President advises that the State's government cannot continue in accordance with the Constitution's provisions, the President may declare a state of emergency, take over all executive duties, and declare that the State Assembly's authority is subordinate to the Parliament. Even yet, the RajyaSabha may request that laws be temporarily passed on issues on the State list from the Parliament with a two-thirds majority[1], [2].

DISCUSSION

The Governor serves as the executive leader of the Union, whereas the President of India and the States sits at its top. Despite the fact that the president has the Union's executive authority, the Prime Minister-led Council of Ministers really supports and advises him. The Parliament of the Union is its legislative body. The President and the two Houses make up it. The House of People, or "LokSabha," is located in the Lower HOW. The Prime Minister, who is in charge of the Council of Ministers, is wholly responsible for passing legislation. TheIn line with Article 74 of the Constitution, there shall be a Council of Ministers, headed by the Prime Minister, to assist and advise the President as he performs his duties. The President must act in accordance with the advice given upon such reconsideration. While the President chooses the Prime Minister, Article 75(1) states that the President appoints the other Ministers on the Prime Minister's recommendation.

The Constitution currently specifies the number of members for the Council of Ministers. The Constitution (Ninety-first Amendment) Act of 2003 states that the entire number of Ministers, including the Prime Minister, in the Council of Ministers may not be more than 15% of the total number of Lok Sabha members. The ranks of all Ministers are not equal. Cabinet Ministers, Ministers of State, and Deputy Ministers are the three categories under which they fall.As a result, the Council of Ministers is a composite group made up of many groups.The Prime Minister decides what each minister's rank should be. He divides up their respective portfolios as well. A minister may be selected from among the members of either house, and a minister who is a member of one house has the right to speak and participate in the proceedings of the other House, albeit he is not entitled to vote in that house. The Constitution does not prohibit the nomination of a minister who is not a member of the legislature. But until he wins a seat in one of the two houses of Parliament, he cannot remain a minister for more than six months. The Prime Minister is the leader of the Council of Ministers, which technically only has the authority to assist and advise the President while in practise using the broad powers granted to the President by the Constitution.

The idea of shared responsibility is the foundation of the Constitution. The lower chamber of the Parliament is accountable to the Council of Ministers as a whole. The fundamental idea behind collective responsibility is that once a government decision is made, all of the

ministers must abide by it. When the lower House (House of People) of the legislature loses its majority, the Ministry as a body is required under the constitution to resign[3], [4].

The Central Secretariat

The complex of departments or ministries with secretaries as their administrative chiefs and ministers as their political heads is referred to as the central secretariat. We will briefly discuss the Secretariat's history in this Unit, as well as its composition and roles. There will also be discussion of the Secretariat's personnel and tenure structure. A network of organisations that fall under the Secretariat are in charge of carrying out governmental directives. This Unit will also clarify the relationship between these agencies and the Secretariat.

Origin of the Central Secretariat

In India, the term "Secretariat" refers to the Governor General's office in British India.However, during the previous 200 years of its development, the Central Secretariat's size and the range of its operations have experienced significant change in accordance with changes in the goals, objectives, and makeup of India's central government. The central government had a Governor General, three Councillors, and a Secretariat with four ministries by the end of the eighteenth century. There was a Chief Secretary overseeing them all, and each of them reported to a Secretary.A century later, in 1919, the Government of India had a Governor General, seven other members, and nine secretarial departments on the brink of the Montford Reforms. This number stayed constant until 1939, the start of the Second World War. Prior to 1919, the Central Government mostly delegated responsibility for implementing other issues to the local province governments while managing some directly, such as the army, posts, telegraphs, and railroads.

With the introduction of the reforms in 1919, which for the first time created a separation of powers between the Central and provincial governments, a significant shift occurred in the aforementioned position. Governments at the federal and provincial levels took control of both policy and administration. As a consequence, the secretariat's function started to expand from that of a purely policy-formulating, overseeing, and coordination agency to include that of an executive agency. The start of the Second World War and the introduction of provincial autonomy in 1937 both expedited the aforementioned trend. As a result, the Central Secretariat's size was increased by a factor of four, bringing its total number of employees to roughly 200.

When Independence and the nation's split occurred simultaneously with demobilisation and rebuilding issues, the Indian government was still battling these issues. As a result, the new government was confronted with enormous issues from the outset, including the rehabilitation of Pakistani refugees, external aggression in Jammu and Kashmir, the integration of princely states into India, internal security, a shortage of essential items, and a severe staffing shortage brought on by British officers returning home and many Muslim officers choosing to serve in Pakistan. Soon after, the acceptance of the welfare state as a goal imposed previously unheard-of demands on the already overworked administrative infrastructure. The Industrial Policy Resolution of 1948 began the process of a significant development of the public sector at the same time. A significant rise in the number of departments and employees was an expected result of the government's roles and duties being so much expanded. As a result, the secretariat's departments increased from four in 1858 to nine in 19, ten in 1939, and 18 in 1947, to 74 by 1994.

Role and functions of Central Secretariat

An important role in Indian government is held by the Central Secretariat. The federal government's collection of several ministries and departments is referred to as the Secretariat.

The Secretariat functions as a unified entity with shared accountability, much like the Council of Ministers. According to current regulations, before making a decision about a matter, each secretariat department must speak with any other departments that could be interested or concerned.

Therefore, secretaries serve the Government as a whole rather than a certain minister.The Secretariat supports the ministries in developing national policy.On the basis of sufficient facts, relevant precedents, and other information, ministers formulate policy. The Minister is given access to these by the Secretariat, allowing him to create policies. The Secretariat also supports the ministries' work on legislation. Legislative draughts are created by the Secretariat and presented to the legislature. It gathers pertinent data for legislative inquiries as well as for a variety of other purposes. Congressional committees. It conducts a thorough investigation of a problem, presenting an all-encompassing stance on it, obtaining, as necessary, the consent of other lateral authorities such the Ministry of Labour and the Ministry of Finance, and consulting other groups having an interest in a certain issue. The secretariat functions as a clearinghouse for government decisions. The Planning Commission, the Finance Commission, and other relevant bodies may communicate with the government primarily via it. The Secretariat also makes sure that field offices carry out the government's plans and decisions cost-effectively and efficiently[5], [6].

Evolution of Cabinet Secretariat in India

The Economic and Statistical Coordination Unit was established by the government in 1948 as a division of the government Secretariat. Its task was to gather all accessible data from the different ministries' and departments' existing statistics cells and to regularly deliver this data to the cabinet. It was also necessary to guide them in their future work and to coordinate the efforts of the different ministries. In addition, the Unit assumed responsibility for the Development Board Secretariat's work on development plans until the Planning Commission was established. In this position, its job was to investigate different development plans from the federal government and the states and report back to the cabinet. This job was given to the Planning Commission once it was established in March 1950.

The Central Statistical Office's attachment to the secretariat and the creation of a Central Statistical Unit were both authorised by the government in 1949 and implemented in 1950, respectively. This Unit was supposed to serve in an advising role. Later in February 1951, the Cabinet Secretariat took over the duties formerly performed by the Economic Adviser to the government of India at the then-Ministry of Commerce for statistical coordination and general statistical publishing. A Central Statistical Office An organisation was created and affiliated to the Cabinet Secretariat together with the Statistical Unit.The Economic Committee of the Secretariat, which had previously been housed under the Ministry of Finance, was classified as a division of the Cabinet Secretariat and given the name Economic Wing after the 1949 report on the rearrangement of the government apparatus. It was envisioned for the Economic Wing to ultimately transform into a Central Economic Office. The concept was abandoned, and it was decided to transfer the job that the Economic Wing had been doing to the Finance Ministry, which had previously established a Central Economic Office. The work for the Joint Communication-Electronics Committee, a division of the Chiefs of Staff Committee, was moved from the Ministry of Defence to the Cabinet Secretariat early in the same year and assigned to its Military Wing.

The Organisation and Method Division (O&M) of the Government of India began operations in March 1954 and remained an independent division of the Cabinet Secretariat until March 25, 1964, when the O&M Division was transferred to the newly established Administrative Reforms Department in the Ministry of Home Affairs. On February 15th, 1961, it was agreed to grant the Central Statistical Organisation, an associated office of the Cabinet Secretariat,

the power and status of a government department. As a result, the Department of Statistics was established in April 1961 as a division of the Cabinet Secretariat with sufficient authority to consider statistical methods, provide general guidance and advice to 811 central and state agencies regarding the establishment of standards, norms, and data collection methods, and deal with the evolution of the Cabinet Secretariat in India.

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The establishment of a Central Personnel Agency in the Cabinet Secretariat in August 1970 and the transfer of the Department of Administrative Reforms from the Home Ministry to the Cabinet Secretariat in February 1973 are two of the most significant changes that may have been implemented as a result of the recommendations of the Administrative Reforms

Commission.However, the Central Administrative Reforms Agency's placement turned out to be a contentious issue. There was disagreement about the agency's location when the Indian government chose to establish it. Although the Ministries of Home and Finance put out competing arguments, it was finally agreed to place it in the Cabinet Secretariat. However, the Organisation and Method Agency was eventually transferred from the Cabinet Secretariat to the Home Ministry with the higher status of a department, thanks to the Home Ministry's persistence during a ten-year period. But in 1973, the Department of Administrative Reforms was back in the Cabinet Secretariat after a nearly ten-year absence. But in 1977, the Department of Personnel and Administrative Reforms was once again moved back to the Ministry of Home Affairs under the Janata government.In the Ministry of Personnel and Public Grievances, however, is where it is right now[7], [8].

Organisation and functions of Cabinet Secretariat

As the executive powers of the union government have been reorganised, so too have the structure of the Cabinet Secretariat and its responsibilities.The Civil Wing, the Military Wing, and the Intelligence Wing make up the Cabinet Secretariat's organisational structure. The cabinet is equipped with secretarial technology thanks to the major Civil Wing.It offers secretarial support to a variety of secretaries' committees that are chaired by the cabinet secretary, as well as to the numerous standing and ad hoc committees of the cabinet. It also covers the formulation of the Union government's rules of conduct. All secretarial work associated with meetings of the military Committee, National Defence Council, Military Affairs Committee, and several other committees focused on military issues is handled by the Military Wing. The joint intelligence committee of the Cabinet is a topic that the Intelligence Wing is interested in. A Joint Communication Electronics Committee is housed in the Cabinet Secretariat in addition to the three wings. The Cabinet Secretary is in charge of the Cabinet Secretariat.

The Cabinet Secretariat, whose responsibilities include preparing the agenda of the Cabinet meeting in a meaningful way, providing the information and materials required for its deliberations, and creating records of the discussions and decisions made by the Cabinet and its committees, is largely responsible for the effectiveness of the Cabinet. It also supervises how the relevant ministries carry out the required judgements. The gathering of data from numerous ministries and departments is part of the final function. By disseminating monthly summaries and quick notes on crucial issues, it keeps the President, the Vice President, and all the ministries aware of the significant operations of the Government carried out in a number of ministries. It finalises the Rules of Business and distributes the business of the Government of India to the ministries and departments under the direction of the Prime Minister and with the approval of the President. It serves the Committees of Secretaries that convene on a regular basis under the chairmanship of the Cabinet Secretary to consider and provide advice on issues requiring inter-ministerial consultation and coordination. The Cabinet Secretariat also offers secretarial support to the Cabinet Committees.

Cabinet Secretary

Over time, the Cabinet Secretary's office and its responsibilities have changed.It was suggested by the Administrative Reforms Commission of 1969 that the Chief Secretary be appointed for a term of three years. The three-year recommendation was made to help the functionary run the Civil Service in an efficient manner. The Administrative Reforms Commission's suggestion that Cabinet Secretaries be nominated for a fixed term of two years was recently approved by the N.D.A. Government. T.R. Prasad was among the first two advantages. He oversees the secretaries' committees and is a member of the civil service. These committees look at concerns that cross ministries and affect the whole government.

Certain issues are also referred to them by the Cabinet. The committees do not make decisions; instead, they provide recommendations to the relevant Ministry.

All top appointments in the government are directly handled by the Cabinet Secretary.Since the early 1950s, it has been customary for the Cabinet Secretary to refrain from composing documents for the Cabinet or its committees and refrain from doing a thorough examination of the agenda materials for the Cabinet. All he does is make sure the notes are self-contained and that pertinent information is included for discussion.Occasionally asking the ministry in question for clarification or bringing forward suggestions for modification.

Every meeting of the Cabinet and its committees includes the participation of the Cabinet Secretary. He is in charge of organising the agenda, setting the order of business, and assigning topics to Cabinet committees. They are approved by the prime minister. The Cabinet Secretary must use his discretion in these situations while taking into consideration the national interests and what the ministries see as crucial. The Cabinet Secretary draughts the minutes of the Cabinet and informs the ministries of its decisions.The Cabinet Secretary must perform a number of duties. He has to keep track of issues that the Prime Minister should be aware of immediately, topics that need his decisions, obstacles in the execution of government plans, pressing socioeconomic and political difficulties. In all of these situations, the Cabinet Secretary must exercise judgement and keep himself informed of pertinent information. Since there are no reliable sources for this data and there never could be, the candidate must possess strong interpersonal skills in addition to the ability to inspire trust in others.

Cabinet Committees

The committee system is used by the Cabinet to speed up decision-making in certain sectors. To guarantee prompt decisions on crucial issues of political and economic importance and other matters of importance, as well as to ensure cooperation in clearly defined administrative sectors, the Business Rules provide for the creation of standing committees of the Cabinet. These committees are periodically replaced by ad hoc committees, depending on the demands of the circumstance.The number of these committees has fluctuated throughout time, making it impossible for an outsider to know precisely which committees are in operation at any particular moment.However, the Cabinet Committees typically include three to eight members. The Prime Minister and Home Minister alternate holding the position of chairman.

The Political Affairs Committee, Economic Affairs Committee, Committee on Parliamentary Affairs, Appointments Committee, Committee on Accommodations, Committee on Industry and Trade, Committee on Food and Agriculture, etc. are some of the committees that operate on a more or less permanent basis. The Political Affairs Committee is the most effective of them. Being composed of the most senior ministers, it serves as the government's super Cabinet and sets policy.The Cabinet Committees are tools for organising cooperation in precisely specified administrative domains and relieving the Cabinet of work-related responsibilities. The flexibility of these committees' membership allows interested Ministers to share ideas and find common ground without consulting the Cabinet, relieving the latter of some of the workload.

Last but not least, there is a lot of task sharing, thus many issues that would typically go up to the Cabinet for decision-making are resolved at the level of Cabinet Committees. This guarantees ongoing collaboration on crucial political and economic problems and prompt decision-making when necessary.to the Cabinet makes a decision, any issue requiring a Cabinet decision may be brought immediately to the relevant committee. The Cabinet may sometimes, if ever, adopt the choice made by the Cabinet Committees. Although certain Cabinet Committees have often used actual power, these committees have not always or continuously been successful. First of all, they don't address all crucial facets of how

government works. Second, they may only discuss an issue if the relevant Minister or the Cabinet refers to it. Last but not least, they don't meet often, which is essential if complicated issues are to get sustained attention and the execution of crucial policies and initiatives is to be continually assessed[9], [10].

All India Services

The development of specific services shared by the Centre and the States, known as All India Services, is a distinctive aspect of the Indian administrative structure. These are made up of officials who work for neither the Centre nor the States exclusively and are available to both at any time. Despite being divided across the States, each of these Services constitutes a single service with a shared status and a common standard of rights and compensation since its officers are recruited on an all-India basis with similar credentials and uniform pay scales.According to the Indian Constitution, the Centre and the component states each have their own independent public services to manage their own concerns, much like other federal polities. In order to manage Union matters like defence, income tax, customs, mails and telegraphs, railroads, etc., there are Central or Union Services. The Union Government is the exclusive employer of the officials of these Services. In a similar vein, each state has its own unique services. There has always been an all-India service cadre in India since the establishment of the Indian Civil Service during the East India Company era. Nearly all of the Central Government's departments now employ All India cadres. However, the Secretary of State for India and his Council had direct responsibility over these services rather than the Governor-General. No, a member of the All-India Service may be fired from his position by a body other than the Secretary of State-in-Council. If an officer was treated unfairly in significant disciplinary situations, he or she had the ability to appeal to that body.

No Indian legislative had the power to vote on his pay, pension, etc.These elitist Services struggled to adapt to the reform period that saw the introduction of a limited responsible government under the Government of India Act of 1919 because they were unresponsive to and unaccountable to public opinion. The Indian Educational Service, Indian Agricultural Service, Indian Veterinary Service, and the Roads and Building Branch of the Indian Service of Engineers were among the all-India services that the Lee Commission recommended eliminating in 1924. These services dealt with the various departments that had been "transferred" to Indian control under the Act of 1919. The Indian Civil Service, Indian Police, Indian Forest Service, Indian Medical Service, and the Irrigation Branch of the Indian Service of Engineers were, nevertheless, advised to remain in place. Additionally, it advocated for a greater Indianization of these services. Additionally, the Commission proposed that any British official should be permitted to retire with a commensurate pension should their department ever come under the authority of competent Indian governments. These suggestions were put into action.

The 1935 Government of India Act made further adjustments to the standing of these Services. Indians have long called for the elimination of All India Services. Before the British Parliament's Joint Select Committee, which was debating the draught of The British India delegation highlighted this in their Joint Memorandum and in the Act of 1935. It claimed that it was undesirable for the Secretary of State to continue hiring officers working for Provincial Governments that were to be subject to popular control, and that moving forward, services would be hired and overseen by Indian authorities. The Joint Committee proposed the continuation of ICS, IP, and IMS (Civil), but only partially accepted such requests. Section 224 of the Act of 1935 included this proposal. recruiting was thus only available for the ICS and the IP at the time of the transition of power in 1947; IMS recruiting had been put on hold. The Indian Civil Service, often known as the ICS, was the most significant and highly ranked of all such services. Because of its very high pay, vast power, and reputation, the ICS served as the "steel frame" of the British Government of India. Twenty-two Central Services and ten

All-India Services existed when the British were preparing to leave India. The new Indian Government recognised the rights of the existing Services but anticipated the need to replace them with Services run and staffed by Indians. In fact, the formation of the two new all-India services, the Indian Administrative Service (IAS) and the Indian Police Service (IPS), which were to replace the old ICS and IP, was approved by the provincial governments as early as October 1946 by Sardar Patel, the then Home Member in the Governor General's Executive Council.

Recruitment of All Indian Services

The Union Public Service Commission (UPSC) yearly conducts a competitive examination that forms the foundation for the Central Government's hiring decisions. A number of services, including the IFS, IAS, IPS, and Central Services Class I and 11, are covered by the joint examination. A applicant must be between the ages of 21 and 30 in order to take the test. Only university graduates (those with a B.A., B.Sc., or equivalent degree) are permitted to take the test. The test combines a rigorous written portion with a "personality test" administered by the Union Public Service Commission in the form of a face-to-face interview. The former strives to evaluate a person's degree of intellect and academic learning, while the latter makes an effort to gauge a person's personality and character. Instead of the American "specialised" type, the examination method is based on the British "general" type.

For SCIST applicants, there is a provision for an age relaxation of up to five years, and for OBC candidates, up to three years. The maximum number of times a candidate may try the test has been set at four, with exceptions made for OBC applicants (seven tries) and SCIST candidates (no restriction).A single competitive examination was administered before to 1979. Essay, General Knowledge, and General English were the three required papers, each worth 150 points.However, out of a number of optional examinations, three papers carrying 200 marks each were to be provided, as were two extra topics (for IAS and IFS only) chosen from a different list of subjects, each carrying 200 points. Candidates who passed the written test were invited to the 300-mark interview, which was eliminated in 1958. Candidates who failed to earn at least 33% of the required marks in the interview were pronounced unsuccessful.The grades from the written examinations were combined with the marks from the interview. The list of chosen candidates was then suggested to the government in order of merit by the Commission[11], [12].

Training of All India Services

Following a five-month foundational course, recruits to the All India and Central Services get specialised training at the training facilities for those services. The (foundational) course's central tenet is that higher services should become familiar with the political, economic, and social environments in which they must operate because these factors heavily influence the programmes and policies to which they will be expected to contribute. They should also familiarise themselves with the general tenets of public administration and the workings of the government. The fundamental course also attempts to address topics like the Civil Service's objectives and duties as well as professional ethics. The foundational training also fosters a sense of community and a wide shared perspective among recruits to various services. The probationers of the other services, except the IAS, depart for their various training institutes for institutional training after finishing this five-month foundational course, while the IAS probationers remain at the Academy to complete an additional term of institutional training.

The sandwich course is a new training model that the government began offering for the Indian Administrative Service in 1969. The new IAS participants go through two training sessions at the Academy, separated by a year that is used for basic courses. The probationer, as he is known, is dispatched to the State (to which he has been assigned) for practical

training after completing the fundamental course and period of institutional training at the Academy. After completing this training, he returns to the Academy for another training session where the focus is on talking about administrative issues the probationer has either experienced or seen during practical training in the State. Thus, this portion of the training is more problem-focused. The IAS probationer must take a UPSC test at the conclusion of the second phase of training at the Academy before being assigned to oversee a district sub-division[13], [14].

CONCLUSION

The Constitution of the Republic of Ireland's provided the inspiration for the Directive Principles of State Policy. In light of the Government of India Act, 1935 and the German Reich Constitution, provisions pertaining to emergencies were inserted.The institution of a parliamentary form of governance, both at the federal level and in the states, is another significant aspect of our Constitution. In a parliamentary form of government, the Parliament, not the President, is the executive's primary accountability body. It establishes a powerful centre and grants Parliament, the name of the central legislature, the constituent and remaining legislative powers. Two factors led to the establishment of a parliamentary democracy: In the first place, we have experience functioning under the parliamentary system while under British control, and in the second place, the parliamentary form of government complies with the need for "a strong centre," but the presidential system with split power does not. Conflicts between the administration and legislature are less likely to occur under a parliamentary form of government than they would be under a presidential one since they are not independent of one another.

