

**Institute of Distance and Open Learning  
Gauhati University**

**MA in Political Science  
(2<sup>nd</sup> Semester)**

**Paper VIII  
Indian Administration**

**Block 1  
Indian Administration and Bureaucracy,  
Budgeting and Development**



**Contents:**

**Block Introduction–**

- Unit 1 : Structure of Indian Administration**
- Unit 2 : Recruitment to Civil Services in India**
- Unit 3 : Budgeting in India**
- Unit 4 : Role of Bureaucracy in Development**

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### **Block Introduction:**

It is pertinent for all of us to know about Indian Administration in details. The structure of Indian Administration is influenced by British administrative pattern as India was under British rule for a long time. So, it was well acquainted with the British administrative pattern. We all know that we have a Parliamentary Democracy in India which we have inherited from the British administrative system, but at the same time it must be born in mind that the framers of Indian Constitution borrowed all the good features from different constitutions of the world. They ransacked all the known constitutions of the world, in order to give the best possible Constitution to us. Indian Constitution has elaborately laid down various provisions related to the structure of Indian Administration, Recruitment to civil services in India. It also deals with provisions relating to Budgeting and Bureaucracy. In this block 1 of paper VIII, dealing with Indian Administration, we will make an attempt to study the various dimensions of structure of Indian Administration, recruitment to civil services in India, budgeting in India and role of bureaucracy in development.

**Unit 1** deals with the structure of Indian Administration. In this unit, we will study the constitutional framework of Indian Administration, with reference to Indian federation which is actually known as Quasi-federation. We will also discuss the different functionaries of central administration, state administration and district administration.

**Unit 2** deals with recruitment to civil services in India, where we will study the recruitment authorities like UPSC and SPSCs, their powers and functions. This unit is an attempt to deal with the examination system, merit system and obstacles to merit system.

**Unit 3** deals with budgeting in India, with emphasize on the meaning and definition of budget, how preparation and enactment of budget and the control mechanisms. This unit will also help us to know about different legislative committees, exercising control over the budget.

**Unit 4** deals with the role of bureaucracy in development where we will attempt a comparative study of the role of bureaucracy during British rule

and its widening role in present administrative scenario due to the emergence of the concept of welfare state. Here we will also focus our attention on bureaucracy and development programmes and the concept of civil service neutrality.

The block consists of the following four units,–

**Unit 1:** Structure of Indian Administration

**Unit 2:** Recruitment to Civil Services

**Unit 3:** Budgeting in India

**Unit 4:** Role of Bureaucracy in Development

# **Unit 1**

## **Structure of Indian Administration**

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### **1.1 Introduction**

We know that the progress of any country depends on its administration. India achieved freedom from the foreign yoke on August 15, 1947 and embarked upon a new era. This era is marked as an era of hopes and aspirations, peace and prosperity, planning with plenty, unity and diversity. This unit introduces you with the basic design of Indian Administration. We know that Indian constitution came into force from 26th January 1950. Despite the fact that the Constitution does not mention the word federation for India, the structure of administration leads to a federal structure with a strong central government. Like a federation, in India both Central and state governments co-exist. The Constitution divided the administrative

powers between these two sets of government. At the same time, for smooth running of the administration, the states are divided into some districts, which are the primary unit of Indian administration. Again in a democratic set up which India opted after independence, there exist two kinds of executive; one is political i.e., not permanent and elected by the people. Second types are called civil servants and they are permanent and selected on the basis of their merit. The continuation of administration depends on them. Here in this unit we shall discuss the basic pattern of Indian administration. Here we shall also discuss the administrative procedure of districts where people get an opportunity to interact with administration directly. Thus, this unit shall provide you a comprehensive knowledge about Indian administration. Let us discuss now the structure of Indian Administration.

## **1.2 Objectives**

The Government of India is democratic which means it is a government `by the people, for the people and of the people`. In this parliamentary system of government, parliament is supreme and there is fusion of executive and legislative powers. After reading this unit, you will be able to :

- *examine* the constitutional framework of Indian Administration
- *assess* the structure of central as well as state governments
- *examine* the role of district administration

## **1.3 Constitutional Framework of Indian Administration**

Administration plays a decisive role in every civilized society. It is as old as human civilization. It is the most important instrument through which policies and programmes of a government are implemented. Administration in India is a relic of its past. It has a deep historical perspective and exemplifies a perpetual tradition of evolution. The present administrative system of India has been influenced by the British administration. Before independence it was the British who decided for the Indians. But after gaining independence, India got its own Constitution, dedicated to its people and established its own administrative structure. Indian Constitution is now the supreme law of the nation. The Constitution of India provides that the country would be a democracy. The decision was taken before independence that the

administrative system of India will be based on liberal democratic system. India became a republic nation on the 26th day of January 1950 and it is the day when the Constitution came into force.