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CHAPTER 3
A BRIEF ANALYSIS OF STATE ADMINISTRATION

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ABSTRACT:

Our Constitution's first clause reads that "India, that is, 'Bharat,' shall be a Union of states." In the US Constitution, the term "Union" has been used to signify "Federation." The Union, however, is not a federation as defined by the US Constitution under our Constitution.The dual government, the division of powers between the federal and state governments, the supremacy of the Constitution, and the ultimate power of the courts to interpret the Constitution are only a few of the traits of a Federation that the Indian Constitution has. On the other hand, there are a number of unitary aspects, such as a single citizenship, a single judicial system, integrated electoral, accounting, and auditing systems, the authority of the union government to supervise state governments in crises and to some degree even in normal times. As a result of these characteristics, our Constitution establishes a quasi-federal polity. Granville Austin, on the other hand, referred to our Federalism as "Cooperative Federalism" since the Union government and the state governments had to work closely together. This article's goal is to place the study of state administration in its right perspective, not to go into great depth on the nature of the Indian Federation.

KEYWORDS:

Emergency,Federation, Governor, Parliamentary.

INTRODUCTION

The Parliamentary system of governance is guaranteed by our Constitution both at the federal and state levels. The Governor, who is the state's constitutional head of government, follows the Chief Minister-led Council of Ministers' recommendations. He is chosen by the President to serve a five-year term and is in office at the President's pleasure. After serving as governor of either the same state or another state, he is eligible for reappointment.The Governor is granted many executive, legislative, judicial, and emergency powers under the Constitution. For instance, the Chief Minister is chosen by the Governor, who also recommends the Council of Ministers. In addition, he appoints several additional people, including senior civil servants, solicitors general, and members of the state public service commission. In actuality, he is the one who oversees all state executive functions.

The State Legislature includes the Governor. He has the authority to address, summon, and prorogue the State Legislature as well as dissolve the Lower House. He must provide his consent in order for any legislation voted by the Legislature to become a law. He has the option to refuse to sign the legislation approved by the legislature and send it back for revision. The Governor must sign it if it is again approved, whether or not it is modified. He may also put any State Legislature-passed Bill on hold until the President has given his approval. When the legislature is not in session, the governor may also enact an ordinance.The Governor also has the authority to commute sentences and award pardons, reprieves, respites, and remissions of penalty to anyone who have been found guilty of violating any laws that are within the purview of the state's executive branch.As for the governor's emergency powers, they allow him to inform the president anytime he determines that a situation has developed in his state that prevents the state's administration from proceeding in line with the Constitution's provisions. The President may assume the powers

of the state administration upon receiving such a report and may reserve the powers of the State Legislature for the Parliament [1], [2].

<div align="center">DISCUSSION</div>

As was previously said, the Governor must act in accordance with the Council of Ministers' recommendations. As a result, he doesn't have a lot of leeway in how he uses his authority as long as a solid Ministry has the Assembly's trust. This isn't always the case, however. The Governor could then be asked to use his judgement. The Governor's office has become the most divisive constitutional post in the nation as a result of this use of discretion.

Appointment of Chief Ministers:

The Chief Minister and the Council of Ministers are chosen by the Governor with his recommendation.whenever a party with a majority vote chooses a leader. He must be appointed Chief Minister and given the opportunity to form the administration by the Governor. When neither political party has a complete majority in the legislature, issues start to surface. Here, the Governor's judgement is relevant.

Emergency and role of Governor

Additionally, it has been claimed that the Governors did not use their discretion wisely when urging the President to invoke the emergency powers granted to him by Article 356 of the Constitution.The Kerala Governor informed the President in 1959 that the state's administration could not continue in accordance with the Constitutional requirements because of a breakdown in law and order. The President removed the nation's first non-Congress state government based on this report, which received harsh criticism from all facets of the opposition. The governors of J&K and Andhra Pradesh in 1984 confirmed the numerical support of the ruling parties in the Assembly and hastily recommended the dismissal of the state governments on the grounds that these governments could not be maintained in accordance with the Constitution in the absence of stable majorities. In either scenario, there was no test of the majority government on the Assembly floor. In the instance of Andhra Pradesh, even the maths of the numbers turned out to be erroneous. There were open claims that the Governors in these instances attempted to make the state governments a minority in these cases.

The State Council of Ministers

The Governor, who is the state's constitutional head of state, exercises the state's executive authority. However, the Chief Minister must serve as the chairman of the Governor's Council of Ministers, which is there to assist and counsel him. The Governor must follow the Council of Ministers' recommendations, with the exception of a few discretionary duties. It implies that the Council of Ministers has the true executive authority.On the Chief Minister's recommendation, the Governor appoints the Council of Ministers, who serve at his leisure. It implies that a minister may be fired by the governor on the chief minister's recommendation.According to the Union government's model, state government ministers fall under one of the following categories:

1. Cabinet Ministers
2. Ministers of State
3. Deputy Ministers
4. Parliamentary Secretaries

According to the Ninety-First Constitutional Amendment Act of 2003, the total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not be less than twelve and shall not be greater than 15% of the total number of members of the

Legislative Assembly of the State. This is the first time that an amendment addressing the number of ministers overall has been passed[3], [4].

Powers and Functions of the Council of Ministers

The highest decision-making body of the state government is the Council of Ministers. It establishes policy with regard to all issues that are within the legislative and administrative purview of the state government. The Council also evaluates how the policy it has established is being put into practise and has the authority to change any policy in light of input it receives from doing so. There is no restriction on the Council's powers other than the following since the Governor must act in accordance with the Council of Ministers' recommendations and all executive authority is exercised in the Governor's name:

a. The boundaries set out in the Constitution and in the legislation enacted by the Union and State Legislatures.
b. Self-imposed boundaries that prevent the examination of less significant issues.

Division of Work into Departments at the State Level

The State Assembly is collectively accountable to the Council of Ministers, in accordance with the theory of Ministerial Responsibility. The Council, however, is unable to make all the choices together. The Governor-in-Council oversaw state affairs in the early years of the British Empire. Because there weren't many choices to be made at the time, the majority of them were made collaboratively. The range of governmental action expanded with time, and a growing number of issues were brought before the Council for consideration. This prompted the creation of the "portfolio system," in which Councillors were given responsibility for a set of predetermined topics, allowing only a small number of crucial issues to be brought before the whole Council. After Independence, the same arrangement was still in place. According to our Constitution's Article 166, the Governor must enact regulations to ensure that business is conducted effectively. The "Allocation of Business Rules," established by the state governments, specify how the work is distributed among the several ministries. This division of labour may be carried out based on several criteria, including functions, customers, geography, or a combination of these. The division of labour is often based on subjective factors rather than logical ones. A minister handles most of the work related to the topics that are assigned to them. However, some items must be held by the minister for the following in accordance with business protocol[5], [6].

The Chief Minister

The Chief Minister serves the state government in the same capacities as the Prime Minister serves the federal government. The Chief Minister now plays a very particular role in the exercise of this executive authority, even if the Council of Ministers still holds the actual executive power of the state. Although he is not first among equals, he is the driving force behind the state's executive branch of government. The Governor appoints the Chief Minister, who serves at his leisure. The Governor, however, only has a ceremonial involvement in these affairs when one political party has an absolute majority in the Assembly. As long as he has the Assembly's support, he must ask the leader of the majority party to form the government and cannot remove him. The only possible exception is if the dominant party in the Assembly changes its leader. Of However, during times of unrest when no one party can claim an absolute majority in the Assembly, the Governor does have considerable discretion in certain situations.

Powers of the Chief Minister in Relation to the Council of Ministers

The Chief Minister serves as the Council of Ministers' president. The Chief Minister's role has become stronger in relation to his Council of Ministers throughout time. He must allocate

portfolios to each of his ministers and has the discretion to replace such portfolios at any time. In order for his Council of Ministers to operate effectively, he acts as its coordinator. He must verify the coherence of the decisions made by the different departments. In front of the Assembly, he must represent and lead his Council of Ministers. In other words, he needs to make sure that the Council of Ministers is accountable to the State Assembly as a whole. The Chief Minister directs the Cabinet's agenda and has a significant impact on its choices. He makes judgements about crucial coordination issues even if they are the responsibility of certain ministries. Additionally, the Chief Minister advises the Governor when appointing the Council of Ministers, and the ministers serve at the Governor's pleasure. Because of these regulations, the Minister really serves at the Chief Minister's discretion. The Chief Minister's authority over his ministers and eventually the Council of Ministers has been significantly increased by his ability to remove them at whim and modify their portfolios.

Additionally, it must be understood that the political climate of the state affects the Chief Minister's authority in respect to his Council of Ministers. The Chief Minister becomes very powerful and the ministers are terrified of him if a cohesive party wins an absolute majority in the Assembly. In the event of a state-wide regional party, his influence is further increased since he is not subject to the national leadership's rules and regulations. If a Chief Minister leads a coalition government or a party with several factions, his power will be diminished. In each scenario, he or she must strike deals in order to maintain harmony among the coalition allies or diverse party factions.

Powers of the Chief Minister in Relation to the Governor

The Constitution makes no reference of the Chief Minister's authority in connection to the Governor. In order to allow the Chief Minister to be involved in the selection of the state's governor, a convention was sought to be organised. In many instances, the Union government did not even adhere to this. The ability to exercise state executive power via the nomination of the governor is the only other authority that can be deduced indirectly from the Constitution. All of the Governor's public appearances and statements at such events must adhere to the directives established by the Council of Ministers, which is presided over by the Chief Minister. Similar to this, the Cabinet must provide its approval before the Governor may speak at ceremonial events or make his or her yearly address to the Assembly[7], [8].

Powers of the Chief Minister in Relation to the Legislature

The Speaker of the House is also the Chief Minister. In addition to holding this official role, the Chief Minister gives the House true legislative leadership by establishing the parliamentary calendar. After receiving the blessing of the Council of Ministers, which is presided over by the Chief Minister, the proposed legislation is presented to the Assembly. It's true that private members have the ability to introduce bills to the Assembly. But the likelihood of such being successful is slim.The private members lack the quantity of knowledge that is accessible to the government, despite the fact that it has the support of the majority party. In addition to creating the legislative schedule, the Chief Minister is responsible for updating the Assembly on the different operations of the government by responding to inquiries, issuing comments, interjecting during debates, etc.

Powers of the Chief Minister in Relation to the Executive

The Chief Minister has complete authority over the state's bureaucracy as the leader of the political executive. The Secretariat, under the direction of the Chief Secretary, supports him in this role. All top appointments, such as those for secretaries, additional/joint/deputy secretaries, are approved by him. Department heads, chairs, and managing directors of public sector organisations, etc. He manages their working conditions and disciplinary issues via his Cabinet. He serves as their leader to guarantee productivity and morale. He must

simultaneously monitor their performance via administrative routes as well as his own sources, such as party employees, complaints from harmed parties, direct observation on tours, etc.

State Secretariat

Without the assistance of a Secretariat at the Union and state levels, no Ministry can function effectively. The Secretariat assists the government in formulating policies and carrying out legislative duties. The structure and responsibilities of the State secretariat are covered in this unit. It explains the reasoning for its choice. The rules of business provide a list of such instances. In addition, the Chief Minister has the authority to order that the Cabinet be consulted in any specific situation involving any department. Below are a few examples of common Cabinet cases:The Secretariat's departmentalization highlights the difference between the secretariat department and executive department. The minister, the secretary, and the executive head are the three branches of state government, respectively. . The executive head's office is referred to as the Directorate, while the minister and secretary together make up the Secretariat. 'Secretariat' is a phrase that refers to the secretary's office in its literal sense. It was created during a period when India's government was really administered by secretaries.

After independence, elected representatives gained control. The Ministry took over the role of the ruling body. Due to the altered political climate, the word "Secretariat" now refers to the minister's office. However, the secretary must be there since he serves as the minister's main advisor and must be close by. Therefore, the term "Secretariat" really refers to the collection of structures that serve as home to the offices of ministers and secretaries.The State Secretariat, the highest level of state government, is mainly intended to support the state government in formulating policies and carrying out its legislative duties, according to the Administrative Reform Commission. In addition, it serves "as a memory and a clearing house, preparatory to some decisions and as a general supervisor of executive action [9], [10].

Structure of the State Secretariat

The officers' hierarchy has traditionally consisted of three tiers. A typical administrative department would be led by a secretary, who would be supported by deputy secretaries, and assistant secretaries under them. But the number of levels in the officers' hierarchy has grown as a result of expansion in the duties of different secretariat divisions.As a consequence, in certain jurisdictions, additional and/or joint secretaries have been added to the job hierarchy between the secretary and the deputy secretary. The divide between the two components of the Secretariat System in India the transitory cadre of a few superior officers" and "the permanent office has been one of its distinctive features.

Because they have tenured positions, the officials in each department come and go. The office, which is staffed by regular employees, is what gives the secretarial department the crucial aspect of permanence. Offices, as opposed to officers, make up the permanent component of the secretariat system. Superintendents, assistants, upper and lower division clerks, steno-typists, and typists make up the office component. On the basis of the office's activities, the officers evaluate cases and make judgements. The office provides the police with the information they need to make decisions[11], [12].

CONCLUSION

Therefore, knowing that our Constitution calls for a two-tiered system of government, with one at the Union or Central level and the other at the state level, is sufficient for us. The Constitution specifies the roles and responsibilities of the federal or union government and the state governments. Both the federal government and the state governments run their affairs separately. Of course, there are certain areas of duty that overlap and there are some

superintendence authorities.Article 246 of the Constitution established a three-fold division of legislative authority between the Union and the states. The topics are divided into three groups and are listed in Schedule VII of the Constitution. The issues that are within the Union's exclusive legislative authority are listed in List I, often known as the Union List. In a similar vein, List I1, often known as the State List, includes topics over which the state has exclusive legislative authority. There is one more List, referred to as the Concurrent List, which includes topics over which both the Union and states have legislative authority. The Union now has the remaining authority

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CHAPTER 4
A COMPREHENSIVE REVIEWOF LOCAL ADMINISTRATION

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ABSTRACT:

Reading the extensive administrative law literature is like living in a world where federal agencies are almost completely the emphasis. But this narrow perspective fails to take into account the multitude of administrative organisations responsible for creating and carrying out local government policies. The massive underground regulatory state that exists inside cities, suburbs, towns, and counties has largely gone unstudied, as has the administrative law that evolves from it. Not only are academics disregarding an important aspect of governance, but courts have also failed to create an administrative jurisprudence that takes into account the unique characteristics of local agencies. Core administrative law doctrines at the federal level, such as respect for the separation of powers and deference to agency expertise, must be modified for local contexts where mayors can sit on city councils, agencies may operate with few obvious procedural restrictions, and regular citizens can directly influence policy. This article presents three contributions to fill these gaps in the literature and the theory. It begins by providing a thorough description of local administration, detailing the areas of responsibility for local agencies, the governing bodies that constitute those agencies, and the specifics of how local agencies really function.

KEYWORDS:

Comparable, Consequently, District Collector, Development.

INTRODUCTION

The district has long been the fundamental unit of field management. It is unexpected to learn that nothing has changed since Manu's depiction of a district in Manusmrithi, when 1000 villages were congregated to create a district and were put under the authority of an official. However, the territorial organisation of Indian government can be traced back to the Mauryan period, when revenue-generating villages were known as "gramas," "stana" (visaya or taluk) groups of revenue-generating villages, "ahara" or district, "Pradesh" or region/state, and "pradeshas" or multiple revenue-generating villages known as "Janapada" or a province/country.Comparable to the current District Collector, the head of the district administration was responsible for both law enforcement and income. The Kirori/Faujdar post was replaced by the District Collector's office during the Mughal era. In 1781, the district once again served as the administrative division with the District Collector serving as the district head under British authority and their experiments in the area of administration. Consequently, the District Administration of today has a long history. However, this was not transparent and was set up for devotion to British authority and to build its hegemony over the whole nation via a powerful, disciplined, and monitored office of the District Collector for routine tax collection.

In India, the District is at the forefront of governance. The District Collector/Deputy Commissioner, an IAS member who oversees the district administration, is in charge of the overall management and direction of the police, which is overseen by the Superintendent of Police. For administrative convenience, the District is divided up into a number of smaller subdivisions known as "Talukas." Additionally, in order to effectively oversee the many Taluks, each set of Taluks has been placed under a Division that is managed by a Tehsildar

official. These Tehsildars are subdivisional or revenue divisional officials at the state level. Villages are the fundamental entities found at the bottom of the hierarchy of districts, divisions, and taluks. Blocks and Taluks are synonymous in district administration in various states. The District Collector oversees and administers development initiatives via the ZIilaParishads, Blocks (PanchayatSamithis), and Gramme Panchayat. However, because to widespread lack of transparency among the populace brought on by illiteracy, these officials are often discovered engaging in wrongdoings, acting erratically, and acting as agents of the state party, union, or centre, which sometimes sparks revolts and outbursts. In states like Punjab and Karnataka, the District Collector (DC) is also known as the Deputy Commissioner.

The District Collector's office has served as the executive branch of the District Administration ever since it was established in 1772. Essentially, the DC performs three key roles: income, magisterial, and developmental. In addition to these primary responsibilities, the state and federal governments have given him a wide range of other duties, such as overseeing local government institutions, conducting elections, and dealing with disasters. Because of the significant shift in the character of the state from police control to democracy after Independence, the Collector was primarily responsible for tax management.As he carries out all of the development activities, his job has seen a change in favour of development. The Superintendent of Police, who is in command of the whole district police force, assists the Collector, who has ultimate supervision over the police administration of a state. The Collector provides guidance to the government on a variety of law and order issues. Since he is a Generalist, he holds meetings with the many departments that fall under Specialists, such as engineers, physicians, etc., to coordinate their work. He will also serve as the institutions of the Panchayati Raj's friend, philosopher, and guide[1], [2].

DISCUSSION

In India, the District Collector's office has a lengthy history. Its roots are connected to the idea of a territorial administrative entity. The kingdom was split into manageable geographical pieces during the Mauryan era, and each province came under the control of an imperial authority. 'Raja' was the title of the key figure to the District Collector at the time. Although they primarily served as revenue officers, they also performed judicial duties. Rajukas carried out public works including irrigation, maintained roads, encouraged commerce and industry, and collected land taxes. The Heads of "visayas," which were comparable to current districts, were known as "visayapathis" during the Gupta era. The visayapathi was in charge of overseeing all aspects of general administration, including tax and other revenue collection. They also had control over military power to maintain the visaya's law and order.

The Mughal emperors adopted the Hindu Kings' administrative structure. The 'circar', or contemporary district, had three officials under the Mughal system: Amalguzar, Amir Zuazi, and Faujdar. The Amalguzar was in charge of the circar's primary revenue functionary and was in charge of ensuring that the land was used properly. He also performed certain administrative duties, such as prosecuting thieves, and other quasijudicial duties, such as settling disputed property claims. He was, however, primarily in charge of managing and collecting land income. Amalguzar handled all revenue-related tasks even though Faujdar had a significant role in the district government during the Mughal era. Thus, there were territorial divisions prior to the arrival of the British, and the officials of these divisions were in charge of obtaining land income. These tax officers often had a variety of duties and powers. There is little question that it was seen as a feudal system of territorial structure. Despite the adjustments that the British made to the system, the geographical gradation of administrative regions mostly stayed the same. The current system of field administration was founded by the British, who expanded on the oriental method. The establishment of a

district as the basic administrative unit and the appointment of the district collector as the head of district administration established the groundwork for India's stable government. British revenue administration in India began in 1765, when the East India Company was granted "diwani" (civil administration) in Bengal, Bihar, and Orissa. The Company presented a plan for English oversight of the regional revenue-collection organisations in 1769. In the districts of the diwani provinces, the East India Company appointed covenanted employees as supervisors between 1769 and 1770. The supervisors were required to report on the productivity and capacity of the lands, as well as the amount of income and other taxes collected. They were supposed to be knowledgeable about all the variables affecting the district as a whole, in addition to being concerned with income collection. But The firm chose to take over the whole executive administration of public income in 1772 since the system had failed. Warren Hastigns subsequently made a declaration. The supervisors were designated as collectors on May 14th, 1772. Thus, under Warren Hastings' administration in 1772, the institution of the Collector was established for the first time. From that point on, the primary responsibility of the company's public officials was income collection.The District Collector's office developed into a significant institution of the British local government. They were given the authority to govern, collect money, and do other enquiring and investigative tasks. Since then, the Collector's function has seen several variations, including periods of strength, neglect, etc. The District Collector had become a significant official leading the District Administration by the time India attained independence[3], [4].

Functions of the Collector

An important institution passed down to the Indian administrative system by the British monarchs is the office of the Collector. He handles both conventional revenue-generating duties and development duties. The Collector's authority and duties are mostly unchanged throughout the nation. The Collector generally carries out the following duties:

1. Head of Revenue Administration
2. Head of Police Administration
3. Head of District Administration
4. An agent of the Government

The Collector began his career as a revenue employee, and he is still the district's chief revenue officer and head of the revenue administration. The significance of tax administration has diminished since independence. The District Collector still manages the revenue operations, but the focus has moved to development administration. The Collectors are in charge of collecting all additional obligations, such as takkavi loans and dues owed to other Departments, in addition to revenue collection. Additional duties of the Collector include keeping track of land records and gathering data at the village level. In tax matters, he has appellate authority. The Collector is in charge of collecting unpaid land income in regard to all Departments. Numerous personnel, including Revenue Divisional personnel, Tahsildars, Revenue Inspectors, and Village Officers, support the Collector in the fulfilment of his revenue-related duties.

The Collector is supported by Tahsildars, Revenue Inspectors, and Village Officers. He is in charge of all humanitarian efforts in the area as the Head of the Revenue Administration. The Collector is a key player in relief efforts during emergencies like famines and floods. The Government primarily bases its decisions about the amount of assistance and the method of distribution on the Collector's assessment[5], [6].

An Agent of the Government

At the district level, he is regarded as a government agent. On the days of the Republic and Independence, he raises the flag. He performs a number of etiquette duties, including greeting

Ministers and other guests. He may request help from any department of the District Administration to carry out a particular task to aid in the performance of the Census activities during calamities like floods and famines. Conducting elections for other democratic entities, including as the Parliament and the Gramme Panchayat, is another crucial duty. In certain of the districts, the Collector also acts as the Governor's agent with regard to the regions inhabited by scheduled tribes. Additionally, the Collector has close ties to other duties including social security, pensions, excise, and the issuance of licences for the use of weapons, among others. Due to the public distribution system, shortages and increasing costs have become a significant aspect of district management. All critical supplies and commodities are under his direct control and distribution. He grants permits for the exchange of food grains and other goods. He is responsible for making sure that scarce items are distributed fairly and on schedule in his capacity as head of the distribution system. Numerous meetings, such as those of the Coordination Committee, Development Committee, Irrigation Committee, etc., are presided over by the collector. These are great opportunities for the Collector to interact with the community and learn about their issues while also learning how policies are implemented.

Following independence, the Collector is now in charge of carrying out the district's development projects. He is responsible for organising all of the district's development activities in his capacity as administrator. In the case of Panchayati Raj Institutions, the Collector's involvement in development administration is more obvious. He has a tight connection to these organisations, both inside and outside. The establishment of Panchayati Raj Institutions in India has changed the structure of the district administration in a number of ways. This is especially true of the District Collector's position and duties.The Chairman of ZillaParishad should be the Collector, according to the Balwantrai Mehta Committee's recommendation. When Panchayati Raj was first established, detractors said that Collectors should not be in charge of democratic organisations since this would go against the decentralisation movement's principles. It would stifle democratic sentiment. In actuality, several sorts of links were created in various States between the Collector and the Panchayati Raj Institutions.For instance, the Collector of Rajasthan was named an associate member of the ZillaParishad without the ability to vote. He was elevated to full membership in the Andhra Pradesh ZillaParishad and appointed head of all standing committees. However, the Collector was afterwards cut off from ZillaParishad in Andhra Pradesh. The Collector was prohibited from entering ZillaParishad in Maharashtra.

However, it is commonly believed that the Collectors should bear a significant portion of the blame for helping Panchayati Raj Institutions succeed. Four types of the Collector job in relation to Zilla Parishad have developed throughout time. First off, the collector serves as the ZillaParishad's chairman.Second, the Collector has been totally excluded from ZillaParishad because to concerns that it will add to the Collector's already excessive workload. In certain States, the Collector is appointed chairman of the permanent committees, which are endowed with authority. Finally, the Collector is a member of the ZillaParishad in certain States but is not allowed to vote.

Under many headings, including control over employees, the ability to suspend resolutions, the ability to dismiss officials, and the ability to suspend and dissolve Panchayati Raj Institutions, it is possible to analyse the connection between Collector and Panchayati Raj Institutions. The duty of the Collector in these areas differs from state to state. Some of these issues would be covered later in the Panchayati Raj Unit. Depending on the state, the Collector may be able to produce secret reports and impose a variety of penalties. The Collector has the same authority to revoke Panchayat decisions. A connection to these organisations will put the Collector in close contact with the representatives of the people. He

now has the chance to comprehend the dynamics of district-level development administration.

In reality, his job description differs from state to state as shown below. He is the Chairman of the District Development Council in Tamil Nadu.He is allowed to attend the PanchayatSamiti and its standing committee sessions in the states of Uttar Pradesh and Bihar, but he is not allowed to vote. i He is prevented from participating in ZillaParishad in West Bengal and Maharashtra. In Andhra Pradesh, he serves as the Chairman of all standing committees with executive responsibility in addition to being a member of the ZillaParishad.

The Collector serves as a non-voting member of the ZillaParishad and is only affiliated in an advising position in the States of Assam, Punjab, and Rajasthan. It demonstrates an overt opposition to his participation in rural democracy's decision-making procedures.The District Collector's connection with Panchayati Raj Institutions (PRIs) has undergone significant transformation after the 73rd Constitutional Amendment. The District Collector's responsibility for development operations has been lessened as a result of the 1993 Constitutional Amendment and the adoption of Panchayati Raj statutes by some States. This Act gives the State Government the authority to define the parameters of the interaction between the PRIs and the Collector. In this situation, some States have chosen to establish the position of District Development Officer or Deputy District Commissioner, while other States have chosen to create the position of Chief Executive Officer. The Collector is a designated member of the District Planning Committee (DPC) in states like Rajasthan. In contrast, the Collector serves as both the Member and Secretary of the DPC in several other States, such as Madhya Pradesh. Prior to these modifications, the Madhya Pradesh District Collector had access to Rs. 10 lakh for development projects; this amount has now been increased to Rs. 1 crore, giving him additional authority.

However, the Collector serves as the Head of the District Administration of Andhra Pradesh.coordinates the development operations going forward. He participates in the discussions at ZillaParidshad meetings and those of its standing committees as an ex-officio member. While he participates and is present at the meetings, he is not permitted to cast a vote on the resolutions. The District Collector has the authority to dissolve the ZilaParishad/MandalParishad 1 GramPanchayat and any Standing Committees, suspend or revoke any resolution adopted by these bodies, start legal proceedings in the event of default, and suspend the Chairman (ZP), President (MP), and Sarpanch (GP). According to the Maharashtra report, the District Collector's involvement in PFUs is rather restricted. He plays a crucial part in reporting on resolutions like no-confidence votes against office holders or elections.

The Administrative Reforms Commission suggested giving the ZillaParishad complete control over all development-related duties. Only regulatory responsibilities should fall within the Collector's purview. The Committee believed that by transferring the development activities, the Collector would have more time and energy to focus on his regulatory responsibilities.This will contribute to enhancing the district's overall administrative atmosphere. The separation of development duties and assigning them to the Chief Executive Officer were other recommendations made by the Asoka Mehta-led Committee on Panchayati Raj. As a result, even after the 73rd Constitutional Amendment Act was put into effect, there is still no set structure for the relationship between the District Collector and the Panchayati Raj Institutions.

The 74th Constitutional Amendment's effect on urban administrationThe Indian Constitution now includes Part IX-A as a result of this Act. The Municipalities' contains provisions from articles 243-P to 243-ZG and is referred to as such. The Twelfth Schedule has also been inserted to the Constitution by the Act. It relates with Article 243-W and includes 18 useful

municipal things.The Act granted the municipalities constitutional standing. They now fall inside the scope of the constitution's justiciable provisions.In other words, state governments must implement the new municipal system in conformity with the Act's provisions as required by the constitution[7], [8].

Initiatives towards constitutional status to local governance

As is well known, the RajyaSabha's resistance prevented the 64th and 65th amendment measures from passing through the Parliament. They purportedly and plausibly gave the Centre direct influence over local administration, which the states found offensive. But these two acts gave ample room for discussion to take place at the national level over whether the PRIs should be accorded constitutional legitimacy. The laws also made it easier for the parliamentarians to go deeper when the time was right by allowing for better amendments. By the time the midterm LokSabha convened, there was general agreement that PRIs should be granted constitutional status and that the necessary measures should be provided to allow them to act as a force for local change and development. after taking office in The Constitutional 72nd Amendment Bill, 1991 was introduced by the Congress Government in 1991, giving primary priority to the PRIs. The Constitution 73rd Amendment Act, 1992, is the name given to the Bill when it was approved by Parliament on December 22, 1992.

Thus, the statutory PRIs that institutionalised democratic decentralisation began a new chapter in India's history and changed the course of the development of rural local self-government organisations. The phrase "institutions of self-government" has been construed in two different ways. First, the constitution declares that the Panchayats are such institutions, indicating that they must be autonomous and have the authority to rule over a specific territory. The 73rd Constitutional Amendment grants Panchayat its unique status in its core. As a result, it serves as the third layer of government in actuality.Furthermore, it reinforces "administrative federalism." According to Professor S. Guhan, the 73rd Amendment's provisions reinforce administrative federalism in order to expedite and promote the transfer of administrative and financial authority from the states to local governments.Their administrative authority and ability to carry out their duties derives exclusively from state laws that must be approved[9], [10].

Observations on the 73rd Amendment

The 73rd Amendment Act, 1992 only offered broad guidelines for the panchayat raj institutions (PRIs) in India to function effectively and efficiently. To list just a few of its major contributions, it has given the PRIs constitutional status, some degree of uniformity by making the three-tier system a permanent feature, regularity by making elections mandatory following the termination of the PRIs after every five years and by establishing the State Election Commission to oversee and conduct the elections, and increased financial independence through the establishment of the State Finance commission.

First, until recently, constitutional recognition of the PRIs was the issue that received the greatest attention. Scholars have often noted that although addressing democratic decentralisation in Article 40 of the Constitution in (Part IV) the Directive Principles of State Policy, the original writers of the Constitution simply paid lip regard to it. However, the PRIs now have constitutional validity as a result of the 73rd Constitutional Amendment Act. Indian federalism has advanced since there are now three levels of government instead of the two that existed before. There would be three official levels of government. However, there is a general consensus that a distinct list, the panchayat list, might have been placed in the seventh schedule, which includes topics for legislation into the Union, the State List, and the Concurrent List, to give the plan a sense of finality.

Second, although the current amendment does address the problem of structural homogeneity throughout the nation, it leaves critical decisions, like the size of a panchayat at a level, up to the state governments.Thirdly, irregular elections, frequent repression, and suspension were the main reasons why PRIs, on the whole, had failed. The current change does, in fact, address the long-standing issue. However, not all governments have faithfully followed the rules as required. In order to ensure compliance, court involvement has been required, as shown, for instance, in the cases of Orissa and Uttar Pradesh. In Punjab and Uttar Pradesh, courts had to step in to guarantee that the reserve provision was followed.

Fourthly, the Gramme Sabha is a structure that offers everyone who wants to and is able to take part in the development process the chance to engage meaningfully in government. The creation of GramSabha is required under the 73rd Constitutional Amendment. However, it leaves the definition of its domains and powers to the State Governments. The majority of state laws give the Gramme Sabha a ceremonial, tokenistic function, such as adopting proposals, giving suggestions, taking into consideration yearly accounts, examining development plans, or inspecting finished works. The Gramme Sabha is also tasked with encouraging peace and unity within the village, mobilising donations of time, money, and goods, helping to implement development plans, and promoting initiatives for family welfare and adult education. Additionally, there has been criticism raised about direct election for the village panchayat since it may theoretically elevate one candidate to the status of "first among equals," demoting the other candidates. Additionally, the presence of MPs and MLAs in municipal bodies might be too much for the elected officials.

Fifthly, the love-hate relationship between the local level bureaucracy and the elected representatives of PRIs has been yet another issue with the operation of local bodies. Due to the absence of clearly defined duties for the two, neither has been able to work together in harmony as needed. This has been one of the most significant and applicable causes of PRIs' failure. Working out the specifics of the devolution of powers and functions, as required by the act, in each situation, for example, would need the participation of the bureaucracy. The execution of plans and policies would encounter difficulties without such collaboration, making the concept of local self-governance even more improbable. Most initiatives for empowering local self-governance and the principle of participatory democracy itself would be lost if the bureaucracy continued to be unenthusiastic about it, as it has been in the past, for reasons of its own. Therefore, the bureaucracy is the project's main yet underappreciated actor. Much would depend on how it interprets this alteration and whether or not it endorses it. It would be beneficial to look at the "rationales" behind why local government has been deemed unsuitable to carry the burden of growth on the part of the accountable administrators and rehabilitating the same. The bureaucracy's cooperation and dedication would be essential in bringing about regarding the ideal situation in terms of local government and administration.

Devolution is an executive process, which has the important consequence that the statutory provisions require specific administrative rules and procedures, such as procurement rules, reporting structures, compensation plans, accounting systems, etc. Without these, the statutory provision is merely a framework with little substance.Last but not least, additional issues with PRIs over the last three decades have included the position of PanchayatSamitis and ZillaParishads, the absence of adequate funding, and PRIs' lack of participation in planning for rural development. By adding them to the statutory book, the amendment aims to address each of these issues. However, a few issues still exist. Giving the disadvantaged in panchayats political space has often been met with resistance. According to reports, Punjab and Uttar Pradesh have not implemented the act's reservation provision in a responsible manner. Could it thus be said with any degree of assurance that the backward parts would be articulate and effective or, more likely, that they would be overpowered, as is feared by the

power elite? Would the state's bureaucracy alter its position and collaborate with the local government? Or would working for a panchayat hurt bureaucrats' chances for a successful career? Would the devolution of powers and responsibilities really happen as it is stated on paper?

Would a rise in foreign and private investment in urban development tip the scales against the urban poor in terms of plan priorities? These and other essential concerns would be some of the ones that needed to be continuously examined by empirical study and addressed by policy in this area, on course.According to Palanithurai and Raghupathi, democratic decentralisation adheres to the new public management philosophy in that it aims to enhance service delivery by evoking demand via organisations like the District Planning Committee and the Gramme Sabha and modifying/adjusting supply in accordance. Planning has undergone a paradigm shift from macro to micro issues. The development paradigm has historically suffered from an overemphasis on macro issues. Democratic decentralisation would combat this tendency by promoting the local expression of interests on the side of the disadvantaged and "unequally placed." The state has attempted to increase the people's "choice" by offering a variety of service delivery and self-help options in contrast to the monopoly of the state which had fostered an environment of corruption and inefficiency. Democratic decentralisation is also the counterfoil to the expanding market and contracting state sector. Given the demands/restraints of globalisation, liberalisation, and privatisation, the state has made an effort in this new period to fulfil its constitutional duties to the citizens of the nation. The state has established a different method of service delivery in place of the bureaucracy, which is expected to continue to shrink in the coming days as liberalisation gains speed. According to Chaudharai (2003), the drive for democratic decentralisation began at the same time as the trade and industrial policy changes of 1991. Trade and industrial policy reforms were started as a result of the economic crisis, which was primarily caused by poor fiscal management. The State bureaucracy's endemic inefficiency, corruption, and waste had brought things to such a state that nothing short of a paradigm shift was required to fix the situation; a system overhaul. Consequently, in 1991, after a Regardless of the party in power, the government implemented a comprehensive package of economic reforms that include the elimination of the notorious industrial licencing system, deregulation of domestic industry, trade liberalisation initiatives, opening up of the economy to foreign direct investment, and financial sector reforms.

The goal of all these initiatives combined is to reduce the size of the underperforming state apparatus and give functional space to the private sector and civil society, exemplified by the nonprofit sector working actively with the state agency, who will then act more as "catalysts" and "facilitators" than "monopolists" going forward. In order to promote good governance, this would provide a wide framework for reinventing government. Although the notion for local government reform was developed later, there was quick agreement since it was widely acknowledged that the Indian progressive state had failed to promote human development and reduce poverty.Therefore, states that "the goal was to reconfigure the structure of government."

Although it is normal for the old order to take some time to give way to the new, reform efforts must go on in order to eliminate any and all obstacles, whether they are structural or attitudinal, as they arise. The discretionary provisions are one indication that has already been made; it is apparent that the effort has been to avoid upsetting power centres at the subnational level and to achieve agreement for democratic decentralisation within the "givens," which provide the "environment of constraints" in Simonian terminology.The framework has a few obvious shortcomings. The 29 topics included in the 11th schedule allow local governments just the authority to make judgements and not to legislate. The suggestions of the State Finance Commissioners are advisory only. According to the

constitutional framework, it is entirely up to the state governments whether or not to devolve roles, personnel, and resources to local entities. The 29 items are not within the control of the Minister of Panchayati Raj and Rural Development but rather fall under the purview of other ministries.

It would need coordination and collaboration from these several departments to achieve the necessary devolution, which could only be accomplished by the Chief Minister. He must have sufficient dedication to the Panchayati Raj cause. For the benefit of all parties involved, guidelines for Panchayat Raj administration need to be developed. These guidelines should be collected in a handbook and distributed in the local language. Function devolution must adhere to a predetermined procedure. With the help of the bureaucracy, it is necessary to plan out activities, identify and develop the necessary skills locally, and ensure continual communication between state and local authorities. (Ministry of Rural Development Occasional paper 5, referenced in Palanithurai and Raghupathi's) Leaving everything up to the good will of the State Government will not assist the situation. However, signs from many states in this respect have not been positive, with the exception of a few states, including West Bengal, Karnataka, Gujarat, and Maharashtra, which have ardently adhered to the principle of local self-governance[11], [12].

CONCLUSION

The article then uses this factual foundation to highlight important elements that might openly guide judicial examination of a range of local agency acts, from legislative interpretation to substantive policymaking to enforcement and licencing. These elements include the unique and diverse nature of local-government structures, the conflict between procedural legitimacy and informality within local administration, the erratic interaction between the public and private spheres in local governance, and local agency expertise that reflects local knowledge. Finally, this localist viewpoint directly contributes to important academic discussions in both administrative law and local government law. Understanding local administration reframes conversations about democratic accountability and experimentalism by adding a layer of internal complexity to problems of local government power and identity. Additionally, it promises to advance administrative law with a viewpoint that spans the whole breadth of our vertical federalism. In conclusion, the study of a significant, but undervalued group of organisations may be facilitated by looking at the realm of local agencies. By drawing attention to these organisations, local government academics and administrative law researchers will both develop fresh perspectives on administrative law and gain a deeper knowledge of governance.

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CHAPTER 5
ANALYSING THE ROLE OF INDIAN ADMINISTRATION

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ABSTRACT:

Due to its many consequences, the topic of delegated legislation has been one of the most contentious ones in the area of legal theory. Scholars have often offered contrasting, sometimes even contradictory, opinions on the delegation of legislative authority and have adopted various positions as a result. Although delegated legislation has become a common practise and is nearly the recognised standard in contemporary times, there have been opposing viewpoints. For instance, Cooley has voiced a vehement criticism of the authority to delegate.One of the tenets of constitutional law, according to him, is that the legislature's jurisdiction to enact laws cannot be transferred to any other department, body, or authority. Wherever the State's sovereign power has established its jurisdiction, that's where it has to stay. Until the constitution itself is modified, laws can only be issued by the constitutional agency. The authority whose judgement, wisdom, and patriotism this high prerogative has been entrusted to cannot absolve itself of the duty by deciding upon other bodies to which the authority will be delegated, nor can it substitute any other body's judgement, wisdom, or patriotism for those to which alone the people have seen fit to confide this sovereign trust.

KEYWORDS:

Constitutional Law, Subordinate Legislation, Parliament.

INTRODUCTION

Delegated legislation, also known as secondary legislation, subordinate legislation, or subsidiary legislation, is legislation created by an executive authority using the authority granted to them by main legislation in order to carry out and enforce the obligations of that original legislation. It is legislation passed without the consent of the legislature but with its power. Legislators frequently enact statutes that provide broad guidelines and principles, and then give the executive branch official the power to issue delegated legislation that fills in the details (substantive regulations) and specifies how the substantive provisions of the statute and substantive regulations should be put into practise (procedural regulations).

Legislative bodies may delegate matters that may need to be improved upon via experience since delegated law is likewise subject to change more quickly than main legislation. Delegated legislation refers to legislation passed by the executive branch, a statutory authority, a municipal body, or another entity with the consent of the appropriate legislature. It enables the institutions that report to parliament to enact their own laws.It is law that was passed by a body or person other than Parliament.Through a parliamentary act, the legislature may authorise another individual or organisation to: legislation. An Act of Parliament establishes the foundation for a certain legislation and often just includes a brief statement of its intent.

By granting permission for legislation to be delegated, Parliament allows other people or organisations to add extra specifics to a Parliamentary Act. As a result, via primary legislation (i.e., an Act of Parliament), Parliament grants authority to others to enact laws and regulations. Delegated legislation must adhere to the goals outlined in the Act in order for it to be valid. Delegated legislation serves the purpose of enabling the Government to alter a statute without needing to introduce a new Act of Parliament.

Delegated legislation may also be used to amend the law in a technical way, for as by changing the penalties under a certain statute. A Local Authority, as another example, has the authority granted to them by specific statutes to create delegated legislation and laws that are appropriate for their jurisdiction.Given that there are more acts of delegated legislation passed each year than Acts of Parliament, they play a significant role in the creation of laws. Additionally, delegated legislation has the same legal status as the original Act of Parliament. The importance of delegated legislation may be attributed to a number of factors.

A. Delegated legislation may be changed and/or created without having to go through the lengthy and time-consuming process of passing an Act via Parliament, which avoids overloading the constrained parliamentary agenda. As a result, changes to the law may be made without the need for a new Act of Parliament, and Parliament will also not have to spend as much time on technical issues, such as the clarification of a particular section of the law.

B. Delegated legislation enables persons with the necessary specialised skills to make laws. As an example, a local government may enact laws that are specific to its community rather than enacting a general rule that might not apply to all of it. A specific Local Authority may pass legislation to address local requirements since it is more knowledgeable about the needs of the area than Parliament.

C. Delegated legislation may address an emergency situation as it develops without needing to wait for a specific crisis to be resolved before an Act is approved by Parliament.

D. Delegated legislation is flexible and very helpful to the process of establishing laws since it may be utilised to address circumstances that Parliament had not foreseen when it passed the piece of legislation. Therefore, delegated legislation is capable of addressing both evolving societal requirements and circumstances that Parliament did not foresee when they passed the Act of Parliament.

A subordinate authority receives a part of the legislative branch's ability to enact laws. An essential part of the legislation itself is the rules and regulations that are to be created by the latter. Parliament has the capacity to grant suborbital administrative and legislative functions to another entity while passing laws that are within its purview. Legislation created by a body subordinate to the legislature, the sovereign power, is referred to as subordinate legislation. "Subordinate legislation" is defined by Sir John Salmond as "legislation that originates from any authority other than the sovereign power and is, therefore, dependent for its continued existence and validity on some superior or supreme authority." The majority of laws provide people the authority to create rules, regulations, other statutory documents that are enforced by certain subordinate authorities, such as bylaws.Legislation of this kind is referred to be delegated legislation because it must be created within the parameters of the authority granted by the legislature. Delegated legislation, thus, refers to any lawmaking that occurs outside of the legislative branch and takes the form of rules, regulations, bye laws, orders, plans, directives, notices, etc.[1], [2].

DISCUSSION

Up until 1949, India's highest court for constitutional appeals was the Privy Council. In the well-known case of R.Vs. Birah (1878) 3 AC 889, the Privy Council was asked about legality. In order to remove Goro Hills from Bengal's civil and criminal jurisdiction, the Indian Legislature issued an Act in 1869 that gave an official chosen by the Legislative Governor of Bengal control over both. Section 9 of the Act additionally grants the Legislative Governor the power to apply any provision of the law, with appropriate modifications, to Khasi and Jaintia Hills. The Legislative Governor notified the districts of Khasi and Jaintia Hills that all Act provisions were now applicable to them. The commissioner of Khasi and Jaintia Hills tried one Burah for murder and gave him the death penalty. The section 9

legislative authority delegation by the Indian legislature was ruled unlawful by the Calcutta High Court. The argument was that because the Indian Legislature is a representative of the British Parliament, it cannot further delegate. On appeal, the Privy Council overturned the Calcutta High Court's ruling and affirmed section 9's validity on the grounds that it is just conditional law. Two conflicting interpretations of the Privy Council's ruling were made. (i) There is no restriction on the delegation of legislative powers; the British Parliament did not transmit any authority to the Indian legislature. (ii) Considering that the Privy Council has only approved conditional legislation. Delegation of legislative authority is thus prohibited. Therefore, it was unclear whether fully delegated legislation or simply conditional legislation was permitted[3], [4].