We have inherited the administration from our colonial masters, whose objectives were, to begin with, profit, and later, power. When we became independent, there were some very urgent tasks such as attending to the aftermath of the holocaust of partition, resolving the status of the princely states within the Indian Union, and drawing up a Constitution for independent India. Besides in pursuance of its goal of welfare and development for the people, it had to lay down policies and plans to determine the direction in which the nation was to progress and to create the machinery, necessary for those tasks.

In India, the government deals with several matters affecting people's lives. The nature of government functions has shifted radically from emphasis on maintenance of law and order and collection of revenue to economic development of the people. This new orientation involves a dimension of huge and extraordinary complexity requiring the administration to opt for special skills and approaches to understand community needs.

In addition to tackling poverty, unemployment and illiteracy, democracy has released several forces in society and made the government expand its functions to meet the concomitant social tensions, law and order situations, etc.

The objectives, institutions, processes and personnel of public administration in a country depend upon the structure and institutions of the political system and on the basic principles of governance as enshrined in the Constitution of the country.

India has adopted a Parliamentary democracy based on the British model, but while the Parliament is supreme in Britain, the power of the parliament to legislate is not unlimited in India as it is federal in character. Besides, the judiciary has the power of judicial review to resolve disputes between center and the state.

Parliamentary democracy envisages a cabinet form of government with a President as a titular head with the ministers responsible to the Parliament.

The will of the people as expressed through the Parliament, is executed through the 'executive' consisting of the political executive and the administrative bureaucracy. All executive action is taken in the name of the President of India.

According to the Administrative divisions, India has 28 states and 7 union territories. Each of these regional administrative divisions has an elected government headed by a chief minister. A Governor is appointed by the President as the representative head of the federal authority in each state.

We know that the form, structure, functions and the organs of government are related to the political system of the nation. Nation-states are categorized as unitary and federal systems. However, unlike the true form of federation, we find that India has a strong central government. Article 1 of our Constitution describes India as a "Union of States". The administrative power in India is divided between a central authority and constitutional political units such as the state. The two levels of government are interdependent and share sovereignty. The federal system also provides that the Constitution is the supreme law of the land. However, though a federal structure and a clear division of powers exist in India with an independent judiciary, yet there is a strong bias towards making the Central Government more powerful than the state governments. Hence, based on the distribution of powers between the Central Government and the State Government, the 7th schedule to the Constitution embodies three lists - 'Union list' dealing with centre's powers, 'State list' dealing with state's powers and Concurrent list (powers entertained by both centre and state). Moreover, in India the residuary powers are vested with the centre, thereby making India a Quasi-federation.

### **STOP TO CONSIDER**

#### **Legislative powers between the union and the states**

Article 245 to 255 contain a charter of the distribution of legislative powers between the union and the states. Parliament may make laws for the whole or any part of India. The legislature of a state may make laws for the whole or any part of the state. Article 246 lays down that the union Parliament would have exclusive jurisdiction to make laws in regard to items in the union list, the state legislature would have exclusive power to make laws in respect of items in the state list and both the union and state legislatures could legislate in the area of items included in the concurrent list. In case of any inconsistency between laws



made by parliament and those made by the legislature of a state in respect of items in the concurrent list, the union law shall prevail and the state law shall be void to the extent of inconsistency. In the three-fold distribution of powers, residuary powers of legislation have been left with the Union (article 248). Also, Parliament has been given the power to make any law for the whole or any part of the country to give effect to any international treaty, agreement, convention or decision (article 253). Article 256 to 265 seek to regulate administrative relations between the union and the states.

Apart from that, Government of India has also the provisions to create some departments to carry on their duties under the supervision of several ministries. Due to its federal structure, such departments are divided into Central government departments and State Government departments. The central ministry works independently and the State governments work under the supervision of the Central Government.

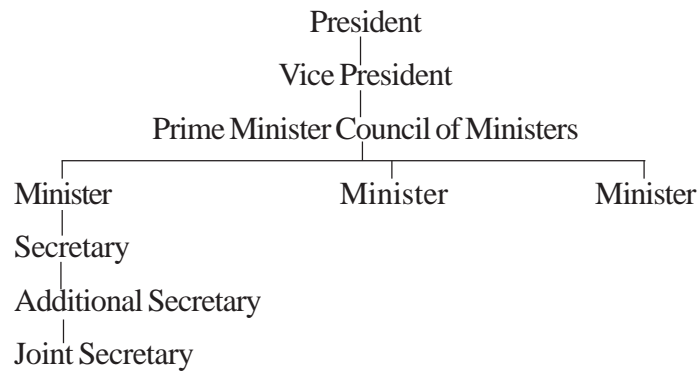
Hence it can be said that apart from the political executives and the Parliament and state legislatures, for the continuity of administration there exists some departments headed by appointed officials. At highest level of Administration (below political executive) such officials exist known as Civil Servants. They are permanent in nature.

#### **1.4 Central Administration**

We know that India is the world's largest democratic country. The Constitution of India has opted for the federal structure with President at the apex of its administration. He or she is the nominal head of the country. All his powers are actually exercised by the Prime Minister and his Cabinet. On the other hand, Parliament is the supreme legislative body of the country, which comprises of the President and the two Houses, Lok Sabha (House of the People) and Rajya Sabha (Council of States). The term of a Prime Minister and his cabinet solely depends on its favour.

Central Government of India consists of the President, the Vice-President, the Prime Minister, Cabinet, and Parliament. Unlike other model federation, our central government is stronger than the state governments. State

governments should work in accordance to the norms of the Central Government. We can analyze the structure of Indian Central administration with the help of the following diagram.



Now let us discuss the structure of central government.

#### 1.4.1 President

The President of India is the head of the nation and first citizen of India, as well as the Supreme Commander of the Indian Armed Forces. All the administrative powers are vested in him. Although article 53 of the Constitution states that the President can exercise his powers directly with few exceptions, all the authority vested in the President is in practice exercised by the Council of Ministers, headed by the Prime Minister. The President is elected by an electoral college, consisting of the elected members of the two houses of parliament and legislative assemblies of the states (article 54). As the chief executive of Indian administration, the President plays an important role in Indian administration. It is the President who summons both the houses of the Parliament and prorogues them. He or she can even dissolve the Lok Sabha. These powers are formal, and by convention, the President uses these powers according to the advice of the Council of Ministers headed by the Prime Minister. The Constitution vests in the President of India all the executive powers of the Central Government. The President appoints the Prime Minister, the person most likely to command the support of the majority in the Lok Sabha (usually the leader of the majority party or coalition). The President then appoints the other members of the Council of Ministers, distributing portfolios to them with the help of the advice of the Prime Minister. The Council of Ministers remains in power during the 'pleasure' of the President. In practice, however, the Council of Ministers must retain the support of the

Lok Sabha. If a President were to dismiss the Council of Ministers on his or her own initiative, it might trigger a constitutional crisis. Thus, in practice, the Council of Ministers cannot be dismissed as long as it commands the support of a majority in the Lok Sabha.

President also plays an important role in State administration too. He can appoint Governors of States, the Chief Justice, other judges of the High Courts of India. Again his three emergency provisions make him more powerful. During the emergency, he acts as the real chief executive of the Nation.

Thus it is clear that president is the soul of Indian Administration. He plays a vital role in the affairs of the central government. No bill becomes an act without his consent.

### **STOP TO CONSIDER:**

#### **EMERGENCY POWERS OF THE PRESIDENT**

**The President can declare three types of emergencies: national, state and financial.**

##### **National Emergency**

National emergency is caused by war, external aggression or armed rebellion in the whole of India or a part of its territory. Under Article 352 of the Indian Constitution, the President can declare such an emergency only on the basis of a written request by the Council of Ministers headed by the Prime Minister. Such a proclamation must be approved by the Parliament within one month. Such an emergency can be imposed for six months. It can be extended by six months by repeated parliamentary approval, up to a maximum of 3 Years.

##### **State Emergency**

State emergency, also known as President's rule, is declared due to the breakdown of constitutional machinery in a state. Under Article 356 of the Indian Constitution, it can be imposed from six months to a maximum period of three years with repeated parliamentary approval every six months. If the emergency needs to be extended for more than three years, this can be achieved by a constitutional amendment. During such an emergency, the President can take over the entire work of the executive, and the Governor administers the state in the name of the President. The Legislative Assembly can be dissolved or may remain in suspended animation. The Parliament makes laws on the 66 subjects of the State List. All money bills have to be referred to the Parliament for approval.