Federal Court

In JhatindraNath Gupta Vs. Province of Bihar, AIR 1949 FC 175, the Federal Court considered the legitimacy of legislative authority transfer. In this instance, section 1(3) of the Bihar Maintenance of Public Order Act, 1948, was contested on the grounds that it gave the province government the power to modify the Act and prolong its lifespan by one year. Because it is an important legislative Act, the Federal Court determined that the power of extension with modification is an illegal transfer of legislative authority. In this way, it was determined for the first time that delegation of legislative authority is not permitted in India. In contrast, Fazal Ali J. said in his dissenting opinion that the transfer of the authority to extend the Act is unconstitutional since, in his judgement, it essentially amounts to its continuance. The minor perspective was later claimed to be accurate, and the Supreme Court affirmed a similar clause in another case.

Delegated Legislation: Position under Constitution of India

The Legislature has the authority to assign tasks to other authorities. to establish the regulations necessary to implement the legislation it has passed. The State of Punjab, K.N. Wanchoo, the then-justice of the Hon'ble Supreme Court, addressed the powers of delegated legislation under Article 312 of the Indian Constitution in depth in the case of D. S. Gerewal v. The State of Punjab. Nothing in the language of Article 312, he pointed out, "takes away the usual power of delegation, which usually resides in the legislature." The phrase "Parliament may by law provide" in Article 312 should not be interpreted to suggest that laws adopted in accordance with that provision do not allow for delegation. Since there are no limitations in England, the parliament, which is sovereign, may assign any number of powers. However, unlike India, the Congress in America does not have unrestricted and limitless delegation powers. The Supreme Court of the United States ruled in Panama Refining Co. v. Rayans that the Executive can receive legislative powers from the Congress as long as it sets the policies and standards and leaves the creation of supplemental rules within the established parameters to the administrative authorities. 4 The definition of law in Art. 13 (3) includes all ordinances, orders, bylaws, rules, regulations, and notifications with legal effect. In Sikkim v. Surendra Sharma (1994) 5 SCC 282, it was decided that subordinate law is included in the phrase "All Laws in Force" included in subclause (k) of Article 371 F. According to Salmond, a law is everything that originates from a source other than the sovereign power and is thus reliant on a higher power in order to be legitimate and operative.

Causes of Delegated Legislation's Growth Increase in Administrative Process the majority of legislation is created by administrators.It is impossible to pass laws or expand the contemporary welfare and service state. 365 days may not be enough for the kind and calibre of work necessary, and if the parliament is overworked, it won't be able to produce great laws. Additionally, it is preoccupied with crucial policy issues and seldom ever has time to talk about specifics.The executive may improvise more effectively when filling in the specifics of the law after consulting with specialists or using its own knowledge of the local

circumstances. Due to the complexity of a contemporary government, legislation has also become more technical.Flexibility is required: The traditional legislative procedure is constrained by a lack of innovation. If a change is necessary, a statute may be repeated by parliament itself; otherwise, administrative rulemaking is the sole option in between two sessions.

Meeting Emergency Situations serves as a crisis buffer in case crisis legislation is required.When the government has to use its discretion to carry out policy goals, administrative agencies with rulemaking authority are necessary.Delegated law only allows for indirect involvement of the governed.

Control on delegated legislation

Normally, the legislature is tasked with creating laws, but due to the complicated and demanding nature of modern society, the State often finds itself juggling several tasks at once, making it difficult to focus and thoroughly study one issue, which can result in delegated legislation or the delegation of some of its legislative authority to administrative bodies. The administrative authorities, however, are firmly subservient to the provisions of the delegation law and are subject to court review if they breach the terms of the agreement. Additionally, the legitimacy of their actions may be assessed.Delegated legislation has become a necessary evil because the issues that are currently brought before the legislature to be turned into laws are extremely technical and typically the legislators lack such specialised knowledge. As a result, they set forth the general principles (basic ideas/rules) and leave the technical details to the administration to work out through the process of delegated legislation. It adds flexibility and is very practical in emergency situations.To ensure that control is maintained, the legislature should expressly define the scope of the authority granted. The delegation must operate in accordance with the terms of the agreement reached between them and the legislature. The public should be permitted to engage, and it should be transparent. For the delegated laws to operate correctly and in accordance with the law, judicial review is essential[5], [6].

Political Direction

The Minister have the authority to lead, govern, and supervise. He has complete control over how to run and lead his Department. The Department's divisions and branches are all under his writ. He establishes the rule and considers its application. He gives instructions to departmental representatives. No significant choice should be made without first consulting him. He may consolidate all power in his own hands and make the Secretary into a symbol. him has the authority to request any and all files and to give the order that only him may take action on a certain kind of case. He is permitted to go about the Department and see how it operates. He may provide directives to reduce inefficiency and bureaucracy.He may adjust how the job is distributed and move the officials from one branch to another. In essence, he provides overall oversight, control, and direction to the authorities. In other words, he is directly and alone answerable to the departmental staff.

It should be mentioned, however, that in reality, ministers do not always rule over civil officials; rather, they often take the initiative and make decisions. Given their expertise, civil employees have a significant impact on how policies are developed and carried out by ministers.It should be emphasised that a minister's level of authority over his department depends on his political standing. A minister can successfully deal with bureaucracy if he has the Prime Minister's complete support and a solid basis within the party. But his ability to influence the government may be limited if he is politically passive.A powerful prime minister could treat a ministry like a simple non-entity. As a result, a minister's ability to manage the executive branch rests not only on the legal and constitutional framework of the nation, but also on his political clout.

Budgetary System

The executive has an effective method of controlling administration thanks to the budgetary system, which establishes the total financial and human resources that no department is allowed to exceed. The government worker must adhere to the fiscal constraints.Without the required approval from the higher authorities, he is not allowed to spend any money.The funds must be used in accordance with the laws of finance. It is required to keep accurate records that can be audited. An efficient budgeting system puts the executive in continual supervision of the administration.

Executive Legislation

'Delegated Legislation' is the word for the executive's use of the legislative authority.The Executive is given the authority to add specifics after the Legislature adopts an Act in outline form. The executive's regulations have the same legal standing as laws.In contemporary social welfare nations, the administrative lawmaking process has a very broad reach. The power of the various departmental officers is established by these administrative regulations.Executive oversight of the administration is ongoing and consistent. Executive controls are crucial for the effective creation and implementation of standards and safeguards in the actual running of substantive departments, according to Prof. Nigro. They continuously and positively advise the government. They constantly keep the administration on guard.According to Prof. Nigro, executive controls are constructive and corrective rather than coercive or negative. "In my opinion, the closest and most influential form of control is that of executive agencies of the auxiliary type," he adds. Because they will be operational long before a possible wrong is done, I must take the heretical position that strong budget staff and a good personnel office will do more to protect the rights of the people than a good court[7], [8].

Parliamentary Control over Public Administration

Control of the administration by the legislature is crucial in all systems, whether they are parliamentary or presidential. It is crucial in parliamentary systems like those in India or the United Kingdom since the legislature is the source of all governmental operations. The obligation of the executive to the legislative is the fundamental tenet of the parliamentary system. Therefore, the administration cannot afford to act carelessly. It must accept responsibility for each and every action taken by its employees. Thus, administration's accountability is indirect since it is carried out by the executive. The official cannot be summoned to the House floor to defend his actions. The Minister is in charge of overseeing his department's administrative actions. He is required to resign from office if he is unable to appease Parliament. Due to the communal nature of ministerial duty under a parliamentary system, the whole ministry may sometimes have to resign from its position. As a result, we discover that the legislative has indirect authority over administration, i.e., via the executive[9], [10].

Importance of Administrative Tribunal

The reasons why special tribunals are receiving more adjudication authority from parliament than from ordinary courts can be interpreted in two ways: positively, as evidence of the special tribunals' superior suitability, or negatively, as evidence of the inadequacy of the ordinary courts for the particular type of work required. Because of the necessity to move away from the extremely individualistic norms established by the courts and towards new public law standards based on moral and social values, administrative decision-making has expanded. The Supreme Court has said that allowing such technical issues to be decided by the court is equivalent to entrusting surgery to a barber and medicine to an astrologer due to their limitations. The aim to provide a system of adjudication that was informal, affordable,

and quick was an even more significant practical motivation for the creation of tribunals. Litigation in a court of law is a luxury reserved for the wealthy since it takes so much time.The fact that the legislature is increasingly creating tribunals could be due to the fact that the regular courts are already overworked, their costs are prohibitive, and questions arising from social or industrial legislation are better decided by individuals with in-depth knowledge of how that Act operates. As a result, the government has adopted expansive and ambitious programmes for social security, transportation, agriculture, industrialization, and national help. Due to the law courts' extremely personal and ceremonial attitude, it is hard to implement these programmes and answer the legal issues raised by them.

Without an internal decision-making process, no intense form of governance can operate. Administrative courts will thus always be used to make administrative decisions. The following issues may be decided by the Administrative Tribunal collecting and enforcing any taxes; foreign exchange; import and export across customs borders; labour disputes; land reforms by way of the State acquiring any estate as defined in Article 31A or of any rights therein; extinguishing or altering any such rights; putting a cap on agricultural land; or in any other way; putting a cap on urban property; elections to either House of Parliament or the House or either House of the L[11], [12].

CONCLUSION

He has also noted that "No legislative body may assign the power, either generally or particularly, to pass laws to another department of the government, to any other authority. The existence of its own capabilities serves as the basis for this. This great prerogative has been given to its own knowledge, judgement, and patriotism, not those of other people, and if it attempts to outsource the trust instead of carrying it out, it will be acting outside of its authority. The reality is that this has been a widespread practise followed in all contemporary democratic nations, despite the fact that such positions do raise concerns about the legitimacy of giving the authority to legislate by higher legislative bodies to the lower ones. Delegated law has many different features, thus it's crucial to first grasp what it means.

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CHAPTER 6
MAJOR CHALLENGES TO MANAGE INDIAN ADMINISTRATION

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ABSTRACT:

When Gabriel Almond and Sydney Verba released "The Civic Culture," a groundbreaking book that helped pave the way for subsequent works, the term "Administrative Culture" was born. The term "culture" relates to a person's norms, attitudes, beliefs, perceptions, interpretation, and actions.Similar to personal culture, administrative culture consists of values, beliefs, attitudes, etc. that influence how an organisation acts and behaves. It alludes to the manner in which authorities conduct themselves.Management is influenced by culture. The environment or location in which it functions has an impact on it. It grows certain traits under various settings. A comparison of the architecture and duties of public administration in various nations demonstrates that although formal organisations have certain similarities, their informal and behavioural patterns vary significantly. Fred W. Riggs divided social structures into three categoriesfused, prismatic, and diffractedand described the distinctive administrative characteristics of each on the basis of these differences. His study of prismatic society places a lot of emphasis on how the environment affects organizational structures.In India, serving the public is often considered to be a great and noble vocation. There is no greater service than that of the sovereign state; it is service in the cause of the country.

KEYWORDS:

Administrative System, Interpretation, Political Structure, Perceptions.

INTRODUCTION

Political structure has a direct impact on administration. The kind of administrative system depends on the political system. For instance, the political system of India was centralised, exploitative, oppressive, and authoritarian during the British government.As a result, administration followed the same pattern. However, after gaining independence, the political system changed to be decentralised, democratic, people-centered, and welfare-oriented. As a result, administration also changed. Political system therefore affects administrative system.The political system is also impacted by administration. It aids in the creation of governmental plans and policies. The administrators provide the ministers various sorts of data, information, knowledge, ideas, comments, etc., based on which realistic programmes and policies are formulated by them. Thus, administration and political systemimpact each other.

Administration and Economic Environment

The economic environment has an impact on administration. Administrators, for instance, are not able to properly administer governmental programmes and policies in a nation with low economic resources. However, a developed country's government can effectively execute programmes and policies due to the wealth of resources. Additionally, the administrative scope will be greater in a closed economy than it would in an open economy since private parties are the main participants in the latter. Therefore, the administration is impacted by the economy.In a similar vein, administration may have an impact on the economy by helping to establish different economic plans and strategies. Additionally, growth and development will occur with competent administration, which will benefit the economy as a whole. Administration and the economy are so interrelated[1], [2].

Administration and Socio-Cultural Environment

The administration is impacted by the sociocultural context. Casteism, nepotism, favouritism, corruption, and other social problems abound. As a result, these conditions also affect administrators. It is mostly due to the administrators' need to function in society. As a result, they suffer from all of these societal ills. The creation of policies to reduce social ills is another way that administration may have an impact on the social environment. Administration and the social environment so influence one another. The debate that has come before makes it abundantly evident that the administration both impacts and is impacted by the environment in which it functions. To put it another way, administration and its ecosystem are mutually dependent. As a result, administrative culture must be harmonious with its surroundings. Therefore, it is impossible to support and maintain the administrative culture in place in Independent India during the time of British Rule. Consequently, organizational culture is dynamic. Administrative culture is always evolving, much as society as a whole. Public bureaucracy is the administrative culture's goal or objective. The bureaucracy is an interconnected network of coherent, well-organized, and compact individuals. It is a tool or weapon used by the government to implement plans and strategies for the whole development of the nation. Third international Countries (TWCs) first appeared on the international political map after the decolonization process. Many socioeconomic issues, like hunger, poverty, unemployment, illiteracy, inequality, etc., plagued these developing nations, including India. Bureaucracy bore a large portion of the burden for reducing these issues. As a result, it gathered enormous power. However, as broad powers were being used, the bureaucracy began to neglect the interests of the people[3], [4].

DISCUSSION

Understanding India's history is necessary to comprehend the emergence of corruption in India as well as its impact on society as a whole. India is a developing nation. After 200 years of British occupation, it attained independence in 1947. The British arrived in India via the East India Company, and throughout the years they realised that India was neither a single geographical entity nor a single culture. An already varied area was further polarised by the combined effects of a change in emphasis from trade to territory and from business to political and military power, both of which were plagued with private shareholder corruption. The tens of thousands of little kingdoms that made up the territory of Bharat (India) weakened and grew increasingly corrupt over time, thus spreading the corruption virus across India. After losing its capacity and might in the Second World War, the British Empire departed India in 1947.

Jawaharlal Nehru, India's first prime minister, took control of the government. He strategically chose to embrace a policy of total Western isolation in order to entirely remove Western influence. method that is socialist in terms of the economics. Over the following 50 years, there was excruciatingly sluggish economic progress. Reduced economic prospects were the effect of tighter governmental regulations. Population growth, poor per capita income, and a sluggish GDP all contributed to the almost hyperinflationary situation. Low pay for public employees (such as bureaucrats and police), a bloated regulatory structure, convoluted tax and licencing laws, a secretive bureaucracy, a lack of opportunities, unchecked authority, a monopoly by the government, and an outdated legal system with opaque laws and procedures all served to exacerbate an already flawed and corrupt system. India has placed in the middle of the pack (90th out of 180) since 2005 on Transparency International's perception of corruption index table. The exploitation of public resources for personal advantage is one of the corruption-related activities in India. These activities have varied from theft of public funds to abuse of authority (including bribery).

Increased globalisation, improved access to international media and reporting, and the efforts of groups like Transparency International have all contributed to the ongoing exposure of corruption. The recruiting procedures, measuring, and recording in the civil supplies departments, as well as the property tax assessments, persisted in many areas of government even as India's position was gradually improving.The Comptroller and Auditor General of India's studies have frequently shown that the areas with the highest degrees of corruption include those dealing with licencing and permit agencies, public works, and customs.The Prevention of Corruption Act was implemented in 1964 with an emphasis on top officials thanks to the establishment of the Central Vigilance Commission. The commission's powers and purpose have grown over time to make it more effective, but bureaucracy continues to be its primary concern rather than politics. India was almost bankrupt and heavily in debt in 1992, and the nation was compelled to liberalise its economy as a result of pressure from the World Bank. The events that transpired after that are legendary. Even though India as a country is just 70 years old and the notion of it dates back 500 years, its economy is only 25 years old. In this little time, India's GDP grew, it created hundreds of billionaires, and it carved out a place for itself as a software supplier to the globe. Sadly, the route of liberalisation and the associated wealth did not rid India of corruption; instead, they fed the flames. Every year, truckers in India pay bribes totaling billions of rupees. Business in India is made more challenging by bureaucrats in dominant positions who impose onerous compliance standards that are either impossible or very difficult to meet. Tax authorities look for innovative methods to profit from the wealthier taxpayers, who then devise inventive ways to avoid paying taxes. Corrupt politicians and businessmen banded together to sway public opinion via the ownership of media outlets. The Commonwealth Games and Agusta Westland scandals, as well as many accusations and arrests involving politicians and representatives from the agricultural, telecom, and coal sectors, were what transpired during the next two decades[5], [6].

First steps against corruption

The spark that enlightened the way to meaningful change is often attributed to a single person or event, as is the case with many revolutions. The Jan Lokpal Bill (Citizen's Ombudsman Bill) was introduced in response to the countrywide anti-corruption campaign that was sparked by social activist Kisan Baburao "Anna" Hazare's hunger strike in 2011.Despite not being very groundbreaking in the conventional sense, many people would consider the 2014 election of When Narendra Modi became prime minister, a lot of things changed. Many experts were surprised by the Bharatiya Janata Party's victory in the general election, which saw it win 282 seats while ousting the Indian National Congress, the country's longest-running political party. Analysts have hypothesised that this triumph was due, among other things, to the Hazare movement itself, as well as to the popularity of Modi and the decline in support for the Congress brought on by the corruption scandals during its previous term.

Despite the adage that "absolute power corrupts absolutely," the greatest democracy in the world just elected a new leader, a new party, and fresh faces, raising expectations for a more open future.After a successful tenure as a state chief minister in Gujarat, where he is from, Modi won praise for his policies supporting economic development and his fight against corruption. The bureaucracy received his initial attention, and as a result, employees began showing up for work on time.In 2016, Modi accomplished the unimaginable and carried out a deed that amounted to deploying a brahmastra, which in ancient Sanskrit texts was a weapon of destruction. He replaced the 500 and 1,000 rupee notes that had been demonetised with new ones. Citizens have 40 days to deposit whatever cash they may have into their banks. These denominations represented about 90% of the money in use in India. If the currency being deposited was missing from their records, they were required to report it and pay taxes and penalties totaling 50% of the amount. If there was no declaration, fines of up to 90% and

additional fees would be imposed. The agony of demonetization was severe, and individuals immediately embraced digital transactions while battling for money. This could significantly affect future government tax collections and provide the ability to write off deficits[7], [8].

Lok Pal and Lok Ayuktha

Perhaps only now has the country begun to pay attention to India's efforts to create a Lokpal agency that would serve as an anti-corruption watchdog. But since 1968, parliament has made eight unsuccessful efforts to adopt a Lokpal law, each time with a different form.The fourth Lok Sabha first heard the measure in 1968, and it was approved in 1969. The bill, however, died for the first time when the house was disbanded.In 1971, 1977, 1985, 1989, 1996, 1998, and 2001, the law was resurrected, but it was never passed. The United Progressive Alliance (UPA) administration, which is governed by the Congress, promised to pass the law as soon as possible in September 2004. To eventually persuade the government to work on the Lokpal bill and introduce it to parliament, Anna Hazare and his allies had to organise a large-scale protest in April of this year.

His current fast, which Friday reached its eleventh day, has given the matter more traction. The ninth iteration of the proposed law was just tabled in the Lok Sabha on August 4. It has been referred to a standing committee of the legislature, and the outcome will be decided by the legislature. The measure has been discussed in parliament seven times, starting with Indira Gandhi, between 1968 and 2011. Only three of themV.P. Singh, H.D. Deve Gowda, and Atal Bihari Vajpayee accepted the idea of having prime ministers subject to the law's restrictions.None of these eight measures, however, included the judiciary in their scope. "In 1963, when lawmakers were debating how much money to provide the legal sector, the concept of an ombudsman was raised for the first time. According to PRS Legislative Research, the first administrative reforms committee in 1966 advocated creating two independent agencies at the federal and state levels to investigate complaints against public employees, including MPs.

When Indira Gandhi was prime minister in May 1968, the house first learned about Lokpal. The prime minister and MPs were not included in the scope of the Lokpal and Lokayuktas Bill, 1968.The 1969 bill never became a law because the fourth Lok Sabha was dissolved before it could be implemented. When the measure was reintroduced into parliament in August 1971, Indira Gandhi was still serving as prime minister. The 1971 law expired when the fifth Lok Sabha was dissolved and was never submitted to any committee. The Janata Party, led by Morarji Desai, made a third try. The prime minister was not included in the measure that was introduced to parliament in July 1977, although it did permit the inclusion of MPs.

The measure was examined and recommended by a joint select committee, however the sixth Lok Sabha was dissolved shortly after. In 1985, when Rajiv Gandhi was the prime minister, the Lok Sabha once again debated the measure before referring it to a joint select committee. Later, the administration withdrew the measure. The Lokpal Bill was introduced in the ninth Lok Sabha by the administration of V.P. Singh, and it was referred to a parliamentary standing committee in 1989. But since the Lok Sabha was dissolved, the bill expired. Once again, the measure was tabled in 1996 by the Deve Gowda-led Third Front government, and in 1997 the parliamentary standing committee recommended modifications. Following the dissolution of the Lok Sabha, the bill expired once again. The bill was twice proposed by the National Democratic Alliance administration of Atal Behari Vajpayee, first in the 12th Lok Sabha and again in the 13th Lok Sabha.