##### **Financial Emergency**

If the President is satisfied that there is an economic situation in which the financial stability or credit of India is threatened, he/she can proclaim financial

emergency as per the Constitutional Article 360. Such an emergency must be approved by the Parliament within two months. It has never been declared. On a previous occasion, the financial stability or credit of India has indeed been threatened, but a financial emergency was avoided through the selling off of India's gold reserves.

### 1.4.2 Vice President

In the central administration of India, the second position is occupied by the Vice President. Article 63 of Indian Constitution deals with the office of Vice President. Article 63 provides that there shall be a Vice President of India. Vice President is elected by the members of the two houses of the parliament by the system of proportional representation by means of single transferable vote. He is the ex-officio chairman of Rajya Sabha. Normally he holds office for 5 years.

However Indian Constitution does not attach any functions to Vice President. He only possesses the power as the chairman of Rajya sabha. He presides over the meetings of Rajya Sabha. But if the President is unable to discharge his functions due to his absence, illness or any other cause, the Vice President will discharge all the functions of President until the President resumes office.

#### SAQ:

Do you think that in a democracy the existence of indirectly elected President can help to promote the norms of democracy? (80 words)

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### 1.4.3 Prime Minister

We know that India follows a parliamentary system of government. In this system, the Prime Minister is the presiding and actual head of the government as well as the head of the executive branch. The office of the Prime Minister

first originated in England. Article 74 of the Indian Constitution deals with the Prime Minister. He is appointed by the President of India from the majority party of Lok Sabha. Article 74(1) says that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall in the exercise of his functions, act in accordance with such advice.

The Prime Minister of India is the most powerful person in the government of India and is technically outranked by the President of India. The duties of the President are largely ceremonial, the Prime Minister has effective responsibility for government. He must be a member of either house of Parliament.

### **STOP TO CONSIDER**

#### **Role and Power of the Prime Minister**

The Prime Minister, leads the functioning and exercise of authority of the Government of India. He is invited by the President, as leader of the majority party in the Parliament of India to form a government at the federal level and exercise its powers. In practice, the Prime Minister nominates the members of their Council of Ministers to the President. They also work to decide a core group of Ministers as in-charge of the important functions and ministries of the Government of India.

The Prime Minister is responsible for aiding and advising the President in distribution of work of the Government to various ministries and offices and in terms of the Government of India (Allocation of Business) Rules, 1961. The coordinating work is generally allocated to the Cabinet Secretariat which in turn acts as a nodal agency for the functioning of the various Ministries. While generally the work of the Government is divided into various Ministries, the Prime Minister may retain certain portfolios.

The Prime Minister represents the country in various delegations, high level meetings and international organizations that require the attendance of the highest government office and also addresses to the nation on various issues of national or other importance

#### **1.4.4 Council of Ministers**

We know that the President of India is the constitutional ruler. In practice, the real executive of the Indian Union is the Council of Ministers, which exercises the powers on behalf of the President. According to article 74(i)

of the Indian Constitution, there shall be a council of ministers. The Union Council of Ministers is formed under the leadership of the Prime Minister. It comprises of the Cabinet Ministers, Ministers of State and the Deputy Ministers appointed by the President in accordance to the advice of the Prime Minister. The Union Council of Ministers remains collectively responsible to the Indian Parliament. In addition to the collective responsibility, the ministers are also individually responsible for the functioning of their respective departments. The Council of Ministers is responsible for

- preparing and introducing bills in the Parliament;
- aiding and advising the President in the exercise of his functions;
- determining the policy and administering them and to implement them

The Union Council of Ministers carries out their functions with the help of the government officials.

#### **1.4.5 The Secretariat**

Government of India has certain departments that carry on their duties under the supervision of several ministries. The Central Ministry is part of the Executive branch of the Government. We know that in a democratic set up, there exist two kinds of executives---- Political which are non permanent and Non political or Civil Servants which are permanent in nature. As the political executives are not permanent, for the continuation of administration the bureaucrats or civil servants are essential. In India for smooth running of its administration, all the administrative powers are divided in various departments. Every such department is headed by a secretary working under the supervision of a minister. Although the Constitution of India is silent about the word Secretariat, Art. 77 (3) indicates the way necessary for the allocation of government business among the departments and ministries. The Ministries and Departments enumerated in the allocation of such government business are collectively known as the Secretariat. It is the nerve center of government administration. The continuation of administration greatly depends on them. They implement the policies formulated by the Ministry.