The 12th Lok Sabha also experienced the same fate before the bill could be approved, even though it was dissolved before the government could express its opinion on the recommendations of the parliamentary standing committee. Finally, on December 18, 2013,

the Lok Sabha passed the bill, and on December 17, 2013, the Rajya Sabha did the same. The central governing body, or "Lokpal," has authority over all members of parliament and workers of the central government in cases of corruption. The "Lokayukta," in contrast, performs state-level duties while being comparable to the Lokpal. The 'Lokpal' has a national government level base, whereas the 'Lokayukta' has a state level base. The primary duty is to respond to allegations of corruption, to conduct inquiries, investigations, and trials for the cases against the various state and federal governments with the goal of reducing corruption in both[9], [10].

Public documents for social audit

    a. The public must have access to all budget allocations, beneficiary lists, muster rolls, invoices, vouchers, accounts, etc.

    b. Each application for a certificate or licence granted by a local self-government organisation must include a serial number. Any applicant should have access to registers reflecting the date of application and the date of clearance in each instance. Copies should, if feasible, be exhibited in public.

    c. Public evaluation of taxes, exemptions, grants, etc. to make sure no claims of unfair preferential treatment are made.

All Gramme Panchayat plan papers pertaining to beneficiary selection, budget cost estimations, etc. have been deemed public records in a number of states. A daily notice that includes information on employees' identities, wages, material costs and quantities, transportation costs, etc., must be put at the location of all construction projects.The Gramme Sabha is the most appropriate institutional level for social audit because it has 'watchdog' powers and responsibilities under most States' Panchayati Raj Acts to oversee and monitor the performance of elected panchayat officials and government functionaries as well as to review the annual statement of accounts and audit reports. These are implicit rights that provide Gramme Sabhas the ability to do social audits in addition to their other duties. Through their representatives, members of the Gramme Sabha, village, intermediate, and district panchayats may bring up matters of social concern and public interest and request an answer.

The Gramme Sabha should be given the authority to: scrutinise all public documents related to budget allocations, beneficiary lists, assistance under each scheme, muster rolls, bills, vouchers, accounts, etc.; review annual statements of accounts and audit reports; discuss the report on the local administration of the previous year; examine local development for the year or any new activity programme; and determine accountability for officials found to have violated the law.

Right to information Act 2005

Formal censorship without a right to know was a widespread practise in most governments up to the 20th century. Autocrats routinely jailed critics, shut down the system, exiled writers, and restricted both written and visual works of art. The fight against licencing laws in Great Britain in the 17th century, the American Bill of Rights, and the French Declaration of Human Rights all expanded the definition of freedom in a way that encouraged new spheres of independent expression and thought, not just in Europe in the 19th and early 20th centuries but also in other parts of the world. One of the most essential of all liberties is the ability to express oneself freely. Although ranking one freedom over another has doubtful merit, freedom of speech is a fundamental tenet of democracy. It is a fundamental freedom without which democracy is impossible. The phrase includes not just freedom of the press and speech but also freedom of the mind, of culture, and of inquiry. Everyone has the right to speak and write freely without intervention from the government, including the freedom to criticise injustices, unlawful behaviour, and ineptitude. It protects the right to information, the right to

educate the public, the right to voice any viewpoints, the right to advocate for change, the right to provide the voice of the minority to be heard so that they might become the majority, and the right to verbally resist the emergence of state tyranny.

The Right to Information Act, which was passed in 2005, has ushered in a new age that would eventually lead to the growth of participatory democracy. It has sparked discussions among those who care about the public good, NGOs, academics, and the general public. The Indian Constitution implicitly includes the right to information as one of the essential rights that are protected. The foundation of the right to information is said to be found in Article 19(1)(a), which deals with freedom of speech and expression. In order for democracy to function, the people must act as a sovereign power. In his renowned Gettysburg Address, Abraham Lincoln said that "democracy is government of the people, for the people, and by the people." In this respect, Dr. Ambedkar said in the Lok Sabha during the Constitutional Assembly Debate that the people are sick of the idea of rule by the people and for the people. This hypothesis can only be realised by a well-informed populace. Articles 23 and 25 of the 1948 Universal Declaration of Human Rights as well as Parts III and IV of the Indian Constitution serve as the philosophical foundations of democracy. In this sense, the constitutional protections for freedom of speech and expression include the right to knowledge. Due to this right's derived and implied presence under the Constitution, its explicit exercise was not conceivable. This made it easier to pass the necessary laws so that the people may exercise their legal rights.

As a result, there was an urgent need for explicit laws to provide people access to information as a matter of right and to foster an environment and culture supporting such access. The same message was repeated in Justice Mathew's legal analysis in Kesavananda Bharati v. State of Kerala1, which was stated in such bold words as: "Fundamental rights themselves have no fixed content; most of them are empty vessels into which each generation must pour its content in light of its experience.

It wasn't until 2005 that information stored by a public body may be accessed. Lack of knowledge prevented someone from achieving their socioeconomic goals since they were unable to engage in discussions or challenge authority figures' decisions, even if they were injuring them. The Official Secret Act of 1923, a holdover from colonial control, served to keep everything secret. The general public has no legal right to know about governmental spending or policy. It was rather paradoxical that those who helped finance the enormous expenditures of public operations and helped elect those who made policy were refused access to the pertinent information. The culture of secrecy led to a rapid rise in corruption. Abuse of authority and dishonest use of public funds were common due to the public authorities' lack of accountability and the lack of transparency in how the government operated. When this occurs, the general people and different NGOs sought more access to the data that was in the public domain. The RTI Act of 2005 was passed by the government in response to their request[11], [12].

Origin of Right to Information

Global Perspective The awareness, analysis, and contextualization of the numerous cultures that shape global events have seen major advancements and paradigm changes in the globe of the twenty-first century. RTI, the topic of this discussion, is nothing brand-new. In reality, there is a lengthy history of public mobilisation for the advancement of this right at the worldwide level. This subject gained attention as human aspirations advanced and democratic governments were established in the majority of civilised nations. This freedom to participate in their systems was recognised by several regional and international organisations.Constitutional provisions that support India's right to information The idea of natural law and natural rights is the source of the inclusion of basic rights as enforceable

rights in contemporary constitutional texts as well as in the widely acknowledged charter of human rights. During the national revolution in India, independence fighters made a promise to the populace that they would provide them their inherent rights as basic rights via the "Suprema lex," or Constitution. These basic rights are comparable to those enunciated by the United Nations in 194814. In Chairman, Railway Board v. Chandrima Das15, the Supreme Court said that "the applicability of Universal Declaration of Human Rights and principals thereof may have to be read, it needs to, into the domestic jurisprudence." It chronicles the occasions that sped up the adoption of the 2005 Act, giving our nation's people a crucial tool to guarantee openness in governmental operations. Rights are the interests that the law recognises and defends. If a country's Constitution adopts a right, its sanctity is increased. Constitutional principles are the only means by which freedom of all kinds may be ensured in the Indian environment, where the general populace has been neglected for ages. Information plays a crucial part in empowering the populace by educating them.

However, in a developing nation like India, where the bulk of the populace is uneducated and illiterate and unaware of their rights, accessing information is a difficult effort. People are often reluctant to be empowered by excessive red tape and bureaucratic dominance.Additionally, the colonial history, which was rife with secrecy policies, still looms over the institution.By granting them a number of essential rights in Part III, the Indian Constitution serves to defend the general populace in this situation. It is difficult to violate these basic rights without following the legal processes, which must adhere to the Constitution's spirit.Similar to this, RTI is a constitutional right enshrined in Article 19(1)(a) of the constitution. The Government of India Act, 1935, is the main pillar on which the Indian Constitution is built, even if it contains elements from other notable democracies. As a result, the system of administration still has numerous remnants from the past that impede the free flow of information to the populace.

The constitution does not specifically mention the right to information. It is a result of Article 19(1)(a). It is thus implicitly included into the constitutional structure. However, the court has explicitly considered RTI to be a logical corollary of Article 19 (1) (a) in a number of significant decisions. Now, let's look at some significant examples that RTI has been elevated to the level of a constitutional right as a result of the learned judges' legal analysis. Article 19 (1) (a), the cornerstone of democracy, has been sculpted by judicial intervention. After careful consideration, it can be said with confidence that the trend towards the constitutional realization of RTI began with the Hamdard Dawakhana v. Union of India decision. In Bennett Coleman v. Union of India18, when it concluded that the Newsprint Control Order of 1972-1973 issued under the Essential Commodities Act, 1955, was a violation of Article 19 (1) (a) of the constitution, the Supreme Court for the first time deemed RTI to be a component of that provision. In the majority judgement, Ray, CJ said, "It is clear that the right of all people to talk, publish, and express their opinions is implied by freedom of the press. The right of the public to read is embodied by press freedom. 'Right of the people to read' in this context refers to the freedom of information for readers.

The right to information was a topic covered by the top court in Dinesh Trivedi v. Union of India.In highlighting the significance of this freedom, the Court stated: "Sunlight is the best disinfectant. Democracy expects openness, and openness is concomitant with a free society." In this case, the Supreme Court reiterated the significance of open government in a participatory democracy while debating the issues surrounding the revelation of the Vohra Committee Report.The court said that it is "axiomatic that citizens have a right to know about the affairs of the government that, having been elected by them, seeks to formulate sound policies of governance aimed at their welfare" in contemporary constitutional democracies. The State of U.P. v. Raj Narain case provided the clearest argument in this respect, as Justice K. K. Mathew stressed that in a "government of responsibility like ours where all the agents

of the public must be responsible for their conduct, there can be but a few secrets." The citizens of our nation have a right to know about every public act and all that public officials conduct in a public manner. The case's circumstances were that Raj Narain, who contested the legitimacy of Mrs. Gandhi's election, demanded the release of Blue Books that detailed the Prime Minister's trip itinerary and security precautions. Even though the revelation was prohibited, Mathew, J. maintained that the country's citizens had a right to know the specifics of every public transaction in all of its hearings.The Supreme Court of India's decision to grant RTI constitutional standing in S. P. Gupta v. Union of India was a significant legal advance. The issue in this case centred once more on the government of India's assertion of privilege regarding the disclosure of specific documents, including correspondence between the chief justice of India and the chief justice of the Delhi High Court in relation to the confirmation of Justice Kumar, who was a second judge on the Delhi High Court. In his judgement, Justice Bhagwati expressed his opinion that the idea of open government derives directly from the right to know, which seems to be implied in the freedom of speech and expression protected by Article 19(1)(a) of the Constitution. The learned Judge concluded that access to information, often known as RTI, is crucial for a functioning democratic way of life. Therefore, it is essential that transparency about government operations be the norm, with concealment only being justifiable under the tightest conditions of the public interest.Article 19 (1) (a) is not the only place where the RTI may be tracked. There are also certain additional laws that provide interested parties the ability to acquire or get information in one manner or another. Every individual who is arrested has the right to know the reasons for their custody, according to Article 22 (1) of the Indian Constitution. A government employee has the right to know the reasons for his or her dismissal, removal, or rank reduction, as well as the chance to make a case against the planned action, according to Article 311(2) of the Constitution. The scope of RTI has grown to the point that the Supreme Court has declared it to be an outgrowth of Article 21 of the Indian Constitution[13], [14].

CONCLUSION

Most of the people who join it feel a fundamental commitment to the principles of public service; others acquire such a commitment after working in the government for some time. People who join it do not expect becoming wealthy and famous. No manager runs their business in a hoover. As one is greatly impacted by the present cultural environment, which includes both the culture specific to the organisation and the values, beliefs, and attitudes that are widespread in society. In its simplest form, culture is a pattern of beliefs and actions that endures through time and becomes institutionalised. There are several agrarian, industrial, and transitory societies with varied model bureaucracies as a result of these patterns. India's administrative culture, like that of many other Third World countries, is based on two fundamental pillars: colonial legacy and traditional traditions.8 These two have significantly influenced the nature of the dominant administrative culture in these nations. Three components, namely the administrative personality, the period, and the circumstance, result in the administrative culture. The following variables are closely related to a nation's administrative culture.

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CHAPTER 7
PREAMBLE AND THE SALIENT FEATURES OF THE CONSTITUTION OF INDIA

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ABSTRACT:

A Constituent Assembly drafted the Indian Constitution. This Assembly was a body that was chosen via proxy. It had outlined certain ideas that should be included into the Constitution.These values included a dedication to democracy and a promise of justice, equality, and freedom to all Indians. India would be a Sovereign Democratic Republic, it had also said.The Preamble opens the Indian Constitution.The Constitution's aims, goals, and fundamental precepts are stated in the Preamble. These goals, which follow from the Preamble, have influenced both directly and indirectly the key elements of the Constitution.You will study about the Constitution's framing, its political philosophy as expressed in the Preamble, and its key elements in this lesson.

KEYWORDS:

Assembly, Constitution,Opposing Ideologies, Modern State.

INTRODUCTION

The modern state is seen as a state that prioritises the wellbeing of its citizens. Therefore, it is recommended that it have a government of a certain kind with adequate authority and responsibilities. A constitution is a written set of laws and regulations that establishes and describes the structure of the government as well as the relationship between the people and the government.As a result, a constitution is concerned with two key issues: the relationship between the various levels of government and the citizenry.The primary fundamental law of a State is its constitution. It outlines the goals that the State must accomplish. Additionally, it provides for the various structures and organs of the governments at various levels, or the constitutional framework. It also outlines the obligations and rights of citizens. As a result, it is seen as the foundation for the nation's government in terms of its aims and objectives as well as its structures and activities. Constitutional Assemblythe Constituent Assembly drafted the Indian Constitution. In 1946, the Assembly was established.

The participants in the currently-existing Provincial Assemblies indirectly chose the members of the Constituent Assembly. Additionally, there were those who were proposed by the princely state leaders. With India's independence, the Constituent Assembly gained complete authority.Following the country's 1947 division, the Constituent Assembly had 299 members as of December 31, 1947. Of these, 229 members were chosen by the provincial legislatures, while the other members were proposed by the princely state heads of state. The Congress party was represented by the majority of the members of the Constituent Assembly. The Assembly included all of the movement's most significant leaders[1], [2].

DISCUSSION

The backdrop of the constitution of independent India included almost 200 years of colonial control, a broad-based liberation fight, the national movement, the country's division, and the growth of communal violence. The Constitution's creators were thus concerned with the ambitions of the populace, the integrity and unity of the nation, and the development of a democratic society. There were some members that had opposing ideologies within the

group. However, nothing could stand in the way of the Assembly's work since all of these members had liberal views. Some were oriented towards communist ideals, while others held Gandhian beliefs. Their primary goal was to create a "Constitution" for India that would reflect the people's most valued beliefs and values.Conscious attempts were made to reach agreement on many problems and guiding concepts in order to prevent dispute. The 'Objectives Resolution', introduced by Jawahar Lal Nehru in the Constituent Assembly on December 17, 1946, was accepted with almost universal support on January 22, 1947. By November 26, 1949, the Assembly had finished its work in light of these "Objectives." Beginning on January 26, 1950, the constitution came into force. India became a Republic as of that day. The Lahore session of the Congress resolved on Dec. 31, 1929, exactly twenty years before the first Independence Day was observed on Jan. 26, 1930. Consequently, it was agreed to put the constitution into effect on January 26, 1950[3], [4].

Justice, Liberty and Equality

Libertarian and Equal

The fight for independence wasn't only against British control; it was also meant to usher in a time when men and women's dignity would be restored, poverty would be eradicated, and all forms of exploitation would come to an end. The founders of the Indian Constitution placed a high focus on the clauses that ensure Justice, Liberty, and Equality for all of its residents due to such compelling causes and treasured principles.

Justice

Justice guarantees that individuals will get their due in terms of their fundamental rights to shelter, clothes, food, and the ability to participate in the political process and live in dignity as human beings. All of these aspects of justice—social, economic, and political—are included in the Preamble.In addition, political justice is granted in the form of representative democracy or the right to vote for everyone. Socioeconomic justice will be covered in the next courses.

Liberty

The Preamble also makes reference to the freedom of speech and ideas. The Fundamental Rights have been used by the Constitution to safeguard these liberties. Despite the fact that the Fundamental Rights do not include a guarantee of freedom from want, the Directive Principles do provide certain instructions for the State.

Equality

The foundation of contemporary democratic thought, according to some, is equality. The Preamble of the Constitution was proudly written with the principles of equality in mind. All forms of inequality, whether they were founded on the idea of rulers and the ruled, caste, or gender, were to be eradicated. Without any discrimination based on caste, creed, birth, religion, sex, or other factors, all Indian people should be treated equally and given equal protection of the law.Equal opportunity indicates that everyone has the same possibility to develop their abilities and pick a means of sustaining their living, regardless of the socioeconomic circumstances into which they are born[5], [6].

Sovereign, Socialist, Secular, Democratic Republic

Sovereign

One of the most important components of every autonomous State is sovereignty. It denotes complete independence, i.e., a government free from any foreign or internal influence. A nation must be sovereign in order to have its own constitution. India is an independent nation.

It is not subject to outside control. It may define its own policies. It is up to India to decide on its own foreign policy.

Socialist

The Preamble of the Constitution did not originally include the term socialist. In the Preamble of the Constitution's 42nd Amendment from 1976, the words "Socialist" and "Secular" were added. 'Socialism' has been mentioned in relation to monetary planning. It denotes a significant function in the economy. It also indicates a dedication to achieving principles like eliminating inequities, providing everyone with the bare requirements, and ensuring equal compensation for equal effort.You may observe how the Constitution incorporates and partially enacts these objectives when you read about the Directive Principles of the State Policy.

Secular

In reference to India's secularism, it is argued that the country is "neither religious, irreligious, nor anti-religious." What does this therefore suggest? It suggests that there won't be a "State" religion in India since the 'State' won't finance any specific religion with tax dollars. This has two implications: a) Every person is free to practise and believe in any religion they choose, and b) The state will not discriminate against anyone or any group based on their religion.

Democratic Republic

The Preamble to the Constitution makes clear that the Constitution belongs to the people of India. We now adopt, enact, and give to ourselves this Constitution, as stated in the Preamble. In reality, this resonant last sentence of the Preamble sets out the democratic values of the nation. Government of, by, and for the people is a common definition of democracy. This effectively implies that the people elect the government, and that they hold it accountable and responsible. The requirements for universal adult voting, elections, basic rights, and accountable governance serve to showcase democratic ideas. You will read them in next classes.India is recognised as a Republic in the Preamble as well. It indicates that the President, who is indirectly elected and not a hereditary monarch like the British Monarch, is the official head of state. You may read in full about the election of the Indian President in the Union Executive chapter[7], [8].

Salient Features of the Constitution

You have already read about the Indian Constitution's Preamble. You will learn about the key elements of the Indian Constitution that both directly and indirectly flow from the Preamble in the lines that follow, demonstrating the founders' belief in the principles, purposes, and goals outlined in our Constitution.A Constitution in writingMost of the Indian Constitution is written down. A written constitution is created at a certain moment and is adopted as a legal document on a specific date. As you have previously read, our constitution took two years, eleven months, and eighteen days to write. It was approved on November 26, 1949, and it went into effect on January 26, 1950.Over time, a few norms that have proven helpful in the functioning of the constitution have progressively emerged. An example of an unwritten constitution is the British Constitution. Although a written constitution is "mainly" an enacted document, there may be other groups or institutions that are crucial to government but are not included in the text. The Planning Commission might be brought up in Indian context. It is a crucial organisation for the planning and growth of the nation. The planning commission, however, was established in March 1950 without a Parliamentary Act or as a provision of the Indian Constitution. A cabinet resolution created it. The longest constitution in the world is that of India. The US Constitution only comprises 7 Articles, compared to the original 395 Articles and 8 Schedules.

A Combination of Rigidity and Flexibility

The Indian Constitution is an exceptional illustration of how rigour and flexibility may coexist. A constitution's amendment process determines whether it is rigid or flexible. Amendments to a strict constitution are difficult to implement. The constitutions of the USA, Switzerland, and Australia are regarded as very strict. While the British Constitution is seen as flexible due to its straightforward and quick modification process.

The Indian Constitution allows for three different types of changes. Before forwarding it for the President's approval, the two houses of Parliament may change the first category with a simple majority of the members present and voting. Amendments in the second category need a special majority. The President must provide his approval in order for the amendment to become law, and it may be approved by each chamber of Parliament with a majority of the members of that House as well as a 2/3rds majority of the members present and voting in each chamber. In addition to the special majority indicated in the second category, the third category requires that the same be accepted by at least 50% of the State legislatures. So you can see that depending on the sort of modification, the Indian Constitution allows for procedures that range from easy to quite complicated[9], [10].

Federal Polity

India has a federal system in place. There are two separate tiers of governance in a federation. The Union or Central Government is the only institution in charge of overseeing the whole nation. For each Unit/State, there is a government as well. The United Kingdom (Britain) has a unitary system of government, while the United States of America is a federation. In a unitary system, authority is concentrated and there is only one government for the whole nation.'Federal state' is not a word used in the Indian Constitution. India is described as a "Union of States" there. The Union/Central Government and the State Governments have different levels of authority. This division of duties is required since India is a federation. There are three lists of powers, including the Concurrent List, State List, and Union List. In-depth explanations of these lists may be found in Lesson 8. India might be said to have a federal structure at its core.

A federation must have the supremacy of the court in order for the constitution to be applied fairly. The Supreme Court of India was founded to uphold the constitution. The Union Government has been granted additional authority in administrative, legislative, budgetary, and judicial concerns under Indian federalism, nevertheless. In reality, the federal structure of India distinguishes apart because to a few unique unitary characteristics. The division of powers favouring the central government, the appointment of the head of the state government by the central government, a single, unified judiciary, and a single citizenship indicate the unitary nature of our federalism even though our constitution calls for two separate sets of government—at the centre and in the states. India is thought to have a quasi-federal structure as a result[11], [12].

CONCLUSION

A country's independence is symbolised by its constitution. The Constitution lays forth the framework and organisational structure for a free nation. The "Objectives Resolution," which embodied the aspirations of the Indian people, served as the background against which the Constituent Assembly drafted the Constitution.When the Constituent Assembly officially ratified the new Constitution on November 26, 1949, the Constitution's drafting was finished. The Constitution becomes operative as of January 26, 1950.The Preamble of the Constitution states that India is a sovereign, socialist, secular, democratic republic. The Preamble further cites the objectives of safeguarding justice, liberty, and equality for all of its citizens as well as the development of national unity and integrity on the basis of inter-group brotherhood

while guaranteeing individual dignity.The Indian Constitution is unique in a number of ways. It is the world's longest Constitution, and it combines rigour and flexibility. The Constitution calls for a strong central government with a quasi-federal structure. The Centre and the States have distinct authority spheres. The Supreme Court of India, the country's highest court, will settle disputes between the federal government and states or between the states.A parliamentary democracy exists in India. The actual authority is held by and reported to the Parliament by the Council of Ministers, which is presided over by the Prime Minister.

The Indian Constitution establishes fundamental rights that are subject to judicial review. The Constitution now contains includes ten Fundamental Duties. The welfare notion is given a physical form by the Directive Principles of State Policy.

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CHAPTER 8
DEFINITIVE STATE POLICY DIRECTIVE PRINCIPLES AND FUNDAMENTAL DUTIES

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ABSTRACT:

The Indian Constitution strives to create a welfare state by upholding socioeconomic fairness for all citizens in addition to political democracy. Our Constitution's Part IV establishes desired principles and rules with this goal in mind. The Directive Principle of State Policy is the name given to these clauses. We will learn in-depth information on Directive Principles in this class.It is a well-known maxim that rights only have value when used in accordance with obligations. As a result, the 42nd Amendment Act of 1976 added the Fundamental Duties to Article 51A of our Constitution. These obligations were not included in the original 1950 Constitution. The citizenry were supposed to do their obligations voluntarily. These responsibilities will be covered in this lesson as well.

KEYWORDS:

INTRODUCTION

The central and state governments are given instructions or guidance by the directive principles of state policy. Although these values cannot be legally enforced, they are crucial to the nation's government. The Irish Republic is where the concept of the Directive Principles of State Policy originated. In order to promote economic fairness and prevent the concentration of wealth in the hands of a select few, they were inserted into our Constitution. No government can, therefore, afford to ignore them. They really serve as mandates for future administrations, instructing them to take them into account while making choices and formulating policies.

Universalisation of Education

Only 14% of the population was literate at the time of independence. Our administration placed a strong emphasis on the general adoption of literacy because it recognised the value of education. The governments have taken efforts to increase this level. However, a sizable portion of our population still lacks literacy. The primary effort needed in this area is the expansion and universalism of basic education. The number of illiterates between the ages of 15 and 35 has steadily grown due to an increase in primary school dropouts.In accordance with the National Policy on Education, published in 1986, the government has started the National Literacy Mission and "Operation Blackboard" to promote widespread primary-level literacy. The government and other nonprofit organisations are making particular efforts to educate individuals who were denied the advantages of education during their formative years by constructing night schools and adult literacy centres.

Many distant learning initiatives have been launched in various states via correspondence courses, distance learning, and open learning. To achieve the objective of achieving universal education, the National Institute of Open Schooling and many Open Universities have been established. The 86th Amendment Act of 2002 added the Directive Principles, which provide free and compulsory education for children up to the age of 14, to the list of Fundamental

Rights under Article 21A.Although much has been accomplished, creating a welfare state is still a goal that has to be attained[1], [2].

Child Labour

One of the Directive Principles, which you have previously read, is to provide kids the tools and space they need to grow up healthily. You have also read about the fundamental right to protect children from being exploited. It is against the law to employ children under the age of 14 in mines or other occupations that pose a risk to their health.Despite these guidelines, the expected outcomes have not been achieved. The majority of the time, parents' attitudes do not support the abolition of child work. They compel their kids to work in some capacity in order to provide revenue for the family.Aside from a lack of will, poverty and societal shame are other obstacles to eradicating this issue. Unless there is an internal will and knowledge to overcome the societal issue, all government initiatives at all levels will be ineffective.The only way to realise Dr. Abdul Kalam's "dream of a developed India is to safeguard and protect the children who are the nation's future from exploitation. The children's right to childhood enjoyment and their right to an education shouldn't be violated.

Status of Women

In general, Indian culture is a patriarchal society, with the father serving as the family's leader and the mother as his subordinate. A woman is inherently undervalued in such a system. Due to severe societal norms and religious practises like dowries and pardah, women have endured a significant degree of pain.According to the 2001 census, women make up 495.74 million of the total population of the nation, or 48.3%. Our Constitution has previously made a point of highlighting the need of improving the position and education of women via different Directive Principles of State Policy and Fundamental Rights. They now have the legal right to a sufficient means of subsistence and salary for female employment that is equivalent to that of males. Health care and maternity leave have also been made available to female employees.

It is stressed in the Fundamental Duties that every Indian citizen has a responsibility to repudiate behaviours that are disrespectful to women's dignity.The dignity of women has been restored by several legislation and court rulings. Measures have been made to provide them a portion of the family's assets in order to secure their rights. Laws have been passed to free them from brutal customs including wife beating, sati, and bride burning for dowry. Other policies that will assist to improve the status of women include banning female infanticide, foetalicide, discrimination against girl children, and child marriage.The 73rd and 74thAmendment Act, 1991, 1992 reserved one third of the seats in the Panchayats and Municipalities for women in order to empower them. Similar plans exist to reserve seats for them in the state legislatures and in the Parliament[3], [4].

DISCUSSION

These Directive Principles of State Policy have drawn a lot of criticism from those who believe they are no better than "New Year's Greetings." Even the justification for having such lofty guarantees has been called into doubt. It has been said that Directives are only pious intentions without any supporting legal authority. Government is not required to put them into effect. They are not developed with the application of these values in mind, critics claim.Even still, it cannot be stated that these Principles are wholly ineffective. They each serve a purpose and have meaning. The Directive Principles provide guidance exactly like a polestar. Their main goal is to influence the government to deliver social and economic fairness in all areas of life as soon as possible while bearing in mind its limited material resources. Many of these have been put into practise with great success. Actually, no

government can afford to disobey these directives since they represent both the general consensus and the fundamental principles of our Constitution's Preamble.

Distinction between Fundamental Rights and Directive Principles

It is crucial for you to understand the differences between Fundamental Rights and Directive Principles of State Policy now that you are aware of their importance in the development of India's political and socioeconomic society. The state formally recognises the claims of people under the Fundamental Rights. They are in the nature of denying the government a certain amount of power. Consequently, they have a gloomy outlook. The Directive Principles act as constructive guidelines that the government at all levels must abide by in order to help India achieve social and economic democracy.

The Directive Principles are nonjusticiable, but the Fundamental Rights are justiciable and subject to judicial enforcement, as was already noted. In other words, writs or orders for the enforcement of fundamental rights may be issued by the Supreme Court or the High Courts. On the other hand, the Directive Principles of State Policy do not provide any legal rights or establish any legal remedies. This should not lead us to draw the conclusion that the Fundamental Rights are superior to or below the Directive Principles[5], [6].

Relationship between Fundamental Rights and Directive Principles

Despite these contrasts, the two have a tight bond. The relationship between fundamental rights and directive principles is mutually supportive and additional.The Directive Principles build economic and social democracy in contrast to the Fundamental Rights, which establish political democracy. No government can afford to ignore them while developing its plans and programmes since it is accountable to the general public for all of its acts. Despite the fact that these values lack a formal legal consequence, the people themselves are ultimately responsible. If the governing party disregards these fundamental ideals, the public will never again permit it to hold onto power. Thus, the goal of our Constitution is to create a synthesis between fundamental rights and guiding principles for public affairs. They make up the foundation of the Constitution as a whole[7], [8].

Fundamental Duties

The coin has two sides: rights and obligations. Without obligations, neither rights nor obligations exist. In a world of duties, rights really come by birth. Fundamental Duties of Citizens were not included in the original Constitution that went into effect in 1950. It was believed that people would carry out their obligations voluntarily. However, the 42ndAmendment to the Constitution introduced a new set of 10 responsibilities under Article 51A to chapter IV.

Nature of Fundamental Duties

Citizens have fundamental obligations that resemble a code of behaviour. Some of these responsibilities are even hazy and surreal. These obligations are not justiciable, which makes them less captivating. Additionally, their unclear terminology prevents them from being respected, for example, a citizen does not understand how to preserve the sovereignty, integrity, and magnificent legacy of the nation.Although the opponents' argument has a lot of truth, it would not be appropriate to refer to these obligations as nothing more than pious vows[9], [10].

CONCLUSION

The Fourth Amendment of the Constitution contains the Directive Principles of State Policy. They were included by the Constitution's drafters specifically to promote social and economic equality. These principles provide the state with guidelines for creating laws and

policies that will serve the interests of all citizens. These Principles are not admissible in court and cannot be enforced there. However, they remain crucial to the nation's government. The Directive Principles place a strong emphasis on the expansion of education, the elimination of child labour, and the advancement of women. They provide an outline for establishing Creating a welfare state and social and economic democracy. The Directive Principles and the Fundamental Rights have significant distinctions. The former are legitimate and of a good spirit. Additionally, there is a tight link. among the two. They are both crucial for establishing social and economic democracy. practise. The courts have emphasised the importance of following the Directive Principles. The relationship between rights and duties is reciprocal. In consideration of the health and In order for society to advance, everyone must conform to rights and obligations equally.

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CHAPTER 9
EXPLORING THE IMPORTANCE OF DISTRICT ADMINISTRATION

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ABSTRACT:

The core of district administration in India is the District Collector and Magistrate's office. They are the core of the final mile of administration. Collectors' functions may be broadly divided into five categories: revenue, judicial, regulatory, developmental, and residual. Since gaining independence a long time ago, DCs' occupations have become more complex, and he is now overburdened with duties. His additional responsibilities have increased in addition to his significant conventional responsibilities as a result of several state and federal initiatives for reform. There has been general agreement that as PRIs and ULBs continue to advance, various regulatory changes are concentrated on de-grouping the forces of the authorities through responsibility distribution and realignment of the District Collector's components, allowing him to concentrate on his core duties. I'll do my best to take into account the duties and responsibilities of the district collector in Chhindwara, Madhya Pradesh. The numerous tasks and responsibilities of Collector are broken down to understand the extent of their working hours; movement shrewd separation of his jobs and time eaten by him thoroughly; and finally, his preferences for different types of work. In the meanwhile, the investigation tries to see whether Collectors is working more over 40 hours per week to complete his numerous tasks, the main diversions to his presentation, and if there are any avenues for designating or legitimising to increase the effectiveness of the administration delivery system.

KEYWORDS:

Designating,Legitimising, Subcontinent,Regulatory.

INTRODUCTION

In the Indian subcontinent, the district has historically served as the most significant administrative unit. Given that neither the East India Company nor the Mughals had a legislative branch, it is important to understand how district administration changed over both periods. The sub-provincial authorities, however named, carried out executive orders that came from the Emperor, the Governor General, or the provincial governors.The British Parliament was the first legislature to address India in modern times, and its enactments established the district chief of administration, also known as the Collector (for tax administration), District Magistrate (for criminal justice administration), or Deputy Commissioner.

Prior to the 73rd and 74th Constitutional Amendments, India had a two-tiered government system that included the Union Government and the State Governments.The Collectors at the district level carried out any administrative duties delegated to them by the State governments in addition to carrying out the obligations imposed by certain laws. The expansion of rural development schemes was the single biggest addition to the district administrator's duties after Independence. The Collector's participation in the government's development initiatives took more significance as the number of initiatives, organisations, and agencies participating in rural development grew.In light of the legally required creation of Panachayati Raj Institutions and Municipal bodies, the function of the district administration has to be reevaluated and redefined. It is essential that there be no barriers to the devolution of decision-making to local levels. Equally important is that the office's distinct administrative

background, level of experience, and reputation. Examining the connections and ties between the State government and the District Collector is impossible without also considering the connections between the district offices and local organisations. They are quite complementary to one another. This chapter looks at how they operate and seeks to provide a setting for a district administration that is responsive to its constituents and adheres to the decentralisation and subsidiarity tenets.The following three elements make up the general administrative system now in place in the nation at the district and sub-district levels.Administration of regulatory responsibilities, including as law and order, land revenue/reforms, excise, registration, treasury, civic supplies, and social welfare, under the direction of the Collector and District Magistrate. The core government agencies, such as those in charge of agriculture, animal husbandry, and elementary and secondary education, are also under the control of this area.

The district- and sub-district-level offices of the State Government's line departments and their agencies, such as the PWD, irrigation, health, and industries, which have greater accountability ties to the State's central administration than to the District Collector.Local bodies (Panchayati Raj Institutions and Municipal bodies), which are now the third tier of government following the 73rd and 74th amendments to the Constitution and are given authority to deal with issues pertaining to the development of local areas as exemplified in the Eleventh and Twelfth Schedules of the Constitution[1], [2].

DISCUSSION

In most States until recently, the District Collector served as the district's top elected official and was in charge of a wide range of duties, including providing basic services, managing land revenue, carrying out rural development initiatives, managing disasters, maintaining law and order, and collecting excise and transportation taxes. As a result, almost all State Government entities that functioned at the local level did so informally or officially in coordination with the Collector's office. In this way, a variety of structurally different configurations have developed throughout time. Relationships and reporting hierarchies vary from wide oversight/supervision of line departments' operations by collectors to more focused day-to-day administration of select services. The Collector had a significant role in establishing the how, where, and how much of a variety of State Government entities' services were to be provided. However, in recent years, departments have tended to work more like vertical silos up to the State level, and as was already said, the progressive empowerment of local governments is altering the District Collector's position in local development issues.

Evolution and Change

The Collector's work seemed to be meticulously organised up until the 1960s, when rural development schemes were just getting started. His primary responsibilities were land reform, tax collection, law and order, food and civil supplies, welfare, and relief/rehabilitation. The people's requirements were modest, they seldom interacted with the government, and the bureaucratic structure seemed to be devoted. The office of the Collector was a reliable and powerful institution under these conditions.In the years that followed, several new projects and plans were started by different government agencies, with the Collector serving as the District Monitoring Committee's nominal leader. The Collector's responsibility in these issues was relatively restricted to providing a formal evaluation during coordination meetings held monthly or quarterly. Beginning in the 1980s, the government launched many Centrally Sponsored/State Sector programmes in agriculture, rural development, basic education, and healthcare. This gave rural area development a stronger push. Although distinct tools were developed for their implementation, the Collector was often assigned general supervision responsibility for the initiatives in the districts. The

expectation was that the Collector and his staff would be omniscient, omnipotent, and able to solve any issue.Although the State Governments find it advantageous to utilise this institution to exert control over the PRIs, most development responsibilities have been removed from the Collector's purview since the country's adoption of the Panchayati Raj system [3], [4].

Need for a Collector in the District

For the last 200 years, the District Collector position has been the most significant aspect of field administration in India. Before independence, when the economy was primarily agrarian, the Collector was regarded as the supreme guardian, responsible for the welfare of residents in his jurisdiction, the representative of the British Empire, and the ultimate powerhouse, enjoying broad criminal law enforcement authority. Other officials also saw an increase in prominence in the post-Independence period as the economy diversified and industrialization and the expansion of tertiary activities accelerated. However, the Collector is still the most recognisable face of the administration in most of the country, with the exception of metropolitan and megacities. He is regarded as the chief government representative at the district level and can be contacted to resolve almost any issue, including land disputes, the lack of essential goods, inadequate relief during times of crisis, community conflicts, and even family-related issues.

Disaster Management

Natural and man-made disasters, including floods, droughts, forest fires, industrial fires, severe accidents, environmental catastrophes, and riots, among others, pose a serious danger to the lives and property of the residents of the districts. Some districts need to take precautions for ongoing attention, monitoring, and prevention because they are more vulnerable to certain kinds of catastrophes than others. The District Disaster Management Committee (DDMC), whose chairman is the collector, is in charge of developing long-term strategies to aid those impacted by disasters as well as emergency preparations to lessen their impact. Assistance might include rescue, urgent shelter, food supply, and emergency medical treatment. The government has given the Collector permission to provide impacted families with free assistance and to take whatever steps are required to lessen the suffering brought on by the tragedy.

The Collector is in charge of organizing how residents would get necessities via the Public Distribution System (PDS). The PDS is a network of fair price stores that provide rationed amounts of goods including wheat, rice, sugar and kerosene to different groups of underprivileged people using ration cards at discounted prices. Under the general supervision of the Collector, the District Food and Supply Officer manages and oversees the operations of these stores. This agency is in charge of making sure that the district's residents continue to have access to fundamental goods such food grains, sugar, oil, coal, etc. at fair pricing. It has

the authority to impose penalties on those who stockpile necessities, to deal with adulteration in fuel and other products, to assure accurate weights and measurements, etc.

Transportation, Mining, Labour Regulations, Elections, and Legal AffairsBy collecting excise and transportation taxes, the Collector makes a significant contribution to the State's budget. He serves as the district's controlling officer for these two departments' subordinate formations. While the District Transport Officer, one or two Motor Vehicle Inspectors, Enforcement Officers, and Assistant/Deputy Excise Commissioners/Superintendent aid him in collecting excise duties, the District Transport Officer also receives assistance from the Excise Inspectors[5], [6].

Functional and Structural Reforms

PRIs have become the third tier of administration at the district and sub-district levels after the 73rd and 74th Amendments. But in many States, these institutions have developed in tandem with the already-existing state government administrative apparatus. Other regions of the nation continue to be department-centric, with the exception of Kerala, Karnataka, and Maharashtra where field offices of various departments have been put under the supervision of Zilla Parishad.While the DRDA is now governed by the Zilla Parishad in Maharashtra and Himachal Pradesh, this is not the case in Andhra Pradesh, where the Chairman is still the Collector.The integration of departments with the PRIs is considerably better at the intermediate level, or at the block or taluka level. The key official that oversees development operations at the block level is the Block Development official (BDO), who is administratively under the Public Relations department. From direct supervision to cooperation, the nature of the interaction between the BDO and the extension officers of line departments varies from State to State. While line departments like agriculture, panchayati raj and rural development, education, and animal husbandry are covered by this administrative setup, several technical departments like health engineering and industry operate independently of the PRIs.

Given that most departments do not extend themselves to the village level, this issue does not present there. There are outliers, too, like Kerala, where the average Gramme Panchayat has more than 20,000 residents. According to the Commission, planning, development, and service delivery activities related to the items mentioned in the Constitution's Eleventh and Twelfth Schedules would be primarily carried out by local bodies (PRIs/ULBs), and eventually by the District Council. Although the subjects theoretically belong to the local bodies in many States, the administrative structure has not been changed in a way that would enable them to function as effective self-governing entities.The Commission has previously proposed that each district establish a District Council made up of members from both rural and urban groups in its Report on Local Governance. "There must be a single elected District Council with representatives from all rural and urban areas, that will function as a true local government for the entire district," it was noted. The District Council would be in charge of all local duties under such a plan, including those outlined for them in the Eleventh and Twelfth Schedules. Once a District Council is established, as the Commission intends, the DPC will become obsolete in its current form.

The area Council's responsibilities will include planning for the whole area, including urban and rural. In the framework of the District Council and the District Government, the District Collector/DM's position also has to be reassessed. Over the years, two main perspectives on this matter have arisen. Strong proponents of local government empowerment contend that the District Collector's institution should be abolished since it is unnecessary in a democratic environment with empowered and productive local governments. Pragmatists contend that the Collector's institution has been the cornerstone of stability and order in a varied and chaotic society for around two centuries and has done a good job of serving the

nation.Therefore, until the District Council has its own Chief Officer, the institution of the District Collector must continue in its existing form. Utilising the authority of the Collector's institution to strengthen local governments makes sense as a stopgap measure. The District administration must be given more authority while fully using the institutional strength of the District Collector, according to the Commission, who is of the considered opinion that there should be a middle ground between these two options.

The Commission thinks that by designating the District Collector as the Chief Officer of the District Council, these two goals may be accomplished. In this situation, the District Council should be consulted before the Collector is appointed. The elected District Collectorcum-the Chief Officer would have dual responsibilities and be completely answerable to the State Government on all regulatory issues not assigned to the District Government as well as to the elected District Government on all local affairs[7], [8].

Experienced Officers as District Collector

Currently, IAS officials are appointed as Collectors or District Magistrates in several States not long after receiving their senior grade, or after serving for around four years. His entire public administration resume consists of two years of work, either in the field as a Sub Divisional Magistrate or as an Under Secretary in the State Secretariat, when he is catapulted to this post of immense responsibility, as the institutional training for All India Service officers is itself two years long.A Collector/District Magistrate serves as the government's liaison at the district level and supervises the efforts of officials from various State Government agencies, many of whom would have accrued a disproportionately higher number of years of government service.

The complexity of contemporary administration, the public's high expectations, and the rise in political awareness make it necessary for officers to possess maturity and experience working in both the field and the Secretariat in addition to skill. To put it another way, the experience of officers posted should be commensurate with the issues and complexity of the district.

In this regard, there is a compelling argument for posting officers with sufficient seniority as Collector/District Magistrate, particularly in districts with large populations and a history of administrative complexity.The Commission consequently holds the opinion that an IAS officer should only be placed as Collector/District Magistrate after completing 10–12 years of service, even though officials might typically be assigned in these positions early in their careers in areas that are complicated and prone to problems[9], [10].

CONCLUSION

The District is the main administrative division of the state. The vast bulk of the government's departments are administered by it. The district is the best geographical area for concentrating and bringing into close touch with the populace the complete apparatus of public administration. The majority of governmental agencies have external services located nearby their main offices. These departments' operations, along with a few others that could be connected to the Central Government's issues, make up the administrative machinery in the district.The administration of governmental duties within a territory that is officially recognized as a district is referred to as "District Administration". The five types of districts in India include rural districts, industrial districts, underdeveloped districts, urban districts, and hill districts.

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CHAPTER 10
GOVERNANCE IN INDIA ISSUES AND CHALLENGES:
AN OVERVIEW

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ABSTRACT:

By now, you must be aware with the definitions of state and society, particularly as they relate to India. As you are all aware, the government works to attain predetermined goals and objectives for the benefit of its residents. These are carried out through the tool of government. The government makes an effort to provide the people with the necessary services via plans, policies, and programmes. Simply put, this is what governance means, and this is a key duty of the government.In certain locations, the government has been the only supplier of goods and services since the country's independence. But during the last 20 years, there have been a lot of global developments that have an impact on India as well. Today, a robust private sector works with the government to deliver services to the populace.Additionally, the civil society or people's organisations are actively involved. Currently, we are transitioning from virtually just having official "government" to governance that is more inclusive of government, the corporate sector, people's organisations, and civil society organisations.We will get acquainted with the ideas of state, government, governance in administration, and governance in this unit. We'll talk about the essential elements of governance, issues and challenges, and the main governance tactics used in India. We'll also look at some problems and difficulties with governance.