Hence it can be said that in Indian parliamentary system of government, parliament is the supreme law-making body. Again there is fusion of executive and legislative powers. The President is the constitutional head of the executive. All the executive powers are exercised by the Council of Ministers with the Prime Minister as its head.

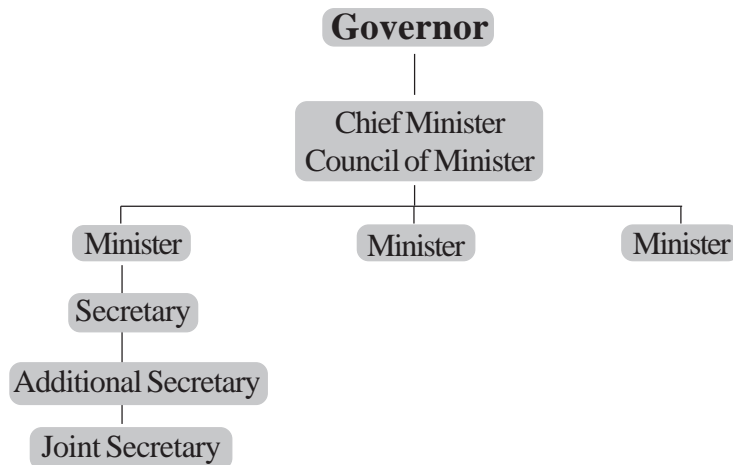
**Check Your Progress:**

1. Write a note on the Constitution framework of Indian central administration.
2. Make a comparative study of the power and functions of President and Prime Minister of India.
3. Define Secretariat.
4. Write a brief note on the formation of the Council of Ministers in India.
5. Write a note on the 'emergency provisions' of Indian President.

## **1.5 State Administration**

As India opted for the federal system of government, there exist two kinds of Government. One is central government which we studied in earlier sections and another one is state government. The Constitution of India divided the executive powers between the union and the state. We know that India comprises of twenty-eight states and seven Union territories and consists of a Sovereign, Secular, Democratic Republic with a Parliamentary form of government. The Administration at the State level is the cutting edge of the public administration system in the country.

Nevertheless, the functioning of government in states is quite similar to the system of Union. In every state, like the centre, the Governor is the nominal head and the representative of the President. He is the head of the State Government in India. According to Article 153 of the Constitution, the executive power of the states will rest with the Governor and there will be a council of ministers headed by Chief Minister. The main function of the Chief Minister is to advice the governor to carry out his executive functions. In this section we are going to discuss the structure of Indian State administration. The following diagram helps you explore the basic structure of Indian state administration



Now let us discuss the structure of State administration briefly

### 1.5.1 Governor

Governor is the chief executive of the State. The Governor acts as the nominal head whereas the real power lies in the hand of the Chief Ministers of the states and the Council of Ministers. He has similar powers and functions at the state level as that of the President of India at Union level. Governors exist in the states while Lieutenant-Governors exist in union territories and in the National Capital Territory of Delhi. In India, a Lieutenant governor is in charge of a Union Territory. However the rank is present only in the union territories of Andaman and Nicobar Islands, Delhi and Pondicherry (the other territories have an administrator appointed, who is an IAS officer). Lieutenant-Governors hold the same rank as a Governor of a state. The Governor is appointed by the President according to the advice of the national government. The normal term of a Governor's office is 5 years but it can be terminated earlier by

- Dismissal by the President on the advice of the Prime Minister of the country, at whose pleasure the Governor holds office.
- Resignation by the Governor

The Constitution of India vested all the executive power of the State government in the hand of the Governor. He exercised these powers according to the advice of the Chief Minister and council of ministers. However during the period of State Emergency, he acts as the real executive of the State. The State Emergency can be declared only after the recommendation of the Governor. Chief Minister and the council of Ministers are appointed by him. He also appoints all the highest officials of the state government.



## **STOP TO CONSIDER**

### **Recommendation of Sarkaria Commissions on the matter of the appointment of Governor (1988)**

Sarkaria commission has been appointed for studying the centre-state relationship. In the report of the commission, the following measures for appointing a governor for a state were recommended :

1. In terms of appointment of a Governor for a state, the Centre should consult with the C.M. of the concerned state.
2. Where the ruling party of a state is different from the Centre, a politician should not be appointed from the ruling party.
3. In terms of appointment it should be considered that the person may not have any active participation in politics in his recent past.
4. Governor must be an outsider of the state.

### **1.5.2 Chief Minister**

Like the Union Government where the Prime Minister is the real executive, in the affairs of the state, Chief Minister is the real executive. Article 164 of the Indian Constitution provides that the chief minister is to be appointed by the Governor. Generally he is selected from the leader of the majority party of state legislature. The Chief Minister takes leading part in the deliberation of the State Legislature and defends the policies of his government. He can recommend the dissolution of the legislative assembly to the Governor even before the expiry of the term.

Thus, like his prototype at the Centre, the chief minister has been described as the keystone of the cabinet arch. He is regarded as the creator, preserver and destroyer of the cabinet. All the ministers are individually responsible to him. The Chief Minister coordinates the policies and working of all ministers. He also acts as the communicating channel between the Governor and the Council of Ministers. Article 167 of the Indian Constitution provides that the Governor of the State can seek any information from the council of ministers through the Chief Minister.

Thus, it is clear that in the State administration, Chief Minister holds a pivotal position.

**SAQ:**

Make a comparative study of the power and functions of the President and Governor. (60 words)

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**1.5.3 Council of Minister**

The Governor also appoints the Council of Ministers on the advice of Chief Minister. Article 164 of the Indian Constitution provides that the Governor shall appoint the chief minister and the Council of Ministers shall also be appointed by him. Like the Union government, it comprises of the Cabinet Ministers, Ministers of State and the Deputy Ministers and parliamentary secretaries. However, in general only the cabinet ministers hold the post of Departmental head. The size of the Council of Ministers is determined by the Chief Minister. The formation and destruction of the Council solely depends on the Chief Minister but in general in this regard the Chief Minister must follow the rules and norms of his party.

The council of ministers is basically responsible for the formulation of policies of the state and their effective implementation. They are also responsible for maintaining law and order and ensuring security of life and property of the people. In the state legislature, the council of ministers decides the legislative programmes and sponsors all important bills.

Form the above discussion, it can be said that in state administration, the council of ministers guides the legislature. Above all they are the formulator and executor of the state policy.

**STOP TO CONSIDER:**

**Second Administrative Reform Commission and Council of Ministers:**

The second administrative reforms commission headed by B. Moily suggests some measures for the effective working of state administration. Its recommendations on council of ministers is one of the important measure for

effective working of state administration. Following are the recommendation for the Council of Ministers suggested by the Commission

- a. The size of the Council of Ministers in the States needs to be reduced further considering the needs of an efficient government. For this purpose the maximum size of the Council of Ministers may be fixed in a range between 10% to 15 % of the strength of their Legislative Assemblies. In the larger States (where membership of the Assembly is more than 200) such maximum percentage should be 10% where as in the medium (where the strength of the Assembly is between 80 and 200) and the smaller States (where the strength of the Assembly is below 80) it may be 12% and 15% respectively. This stipulation should however be subject to appropriate proviso to remove anomalies. It may be ensured that the maximum number of Ministers permissible for the medium sized States should not exceed the number prescribed for a large sized State having 200 legislators and similarly, the maximum number of Ministers permissible for the smaller States should not exceed the number prescribed for a medium sized State having 80 Legislators. There may not be any prescribed minimum.
- b) There is need to arrive at a national consensus on this issue through deliberations/discussions with the States at the Inter-State Council.

#### **1.5.4 Secretariat**

As we stated earlier, the Governor is the constitutional head of the state. He works under the supervision of Council of Ministers headed by the Chief Minister who is the real executive. The activities of the government is as such conducted by a minister heading one or two or even more departments--- a carrier civil servant is the administrative head of such department. The secretariat, like the Central Government secretariat as such implies the complex of departments which are administratively headed by the secretaries and politically by the Minister. The Secretary is a senior IAS officer. He is secretary to government as a whole and not simply serves as a secretary of the concerned minister. He is the principal advisor of the Minister. The continuation of the administration solely depends on him. He is assisted by deputies, joint secretaries, additional and other junior officials in different positions.

Thus from the above discussion, it is clear that the Constitution of India divides administrative powers between the union and the state Government.