KEYWORDS:

Commercial Sector, Challenges,Governance, Government.

INTRODUCTION

Before we define the words government, administration, and governance, it is necessary to recap what a state is. The terms "state" in this context do not include states like Andhra Pradesh, Bihar, Tamil Nadu, etc. Within the Indian federal system, they are referred to as states. The word "state," as used in this Section, refers to a political entity having sovereign jurisdiction within clearly defined geographical limits and the power to exercise such jurisdiction via a collection of or set of permanent institutions. When seen in this light, we may speak of either Great 13Britain or India as states. The state is made up of a variety of organisations, such as the legislature, the executive branch, the bureaucracy, and others, all of which serve crucial purposes. The state operates via the institution of government, as we said previously. We have government at the federal, state, and local levels in India (after the Constitutional Amendment of 1992, local government became a component of the overall system of constitutional government in India).

Government and the State

In the society, there are many activities being carried out by both people and institutions. An organisation or tool is required to oversee the welfare of the populace while also coordinating, regulating, and giving these operations the essential direction. All of these are done by the state via government agencies. The government is the body responsible for upholding law and order and providing the populace necessities like food, shelter, transportation, and electricity. As a result, we can observe the government often manages

educational institutions like schools and universities. In a similar vein, government-established hospitals, clinics, and primary health centres provide healthcare to the general public.

Previously, the government was the sole entity that provided the majority of the services. However, it is clearly clear that the private sector is active in a number of fields, including the management of major hospitals and educational institutions. Keep in mind that since India's independence, Indian Airlines has been the sole company offering domestic flights. Now, the circumstance has altered. Currently, the aviation industry is home to a large number of private airlines.You can now tell the difference between the term's government and state since you now understand what they imply. The state is more expansive in nature since it has a territory, a governing structure, and citizens. There are a number of institutions inside the state that are part of the public or government sector, the commercial sector, as well as citizens' or people's organisations. Government is a component of the state; it is primarily through it that we may learn how the state truly operates.The state is a long-lasting organisation. As you are all aware, the government is transient. It is transient because it may be created and altered. In a democracy, a new party or coalition of parties takes office after each general election[1], [2].

Administration

Government must either manage or govern. Thus, government is responsible for administration.It depicts government in its true, everyday form. For instance, you can request a phone connection from a government agency like Bharat Sanchar Nigam Limited (BSNL) or Mahanagar Telephone Nigam Limited (MTNL). You must first go to the office with a member of your family and fill out the necessary paperwork. You get notification that a telephone connection has been approved after a certain period of time, and it is eventually placed at your residence. Thus, "administration" refers to a set of tasks that, in our example, were performed by the telephone organization's employees at various levels in order to effectively and efficiently offer you, as a citizen, with a telephone connection.

As you can see, administration entails a number of tasks. These include arranging the functions, formulating policies, hiring and firing employees, leading, overseeing, and regulating the operations, and managing the financial resources, among other things. Any corporation has many levels or divisions where individuals are responsible for carrying out certain tasks. For instance, at a school, there are multiple instructors, each of whom teaches a particular topic, along with a Head Master, Headmistress, or Supervisor at the elementary, middle, and high school levels. The Principal is in charge of the school's general administration. Therefore, administration is "headed" by a person or a board for control and coordination[3], [4].

DISCUSSION

The fundamental elements of the Indian Constitution were previously covered in this course's Unit 7. We have a federal system of government, in which the federal government and the state governments each have different authorities and responsibilities. Legislative, executive, and judicial duties make up the three main categories of governmental activities. Legislative duties have to do with making laws or passing legislation.While judicial responsibilities entail adjudication or resolving disputes based on the laws and their interpretation, executive functions are concerned with putting laws into practise.The Union Government's top legislative body is the Parliament.

The state legislature is responsible for carrying out legislative duties at the state level. Several ministries or departments, including those in charge of the departments of education, health, finance, and railroads, implement or carry out the laws established by either the federal or

state legislatures. A minister, who serves as the political executive, is in charge of each ministry or agency. The secretary, who typically is a member of the Indian Administrative Wce, is the official head of the ministry or department[5], [6].

Governance: Concept and Key Characteristics

The over-reliance on "government" as the exclusive source of many services and infrastructure has led to several issues. These include a growth in government spending, protracted delays in finishing certain projects that result in cost and schedule overruns, and public discontent with the delivery of services. Since the 1980s, significant political and economic changes have occurred all over the world, particularly in several developing nations like India, as a result of the effects of globalization, which included countries all over the world expanding trade, the entry of multinational corporations, the fall of the Soviet Union, and the USA's growing dominance on several fronts. Gradually, it became apparent that the government must stop directly providing services in favour of private actors in a variety of industries. As a result, the government began to include other participants in the governance process, including the commercial sector and groups of individuals collectively referred to as "civil society."The gap between the public and private sectors is closing, and society is being governed with increasing participation. Let's now talk about the definition and fundamental elements of "governance."

Simply put, governance refers to the process of decision-making and its application in circumstances involving group issues. This does not suggest that the initiatives of The prior government initiatives were not focused on the efficient design and application of social sciences policy. With the use of the phrase by foreign donor organisations like the World Bank, the United Nations Development Programme (UNDP), and others starting in the 1990s, the term "governance" has gained popularity. These international institutions first brought attention to some critical flaws in the governance system of the developing countries at the beginning of the 1990s. As we all know, the developing countries, including India, depend on the developed countries for technical and financial assistance. These included the inability of the public to access information, a lack of transparency, subpar management of the public sector, and an inadequate legal framework.

In light of this, it was suggested to make "governance" a fundamental part of overall governmental operations in order to manage a nation's affairs in the public interest in an efficient and responsible manner at all levels.The focus of governance is on making the whole activity responsible, democratic, participatory, and responsive to the demands of the people, rather than merely the regular execution of policies and programmes. In the past, administration has meant creating and carrying out policies inside a framework of hierarchy, rules, and regulations, with individuals acting as just passive consumers of services. In contrast to genuine two-way interactions with people, administration was more formalistic. Even the populace is now claiming their rights and calling for improved administration. This transformation is still evident in the current day. The Delhi government recently announced that it will be raising the cost of electricity. People were angry about how the electricity supply was being distributed, and there were loud demonstrations. Road blockades and agitations were used, and finally the decision to raise the tariff was reversed. This is only intended to demonstrate how the government process works when individuals are actively involved.

Opening up the "government" arena to diverse players and coordinating the actions of the public, commercial, and nonprofit sectors constitutes governance.You may be acquainted with the Pulse Polio Programme, for instance, which attempts to immunise every kid against polio. Despite being a government policy, it is carried out at all levels by both public and private clinics and hospitals in both urban and rural locations, sometimes with the direct

assistance of the local populace.The goal of governance is to provide the greatest benefit for the greatest number of people, not simply through government efforts but also via community and private organisation activities[7], [8].

Governance Strategies: The Indian Context

Following independence, India took a number of actions to advance the welfare state and meet the needs of the populace. The Fundamental Rights and Directive Principles of State Policy have been integrated into the Indian Constitution, which was enacted in 1950, To accomplish the socio-economic goals, planning was used as a development tool. The Planning Commission was established to make the planning process official. The aims established by the planners are followed by the governing system. Self-sufficiency, economic expansion, industrialization, modernization, and social fairness are a few of them.

The Indian Constitution allows for the establishment of significant commissions that are crucial to the country's governance system, including the Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, and the Election Commission. Additionally, the Parliament has established a number of commissions via the passage of Acts. These include the State Human Rights Commissions, National Commission for Women, National Commission for Backward Classes, and National Human Rights Commission. All of these Commissions work to protect people's freedom, equality, and dignity in social, political, and economic matters. India's governance methods and structure had been created and modified periodically to satisfy the country's general welfare aims and objectives.At the time of independence, the government's primary responsibilities were to collect taxes and keep the peace. The government is taking many initiatives to include residents as participants in the development process now that it has reached a particular degree of development in a number of areas. There are now initiatives underway to support the people's overall development and advance a more responsive, responsible, and citizen-friendly government. In this sense, some of the projects include:

1. **Citizen's Charters:**

The government or public organisations like the water and power departments, railroads, hospitals, and dispensaries provide a wide range of services to the populace. Most individuals aren't aware of the many kinds of services, methods, ways to complain and file grievances if they're unhappy with the services, etc. The idea of citizens' charters was presented by the government to help with this. These are declarations that tell the general public on different parts of the subject matter that are relevant to them, such as the goals, the organization's activities, and the processes for using the services, etc. Citizens may easily and conveniently access the services offered by these organisations thanks to this activity. Take a look at the citizen charters of any government organisation the next time you go there.

2. **Right to Information:**

In this Unit, we've already emphasised how difficult it was for civilians to get information about government actions. For instance, tracking the progress of file transfer in a government agency was very challenging. Governmental affairs have traditionally been conducted in secret. The involved body was reluctant to provide the public information about Governance in India. The situation has changed at this point. The Right to Information Act of 2005 was passed by the Central Issues and Challenges Government and many state governments, including those in Rajasthan, Karnataka, and Madhya Pradesh. This makes it possible for a person who is interested to contact any ministry, department, or government institution to get the information they need, with the exception of any material related to national defence or security. The Act clearly outlines the numerous channels via which one may request information and the timeframes within which one can get it.

3. Use of Information and Communication Technology:

The delivery of services is becoming more effective and efficient because to improvements in information and communication technology (ICT). The computerization of land records is happening even in rural regions. At Panchayats, people have access to computers from which they may learn about agricultural commodity prices, auction prices, etc. You are aware of how email facilitates a quicker and more efficient flow of communication. One-stop service facilities have been established in several states, like Andhra Pradesh and Kerala, where individuals may go to get services including birth and death registration, property tax, energy, and water bill payment, among others. You are aware that bookings for trains and planes may be made online from home. ICT has made it easier for consumers to obtain a wide range of information. Bangalore's City Corporation has introduced the Customer Complaint System (CCS) in order to make government more responsive. An acknowledgment receipt is given once a complaint is made, and an assistant revenue officer is given charge of investigating the situation. The information is entered into the computer once the responsible officer acts within the allotted time window, and the citizen is informed of the outcome.

4. Public-Private-People Partnership:

Local Panchayati Raj institutions and the Nagar Palikas, which are urban local bodies, are examples of institutions of self-government that operate with public input. The administration is now obtaining public and private sector involvement in a number of programmes. The Resident Welfare Associations (RWAs), which are prevalent in metropolitan areas, play a significant role in providing local cleanliness, waste removal, environmental protection, etc. For instance, the 2000-launched Bhagidari (Partnership) Project is receiving widespread acclaim in Delhi. The government collaborates with organisations including the Municipal Corporation, the Water Supply Board, the Electricity Supply Undertaking, and the Resident Welfare Association. They get together on a regular basis and work to find solutions to issues that affect everyone.

In Kolkata, a commercial corporation that has been contracted by the Corporation handles the municipal government's waste management activities, including the collection, segregation, and disposal of the garbage. Similar to this, the Bangalore Agenda Force was established in Bangalore to develop the city. This organisation is a collaboration of local residents, community organisations, and other official institutions including the police, Bangalore Development Authority, Bangalore Electric Supply Corporation, and Water Supply and Sewerage Board.The third group considers various strategies for enhancing civic government and develops ideas as a result.These are a few of the governance-related projects the government has undertaken. These actions may eventually provide the intended effects if specific problems and difficulties are recognised. We'll now draw attention to them.

Major Issues and Challenges

As we've already mentioned, governance plays a significant role in the contemporary administrative landscape. It seeks to maximise public welfare. Government, business, and civil society organisations are all involved. The creation of a framework or system that can support an adequate balance between these three elements is a significant challenge for the governance process. It is important to maintain and enhance the standard of governance[9], [10].

CONCLUSION

The executive, legislative, and judicial branches of the state are permanent political entities that carry out its operations. The primary supplier of services to the public has always been the government, as we have covered in this unit. The federal system of government operates under a well-defined framework at the federal, state, and local levels. The past three decades

have seen a steady introduction of the larger concept of governance, which encompasses the public, corporate, and non-profit sectors. The three constituents of governance must work together in the current situation, as we have extensively covered in the Unit. Accountability, public engagement, transparency, and obedience to the law are demanded. Governments all across the globe are pursuing initiatives to promote governance. India has started a number of similar initiatives, as we have mentioned in the Unit. The right kind of changes in the public, corporate, and civic sectors are necessary for these measures to be successful. The ultimate goal is to establish high-caliber governance. Some of these issues were highlighted in this unit.

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CHAPTER 11
MINISTRIES AND DEPARTMENTS: EXPLORING THE HOME AFFAIRS, FINANCE, DEFENCE AND EXTERNAL AFFAIRS

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ABSTRACT:

The departments staffing it operationalize governmental duties. Boards and commissions are a few of the other sorts of organisations that exist in addition to departments and ministries. For a variety of governmental tasks, numerous chief executive organizations have been favored. The executive council of the viceroy, which assumed the role of a cabinet after our nation's independence in 1947, has been granted administrative power in our nation since 1983. A board or commission multiple executive has developed into a crucial component of administrative systems even now. One can wonder why boards and commissions are established in addition to the departments. The advantages of single executives, board and commission types of multiple or collegiate executives, as well as both, have been extensively discussed. In this lesson, we'll first go through the benefits of the single chief executive system, which is a popular choice for government organisations, before moving on to the benefits of the plural executive system. We will discuss the allocation of work among different ministers and the manner in which the individual ministries function

KEYWORDS:

Allocation,Consequence, Inquiries, Parliamentary.

INTRODUCTION

The President is given the authority under the Constitution to establish regulations for the efficient conduct of government business and for the distribution of ministerial responsibilities.The president sometimes assigns ministries or departments to the ministers on the prime minister's recommendation. The Government of India (Allocation of Business) Rules, 1961, as modified, serve as the foundation for job distribution. These regulations specify the ministries/departments, secretariat/office, and locations where the government's work is done.The business assigned to a ministry is typically handled by the minister in charge or by a suitable official of the ministry acting at the minister's direction, according to the government of India manual. However, there are some restrictions on how individual ministries can carry out their duties, such as those that call for interdepartmental consultation on issues that affect the work assigned to another minister or that demand the submission of specific types of paperwork in order to comply with orders from the prime minister, the cabinet, or a committee of the cabinet. Before issuing directives, certain classes or situations must also be presented to the president.

In order for a ministry to function well, it is given to a specific minister who is then under the overall direction of the prime minister and the cabinet. There were not many ministries in 1947, and each main ministry had its own department and secretary. The planned economy and social welfare initiatives increased the workload for the government, which led to an expansion in departments as well. However, it has become essential to combine a number of departments into one ministry in order to keep the size of the ministry minimal. As a consequence, many ministries today contain many departments, each of which is led by a secretary.A minister now needs to manage more than one secretary as a result[1], [2].

Bases of Work Distribution

Work is often distributed across many divisions based on the following basis: (a) Functional basis, i.e. functions to be performed; (b) processes involved; (c) people or clientele to be served; (d) area of operation.But there isn't just one criterion used to determine how the work is really distributed.The right distribution of tasks among various government agencies is accomplished using all four of the aforementioned grounds. In addition to the cabinet secretariat, president's secretariat, prime minister's office, and planning commission, the executive branch of the Indian government was organised into 38 ministries and 70 departments in 1997.The following are the criteria used to divide up the work.Table 1 shows the Ministries and department description.

Table 1: Shows the Ministries and department description.

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

Work assignments are presented in detail at the chapter's conclusion. The division of labour among the several ministries is constantly shifting. Sometimes the distribution of labour is based only on political or personal considerations and not on any principles or grounds. For the purpose of accommodating certain political figures, independent ministries or departments are run, as was the case in 1993 with the ministry of fertilisers and chemicals. The concerns of weakening certain ministers may sometimes affect how the task is divided. For instance, the CBI, IB, department of personnel, and administrative reforms were transferred away from the ministry of home affairs while Y.B. Chawan was the home minister in an effort to undermine him. Similar to how the size of the ministry of agriculture has been reduced, the department of rural development, fertilisers and chemicals, etc. Consequently, the division of labour is not necessarily based on logical factors[3], [4].

DISCUSSION

A ministry may have one or more departments, each with a secretary in charge. A cabinet minister often oversees a ministry with the help of many ministers of state and/or deputy ministers. Occasionally, the minister of state hold independent charge of a ministry. There are three levels seen clearly in the functioning of a ministry. These are (i) political level, (ii) secretariat level, and (iii) executive level.

The Political Head

The three political figures in charge of a ministry are the minister, the state minister, and the deputy minister. There may sometimes be a parliamentary secretary at the bottom of the political ladder. They hold the post as a result of their influence inside the party. They lack technological expertise and certifications. The ministers primarily carry out three different sorts of tasks. He starts by developing the general policies that the department must adhere to. He makes decisions on any significant policy issues that could arise throughout the course of the department's operations. Second, he supervises the department's execution of the policy in general. Third, he assumes in the Parliament the administration and policy of his department. He responds to parliamentary inquiries on his division. He oversees legislation and speaks for his department in front of the public and in the parliament. Fourth, in the cabinet, he represents his ministry. He must partake in the cabinet's overall obligation to the Parliament.

He must make sure that his policies are in line with those of other ministries.The functions of the cabinet minister are shared by the minister of state, the deputy ministers, and the parliamentary secretaries. Generally speaking, they said the cabinet minister[5], [6].

The Secretariat

The department's secretariat provides assistance to the political head. The secretariat's role is to provide sensible and knowledgeable guidance for the creation of policies.The secretariat serves as the primary administrative hub. The organisational chart reveals that the department is split into many wings, each of which is led by an additional or joint secretary. Each wing has divisions inside it.A deputy secretary oversees the division. A division is further subdivided into sections, each of which is headed by a section officer, and into branches, each of which is led by an under-secretary. These officials' roles and responsibilities will be briefly described.

Secretary

The ministry or department's administrative leader is the secretary.He serves as the Minister's top policy and administrative counsel on all issues pertaining to his ministry or department. He has complete responsibility for the effective management of his ministry or agency. He speaks on behalf of his department or ministry before parliamentary committees such as the committee on public accounts, the estimates committee, the committee on public undertakings, etc. He receives weekly briefs detailing the kind of cases that have been resolved by his subordinate officers so that he is kept up to date on the operation of his department. He has the authority to provide orders allowing him to receive cases directly. "A secretary should not be immersed in files and burdened with routine," Gopalaswami Ayyangar said. He must have enough time to consider the big picture, assess the challenges confronting the government in the area under his responsibility, and make future plans. All of them are his appropriate responsibilities and must be carried out well. A simple expansion of the institution under his supervision cannot make up for a failure to make proper provisions in this regard. The secretary's role has also been envisioned by the administrative reforms commission as one of "coordinator, policy guide, reviewer, and evaluation." As a result, the secretary has the highest level of departmental power and receives the greater pay that is offered to certain IAS[7], [8].

Special Secretary

The basic system was messed up after Independence when many levels of control were established. Hierarchical organisational unity, effectiveness, and efficiency are all harmed by this. An excellent illustration of such a disruption in the hierarchy is the position of special secretary. Asok Chand had noted, "in fact, 1951 saw the appointment to the ministry of agriculture of a special secretary with the salary, position, and power of a secretary. This was a special position, and neither the basis for its creation nor its interactions with the permanent secretary were acknowledged or specified. This position, which has the salary, rank, and status of a secretary, has just been reinstated in the ministry of external affairs to oversee the administration of the Foreign Service. The ministry of commerce and industry's department of heavy industries is now under the supervision of a special secretary who earns the salary of a joint secretary but has no set position within the ministry. As a result, there is no established concept or regulation for the selection, ranking, or compensation of a special secretary.

Additional Secretary

The deputy secretary used to be in the office right next to the secretary, but over time different levels of special, extra, or joint secretaries were created. These additional levels were mentioned by the organisation and procedure committee in 1937. The interposition of these levels, between the secretary and the deputy secretary, has received negative comments

from a number of committees that were supposed to report on improvements in administration. There isn't a distinct administrative division that needs a second secretary in charge. He sometimes oversees a department and serves as secretary; other times, he directs a whole wing and serves as joint secretary. He sometimes assists the secretary in a particular area of expertise. Richard Tothenham described the nature and function of these postings accurately.According to him, the only difference between a joint and an extra secretary should be their compensation and not their roles. In both situations, their proper role is to delegate a block of work to the secretary and deal directly with the member on that assignment. They ought to be necessary solely in such divisions.Neither inexpensive secretaries nor costly deputy secretaries should serve as supplementary or joint secretaries.The administrative reforms commission's research group on personnel administration made a suggestion for the formation of a specific level of extra secretary, as did the ARC itself. Additionally, it allowed for the possibility of an extra secretary leading a ministry division rather than a joint secretary. the bigger ministries, the degree of extra secretaries offers the secretary a great deal of relaxation. In reality, however, the secretary views him as a threat to his power and the joint secretaries perceive him as an unneeded intermediary between them and the secretary[9], [10].

Joint Secretary

The joint secretary often oversees a wing and is granted the greatest degree of autonomy for managing all operations within that wing, subject to the secretary's overall accountability for the management of the ministry as a whole. The joint secretaries should really be what their title suggests, namely secretaries for the topic assigned to them and connected to a more senior secretary for the ease of administrative work, according to A.D. Gorwala. Three factors led to the creation of this job in the early 1920s.First, it was difficult for one secretary to keep up with the increased workload due to changes in some departments' functions. Second, it was challenging to combine spate items of business under one secretary to keep up with the increased workload. Third, the establishment of two houses of the legislature at the centre in 1920 necessitated the presence of senior officers in both houses. Nearly every committee formed by the government to recommend changes to the administrative machinery has criticised the creation of the offices of joint secretaries between the secretary and his deputy secretaries. The Gopalaswami Ayyangar committee has criticised the structure for being ineffective and causing delays. However, in reality, the joint secretaries carry out essentially the same tasks that the deputy secretaries did in the past. Even though they are in charge of a different ministry division, they serve as the secretaries' assistants. On the particular tasks assigned to them, they do not independently decide anything nor do they present documents to the minister.

Deputy Secretary

An officer who represents the secretary is known as the deputy secretary. He oversees a secretariat division and is in responsibility of finishing the task assigned to him by the government. Normally, he should be able to Most instances that come to him, he handles on his own initiative. Originally, this official had a crucial role, but after independence, the position has lost significance, and there are now very few decisions that a deputy secretary makes on his own. He gives joint secretary the majority of the cases.

Under-Secretary

An under-secretary oversees a section of a ministry and has authority for both the conduct of business and the upkeep of discipline. The Maxwell Committee Report provided specifics on this officer's responsibilities, stating that "The grade of the undersecretary should ordinarily initiate action on all inward communications, immediately to the notice of the deputy secretary for any instructions which the latter might wish to give." Minor situations should be

handled by the undersecretary on his own initiative. More significant documents should be submitted in a way that allows the deputy secretary to handle the matter quickly in the course of business. Additionally, undersecretaries should make every effort to minimise the amount of files that must be officially presented to the deputy secretary by following the latter's verbal instructions where applicable. The practical absence of the summary and draught of the effective under secretary, which was caused by a number of factors, is one of the major losses in recent years in the operation of secretariat departments, in our opinion.

Ministries / Department of the Government

The government is made up of a number of ministries and departments, whose numbers and makeup fluctuate over time depending on things like the amount of work involved, the significance placed on certain issues, shifting political priorities, etc. There were 18 ministries in the centre on August 15, 1947.

Ministry Of Home Affairs

The Ministry of Home Affairs was one of the four original departments established on April 29, 1843, together with the military, the finance department, and the foreign affairs department. A secretary was assigned to oversee the home department. The department was given responsibility for a variety of tasks, including internal law and order, political issues, civil services, police, prisons, explosives factories, educational institutions, public works, public health facilities, hospitals, and local governments, among others. As time went on, new departments formed, and several topics were eventually moved to other departments. Recent years have seen the transfer of administrative reform and personnel-related duties from this ministry to the department of personnel. Even now, it is regarded as the most significant ministry in the Indian government.

Role of the Ministry Of Home Affairs

Due to the Ministry's distinction, top politicians have been nominated as at-home ministers. Although its duties have been scaled down since the establishment of the ministries of personnel, public complaints and pension, and welfare in 1985, its crucial status within the Union cabinet has not changed. Let's look at its function. Although the president gives ministers their portfolios based on the prime minister's proposal, the ministry of home affairs was assigned to a prominent politician who sits next to the prime minister. The experience demonstrates that the minister was split from the start because the prime minister saw the powerful home minister as a competition. The junior minister was now free to manage the ministry as he saw fit since home ministers had been made ineffectual and placed on a back shelf.

Brahamananda Reddy served as home minister during the Emergency solely in name; the minister of state handled all duties. Om Mehta, also known as "Home" Mehta. When Rajiv Gandhi served as prime minister during S.B. Chavan's tenure as home minister, his two deputies, especially Arun Nehru, effectively oversaw all aspects of the ministry. Later, when V.P. Singh was the prime minister, Mufti Mohammad Sayeed served as the home minister, but SubodhKanth Sahay, a junior minister of state, was in charge of both Punjab and Ayodhya. Then-railway minister George Fernandes received Jharkhand, the North East, and Kashmir. As a result, it was noted that, at least in terms of how the home ministry is handled, the National Front administration is no different from the previous two regimes. The issue is more clearly who oversees the ministry.

Once again, Rajesh Pilot and the prime minister did nothing to mediate their conflict while Rao was the prime minister and S.B. Chavan was the home minister and being ignored by his junior minister of state. Additionally, Rajesh Pilot was requested to attend. even when the home minister was present, the cabinet sessions. Rajesh Pilot was prompted by this to reject

ministry plans that had been officially vetted by the cabinet minister before being submitted to the cabinet. The home minister had suggested banning the BJP's large gathering on February 25 in the capital due to the delicate communal atmosphere after the Ayodhya event. Because of what happened in Ayodhya, the BJP leadership could not be relied upon to maintain the rally's calm. But Rajesh Pilot rejected the ministry's suggestion in three of the four cabinet sessions when the topic of prohibiting the BJP rally was addressed. This demonstrates unequivocally that powerful home ministers are disliked by prime ministers. The home ministry still maintains significance in our nation second to the prime minister despite all of these politics[11], [12].

Ministry Of Finance

An efficient administrative control over the government's income and expenditures is crucial in a parliamentary democracy. The Union government's financial management is entrusted to India's ministry of finance. For presentation to the government and ultimate approval by the Parliament, it produces budget recommendations. As a result, it controlled both the Union government's spending and the distribution of funds to the states.

Department Of Revenue

 The Department of Revenue, which reports to the Secretary of Revenue, engages in Two statutory bodies under it, the central board of direct taxes and the central board of excise and customs, have administrative jurisdiction over issues pertaining to all direct and indirect Union taxes. Each board is comprised of a chairperson and six ex-officio additional secretaries to the Indian government. Tax administration policies are developed by the central board of direct taxes, which oversees the income-tax division. The Income Tax Act of 1961, the Wealth Tax Act of 1957, the Gift Tax Act of 1958, and the Expenditure Tax Act of 1987 all impose different legislative obligations on it. This board is operated by a number of affiliated and supporting offices.

For the levy and collection of customs and control of excise duties, prevention of smuggling and administration of customs, central excise narcotics and gold control departments, and prevention of smuggling and administration of customs, policies are developed by the central board of excise and customs. Nine affiliated and subordinate offices support the board. Customs buildings, central and excise collectorates, opium and subordinate offices are a few examples. The board has administrative control over businesses including customs houses, excise and central collect orates, opium and alcohol manufacturers, and the central bureau of drugs. The settlement commission (IT and WT); the appeal tribunal for forfeited property; the regional office of the gold control administrator, Bombay; and the customs, excise, and gold (control) appellate tribunal are the other entities under the department. Additionally, there is the bureau of economic intelligence, which is led by a director general. It gathers information on income and looks into economic crime and economic law enforcement. In a nutshell, the ministry of finance carries out the primary duties of policy formation, financial management, generating sufficient income, overseeing all government expenditures, etc.

Ministry Of Defence

India's defence, in its entirety, is the responsibility of the Indian government. The President has full authority over the armed forces. The Cabinet is in charge of overseeing national defence. This is finished. via the Ministry of Defence, which gives the Armed Forces the resources and policy framework they need to carry out their duties in the context of national defence. The Ministry of Defence is led by the Raksha Mantri, or Defence Minister. The main responsibility of the Defence Ministry is to gather policy directives from the Government on all issues pertaining to defence and security and to convey them to the Services Headquarters, Inter-Services Organisations, Production Establishments, and

Research and Development Organisations for implementation. Additionally, it is necessary to guarantee that the government's policy directives are carried out effectively and that authorised plans are carried out within the available budgetary constraints. The Department of Defence (DOD), the Department of Defence Production (DDP), the Department of Defence Research & Development (DDR&D), the Department of Ex-Servicemen Welfare, and the Finance Division make up the Ministry of Defence[13], [14].

Ministry Of External Affairs

Foreign policy in a parliamentary democracy is up to the political executive's discretion, much as domestic policy. Similar to other government agencies, the Foreign Office is mostly in charge of carrying out the former's instructions.But unlike other departments, the international Office has a considerably stronger educational and consultative role to play with the political executive due to the global and very complicated nature of international affairs in the contemporary world.

The Foreign Office is tasked with providing the Foreign Minister with adequate and detailed information, analysing and evaluating the available data, and recommending specific actions. The Foreign Minister, and ultimately the Prime Minister and the Cabinet, are responsible for actual decision-making with regard to the fundamentals of foreign policy. Each instance. Therefore, even if it is not ultimately accountable for it, the Foreign Office is essential and important in the formulation of foreign policy[15].

CONCLUSION

The planned economy and social welfare initiatives increased the workload for the government, which led to an expansion in departments as well. However, it has become essential to combine a number of departments into one ministry in order to keep the size of the ministry minimal. As a consequence, many ministries today contain many departments, each of which is led by a secretary. A minister now needs to manage more than one secretary as a result. The government's responsibilities have multiplied and become more complicated. As a result, several alternative structures, such as companies, corporations, etc., have emerged in addition to the conventional departmental organisations to carry out governmental duties. Government firms and statutory corporations are two new types of organisations that have emerged as a result of the development of the government's commercial operations.

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CHAPTER 12
RELATIONSHIP BETWEEN POLITICAL AND PERMANENT EXECUTIVE GENERALISTS VS. SPECIALISTS

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ABSTRACT:

The executive is divided into two divisions in a democracy. The Political Executive is a person who is chosen by the populace to serve for a set time. Leaders in politics come under this group. People are appointed on a long-term basis in the second category.The Permanent Executive (Non-Political Executive) is referred to as this. The civil service is included in this. Even when the governing party changes, they stay in power.The political executive is often more powerful than the non-political executive or bureaucracy. Non-political executives work for political executives and support them in carrying out daily administration, which is one reason why political executives are more powerful than non-political executives. The fact that the people's will is ultimate in democracies is another reason why political CEOs are more powerful than non-political executives. Since the minister was chosen by the people, they have given him or her the authority to carry out their wishes.On the other hand, every administrative system has both generalists and specialists. But the distinction between generalists and specialists in the workplace has grown in significance in Indian public administration. The growing influence of science and technology in many spheres of life has given the issue new dimensions. Nobody contemplated atomic energy or communication innovations like the fax, internet, or computers in the 1940s or 1950s.As a result of the use of various rifles, missiles, and chemical weapons, the function of professionals in administration has taken on a new dimension.As a result, in many nations, efforts have been made to clarify the roles of generalists and specialists. For instance, the British Fulton Committee (1966–1988) made significant suggestions on the matter. given that the Indian government was This paper caught the attention of Indian authorities, researchers, and study teams since it was mostly based on British patterns.

KEYWORDS:

Hierarchically, Political, Permanent Executive Generalists, Technology.

INTRODUCTION

The institutions nominally in charge of managing a political community that is, of enforcing its binding decisions, which may be created to a greater or lesser degree by the executive institutions themselves make up the political executive. The main responsibilities of the modern political executive, including representation and integration, leadership, deliberation and decision-making, control and supervision of delegated decision-making and enforcement organs, are increasingly being carried out by specialised structures. Finally, the adoption and use of routine processes has institutionalised executive accountability and responsibility.

In India, the President at the Centre and the Governors in the States have the authority to exercise the executive branch, but the Council of Ministers, which is chosen from the legislature and answerable to it, is actually in charge of doing so. The Council of Ministers' organisational structure and operational procedures were not specified in the Indian Constitution, and as a result, they were established via convention. As a result, the Cabinet, which is led by the Prime Minister, exercises executive power at the government's core and

serves as the foundation of political power. Before they are submitted to Parliament for approval, the policies are examined by the Cabinet.

Permanent Executive

The majority of the non-political executive is made up of bureaucrats at all levels of the civil service. It works in government agencies to carry out daily administration. The government employees are apolitical. They owe no political party any loyalty. Without regard to politics, it is their responsibility to implement the laws and policies of the government. They have received specialised training and education. They are professionals and specialists. They provide the political executive with professional advice and opinions as well as gather, organise, and present the facts on which the latter bases all of its decisions. Once appointed, the government employees continue in office until reaching retirement age, often until they are 55 or 60 years old. They are grouped hierarchically into higher and lower connections and get regular, set pay.The non-political executive's job is to provide the political executive with guidance.The Secretariat's officials are tasked with impartially and openly examining each policy question or individual proposal and providing their opinion to the political executive without fear or favour. The tiers of the Secretariat note on files based on integrity, impartiality, courage, precedents, and administrative experience[1], [2].

DISCUSSION

The Indian Constitution establishes clear functions and responsibilities for each branch of government, including the legislative, executive branch, and court. Since India is a parliamentary democracy, the Council of Ministers, which is jointly accountable to the legislature, serves as a point of contact between the legislative and executive branches. The executive branch is divided into two sections under the Constitution. According to Articles 53 and 154, the President or Governor may exercise his or her executive authority personally or via officials who report to him. These employees make up the permanent civil service and are controlled by the Constitution's Part XIV.

The 'political' component of the executive is the other. According to Articles 73 and 163 of the Constitution, the President or Governor must take the assistance and counsel of his Council of Ministers into consideration while making decisions. Since the advice is often binding, it is an order that the officers are required to follow in accordance with Articles 77 and 166, respectively. The President and Governor provide the guidelines for how the government should operate. The Government of India (Allocation of Business) Rules dictate how work is distributed among Ministers, while the Government of India (Transaction of Business) Rules specify how officials are expected to assist the President or Governor in carrying out his executive duties. That's what indicates that even if officers report to the President or Governor, they follow the procedures established in this regard to carry out the directives of the Council of Ministers. The Rules of Business of Government do allow the Secretary of the Government to advise his Minister about the proposed course of action in a specific matter and to present him with a note informing him about the propriety or legality of his orders and suggesting that either such orders not be given or that they be appropriately modified. The Secretary and the Minister have a natural rapport.

The Secretary has an analogous constitutional responsibility to advise the Minister, but the Minister has the people's mandate to rule. The Secretary is required to carry out his advise once it has been properly evaluated, unless the Minister issues an unconstitutional order. The Secretary who is carrying out the Minister's instructions must have the backing of the Minister. Everyone must abide by a law or set of rules and regulations once they are enacted, regardless of whether they are a part of the political executive or the permanent civil service. A public servant must carry out the directives of the government impartially, truthfully, and

without fear or favour. The political executive and the civil workers' points of view are starting to diverge somewhat in this particular sector[3], [4].

This occurs as a result of the lack of an accountability mechanism, which makes the connection between the political administration and the permanent civil officials the sole contentious issue.This emphasises how important it is to more precisely define the relationship between the Minister and the public worker. Only by placing the connection in an output-outcome paradigm is this feasible. Outputs or key outcomes are particular services that public employees develop and provide; as a consequence, the delivery of key results should be held to account, serving as the foundation for performance assessment. The political executive selects what outputs should be included so that the intended outcomes or social objectives may be attained. Outcome is the success in accomplishing social goals. In such a plan, the political executive is held responsible for the result before the legislature and the electorate. The foundation for evaluating the political executive of whether it has selected the appropriate outcomes to meet societal objectives. The link between the political executive and the permanent civil service would have been established objectively if this were to occur.

The arbitrary posting and removal of public officials at the whim of Ministers and other political leaders, especially in the states, is another area where the relationship is tense. Robert Wade has shown how the procedure works in his research of Andhra Pradesh. According to Wade, "The transfer is the politicians' primary tool for controlling the bureaucracy and, therefore, the lever for surplus-extraction from the bureaucracy's customers. With the transfer weapon, politicians may remove someone who is not complying with their requests for money or favours from those from whom they get funding and political support, particularly the contractors, in addition to using it to earn money via direct sale. Thus, it is easy to imagine a unique set of interactions where the bureaucracy takes possession of money, distributes some of it to MLAs and notably Ministers, who in turn utilise the money to give out temporary material incentives in return for political support. It should be noted that although these money do move through the public realm, neither the public nor public spending programmes have access to them.

In fact, the procedure for moving federal officials is seen to be so profitable that it is sometimes referred to as the transfer business. A former civil worker named N N Vohra made the following observation: "Transfers of government personnel have almost attained the character of a business in several States. Officials at all levels often switch jobs, completely disregarding tenure regulations and any worries about how this may affect the delivery of public services and the success of development plans. In the case of Mohsina Begum, the Allahabad High Court bemoaned the "total demoralisation of the bureaucracy and its division on caste and communal basis, in addition to the spread of corruption and breakdown of all norms of administration" that occurs "whenever a new government is formed." The Fifth Pay Commission was compelled to criticise the "transfer industry" in its findings. "There is a definite feeling that the transfer instrument is widely misapplied in this country, particularly by politicians in power, to subjugate the government employees," the Commission said. Transfer may also be used as a kind of discipline. Therefore, demands have been made that no transfer should be subject to appeal before the end of three years in a position, especially if it was done at the request of politicians.

Developing comprehensive, understandable, and transparent transfer policies was the subject of numerous recommendations from the Fifth Pay Commission. In order to completely eradicate transfer arbitrariness and ensure that transfers are carried out as transparently as possible, the Commission first suggested that each department create and make available a set of specific instructions.A minimum tenure for each posting of officers should be predetermined, and it should typically be three to five years, except in cases where longer tenures are justified on functional grounds, like the continued availability of certain

specialised skills. This will ensure administrative continuity and stability for incumbents and should discourage frequent transfers. A shorter term, such as two to three years, should be specified for sensitive positions where there is potential for the development of entrenched interests[5], [6].

Third, any early transfer that occurs before the stipulated tenure has run its course should be justified administratively and specified in the transfer order itself. If a government worker feels wronged by a particular order, he or she should have the right to appeal against it, and each department should be provided with a brief method for handling such cases. An authority superior to the officer ordering the transfer should deal with any objections to the transfer order after a personal discussion, preferably on the same day, in cases of emergency when such an order is made in the exigencies of the public interest and must be implemented immediately.Fourth, it is important to prevent the abuse of the transfer instrument as well. either by the bureaucrats themselves or by the elected officials. It shouldn't be utilised as a kind of discipline that gets around the established process for disciplinary actions.The concept of creating a Central Public Services Authority for effective governance is abandoned in the Draught Public Services Bill, 2006. The Authority is tasked with ensuring that "the transfers and postings of public servants are undertaken in a fair and objective manner and the tenure of the public servant in a post is appropriately determined and is maintained consistent with the need to maintain continuity, and the requirements of good governance" in accordance with Article 19(e) of the Bill. The Authority's suggestions in these cases, meanwhile, are simply advisory and not required.

The Minister's influence on how subordinate officers conduct themselves on a daily basis is another potential source of friction between the Minister and the officers. Delegating authority and responsibilities to the different tiers of bureaucracy is necessary for a ministry or department to execute its operations effectively. After this delegation is complete, the bureaucracy should be permitted to carry out its responsibilities, naturally in accordance with the power granted. It has often been noted that Ministers offer directiveswhether official or informalto influence the choices made by the bureaucracy below them. Additionally, it has been noted that officials look up to the Ministers for unofficial directives rather than making choices on their own. A "District In-charge Minister" organisation has been established in a number of states to oversee district development initiatives. District Ministers have sometimes gone beyond their purview and given directives on matters that are within the officers' purview. These practises are harmful because they may tend to restrain an officer's initiative and interfere with the power granted to him. It could result in judgements that are not in the public interest while also demoralising a responsible federal official. A thorough explanation of the interaction between the political executive and the bureaucracy is required. The Commission would outline the specific institutional and legislative requirements needed to create a strong system.In its upcoming Report on Civil Services Reforms, the government will examine the connection between the political executive and the bureaucracy[7], [8].

Position in India

India's public services are distinguished by the generalist's superior position. The generalist services are often represented at the "policy formulation" levels of the Central and State Secretariats. Although the technical services make up roughly 50% of the total number of class I officers, they are often barred from appointments to the Secretariat. IAS employees hold a sizable majority of the positions (of Deputy Secretary and above) in the Central Secretariat. Positions in the sector are often filled by experts. However, there are several examples of IAS officials serving as the chief forest conservator, director of agriculture, director of health, or director of education in different state governments. The generalist Collector oversees a group of technical district officers who serve as the district's heads of technical departments. Additionally, the Panchayati Raj administration is not exempt from

this.phenomenon. So an IAS officer who is in charge of a group of technical officers serves as the Zila Parishad's chief executive officer[9], [10].

Steps Taken By Government of India to Resolve Problems

1. The Tenure System is becoming weaker.
2. Development of new expert Central and All-India Services. According to Article 312(1) of the Constitution, the Council of States may declare in a resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the interest of the country for the Union Parliament to provide one or more All-India services common to the Union and the States. Only the Indian Civil Service and the Indian Police service were AllIndia services on the eve of independence. Out of these, the IPS was kept, while the previous ICS was swapped out for the new IAS. The Indian Engineering Service, Indian Forest Service, Indian Statistical Service, Indian Economic Service, etc. are only a few of the new services that have been added to the list. All of these services are intended to improve the position and compensation of experts. In many circumstances, it is now possible to grade technical services more highly in the United States.
3. Appointing experts to administratively accountable roles. The majority of departments can see the trend. As a result, we have Assistant, Deputy, and Working side by side with the generalist Under/Deputy/Joint Secretary are Joint Advisers in the Ministry of Education. Nearly all of the members of the Planning Commission are experts and professionals.

Combining the responsibilities of the Secretary to and the head of the executive agency in one integrated office is one technique to accomplish the same goal. "A composite office will allow for greater specialisation in the division of work than would be possible in separate offices, guaranteeing that every aspect of the work to be done is handled by people chosen for their competence in that aspect, and reducing the dependence on "generalists," whether they are generalists in the sense that their educational background and experience have no direct relevance to the jobs given to them, or in the sense that they are reutilized to perform other tasks.Giving the heads of specialised departments the ex officio status of Joint/Additional/full Secretaries to Government, as is the case with Railway Board members, is another way to accomplish the same goal.

The remaining heads of the operating departments are also ex officio Secretaries in the Railway Ministry. Other approaches to the issue have sometimes been put forward. Therefore, the Central Administrative Reforms Commission (1966–1970) advocated fictionalising all services, including the IAS, in its report on personnel administration. It also suggested that functional service members occupy high management positions in functional domains[11], [12].

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CONCLUSION

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A nation should deploy its workforce as efficiently as possible and should use all available tools to stop the rising divide between generalists and specialists. The ARC Report came to the proper conclusion. "In the grand plan of things, the expert, the scientist, and the technician all have their places, and they are very important ones. In a developing democracy dedicated to quick socioeconomic progress, In addition to being successful, administration must be excellent. Both specialists and generalists must dedicate their whole attention to this dual aim.A preference for individuals who have gained expertise in the relevant sector should take the place of the generalist.We may correctly infer that serving the requirements of the taxpayer and the average person should be the primary criteria for excellent administration. This calls for the mentality that each task must be carried out by the guy who is best qualified to accomplish it, and that the task itself is more essential than the person who executes it. The

only way to maximise both "generalist" and "specialist" abilities is to make sure they work together, not "one above the other," to achieve the shared goal of excellent public administration.

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