The functioning of government in states is quite similar to the system prevailing in Union. State Government in India functions on the basis of federal relations between the state and central government. However, the central government has more authority on state matters than the state government. Moreover, if the political conditions in any state declines, the national government allows the President to declare President`s rule in that specific state. The Parliament has the power to make laws for the whole of or any part of the territory of India. The State Government in India also possesses the power to make laws for the States.

### **STOP TO CONSIDER:**

#### **Functions of Secretariat (both central and state)**

The secretariat performs the following functions

- a. formulation of Government's general programmes
- b. preparation of budget in consultation with the Finance department.
- c. supervising the general progress of the implementation of the Government programmes
- d. finalize the contents of all proposed legislation.
- e. deals with questions raised in the parliament as well as in the state legislature
- f. supervising the incurring expenditure as per budget's provision.

### **Check Your Progress:**

1. Write a note on the importance of Secretariat on State administration.
2. What is the relationship between the Governor and the Chief Minister of a state?
3. Fill in the blanks
  - a. Article----- of the Indian Constitution lays down the provision of Prime Minister.
  - b. Article----- of the Indian Constitution lays down the of emergency provisions of the Constitution.
  - c. Article ---- of the Indian Constitution provides that the Governor shall appoint the Chief Minister.
4. Choose the correct one.
  - a. Central Council of Ministers is appointed by the President/ Prime Minister.
  - b. Second Administrative Reform Commission is headed by Veerappa Moily/Sonia Gandhi/Rahul Gandhi.
  - c. Sarkaria Commissions is formed in the year 1988/1978/1987.

## **1.6 District Administration**

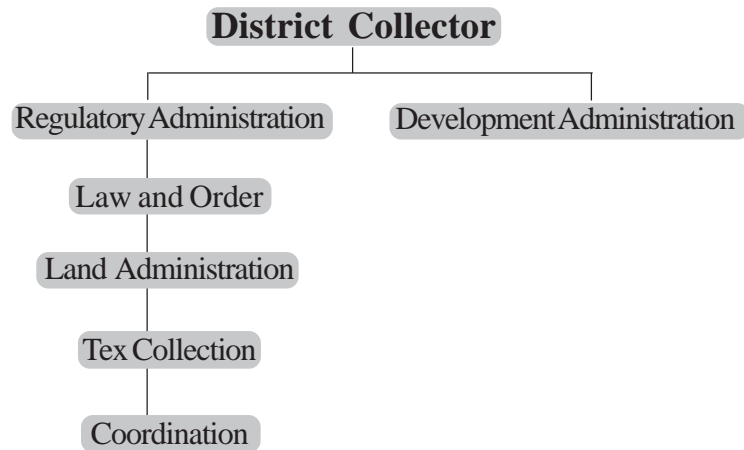
We have already studied the structure of Indian Central and State Government. Now in this section we are going to discuss the District administration in India. We know that India is a vast country. So it is impossible for Central or State Government to look after the every aspects of the society. For this reason, the states are divided into various administrative units. These units are known as Districts.

District is the basic administrative unit of India. It is a sub division of a division. According to Oxford English dictionary, 'district is a territory marked off for special administrative purposes.' In governmental terms, district is a sufficiently large territory with an overall unity and governed by common historical, geographical, social and economic conditions. We can define district administration as that portion of public administration which functions within the territorial limits of a district.

The system of district is not new for India. The present form of district administration is a mixed creation of Mughal and British rule. Since then district administration has a very important place in the hierarchy of Indian administration. The district administration is headed by Deputy Commissioner also known as Collector, District Magistrate in different places. Generally he is an IAS officer. The importance of district administration can be described in terms of the fact that it touches the people directly and more strikingly than that of central and state government. Almost all the departments of the state Government have their field agencies in the districts which operate with the aim to bridge the gap between the administration and the people. Moreover, the state administration depends upon the district administration for the successful implementations of its policies. The success of any state government depends on how its policies are implemented by the district administration.

Thus, from the above discussion it can be said that an honest and people oriented district administration can earn good name and fame for the state Government. But on the other hand, a corrupt and autocratic district administration may bring downfall of the administrative machinery. The maintenance of law and order and protection of life and property solely depends on the district administration. It acts as the watchdog of state government. Through district administration people can participate in the

decision making process of the state Government. It is the last unit of central Government. We can analyze the role and functions of Deputy Commissioner or District administration with the help of following diagram.



**STOP TO CONSIDER:**

**Potter’s definition of district administration:**

According to Potter district administration means

- a. maintain the district in a state of law and order
- b. ensure that justice shall be done and rule of law shall prevail
- c. assess and collect a number of taxes
- d. ensure that the land which is the major source of the people’s property should properly administered
- e. exercise various regulatory and control functions of the Government
- f. take immediate action in case of a calamity or disaster and like situation.

Now let us discuss the role and functions of District Collector.

**District Collector/Deputy Commissioner (DC)**

The present form of DC is the creation of British rule in India. He is the administrative head of a district. In Haryana, Punjab, Assam, J&k and Karnataka he is known as Deputy Commissioner. In Uttar pardesh and West Bengal, he is known as District Magistrate. DC is a generalist in administration, normally an IAS officer or a promote from the state civil service. This principal duty is the maintenance of law and order in the concerned district.

With the dawn of independence, India has embarked upon a new era of welfare state and community development. So the functions of a DC are increasing. To elaborate, he is responsible for dispelling illiteracy, eradication

of superstition, control of population growth etc. DC occupies a pivotal place in the district administration. His authority is onerous and powers are enormous.

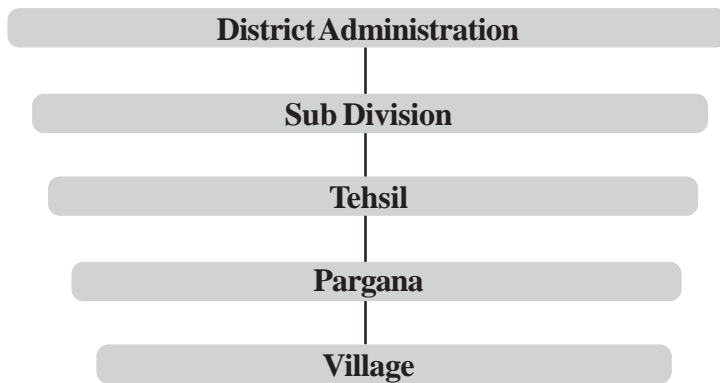
**SAQ:**

Write a note on the importance of district administration. (50 words)

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**District administration at lower level:**

Already we have studied that DC is the administrative head of a district. For the smooth functioning of his functions he has a well-knit hierarchy in the district. We can explore the administrative divisions of a district as follows–



**Sub-Division:**

In India most of the districts are divided into two or more sub-divisions. Such divisions are under the charge of an Assistant Collector/Commissioner. He is known as Sub-Divisional Officer/Asst. Commissioner/Sub Collector etc. A sub-division helps to decentralize authority.

**Tehsil:**

This type of administrative units are found basically in Andhra Pradesh, J&K, Punjab, Rajasthan, Haryana, Gujrat, Kerela, MP, Tamil Nadu, Maharashtra and Karnataka. In this system each sub-division is divided into two or more administrative areas called Tehsils. Each Tehsils are under the charge of Tehsildar subordinate to SDO. The basic functions of such unit is to hear grievances of and generally keep in touch with the people of the concerned unit.

**Pargana:**

The next to the Tehsil is known as Pargana. It is known as pargana in UP, circle in Maharstra and Punjab, and firka in Tamilnadu. The officer in charge of such unit is the first line supervisor in the chain of revenue administration in the state.

**Village:**

The village is the lowest and last unit of district administration. It is administered by Village panchayats. The administrator has different names in different states. However the basic functions of such officer is the maintenance of land record and statistical data and report to the higher authority. Through the Village administration people come to touch with the higher level of administration.

Apart form that, in a district, many officials are recruited for smooth functioning of the administration. for example, the Superintendent of Police is the in charge of the Police force which primary function is to assist the DC to maintain law and order situation. Hence it can be said that district administration is the field work of central and state Government through which people touch the highest level of administration. DC is last agent of central administration in a state.

**Check Your Progress:**

1. Discuss the role and functions of a Deputy Commissioner.
2. What do you mean by district administration?
3. What is Village?
4. Who coordinate between people and state Government in a district?
5. Who is the administrative head of Kamrup district?



## 1.7 Summing Up

After going through this unit you are now in a position to analyze the administrative structure of India. In this unit we have learnt that the form, structure, functions and the organs of government related to the type of the political system of the concerned states. In other words, we can say that the structure of administration depends on the environment. It also influences the nature of the distribution of powers among the units of government and organs of the state. The form of government in India is the quasi- federal form, with federal structure and strong unitary spirit. In India, we have two types of Government Central and State, and the two levels of government are interdependent and share sovereignty. The federal system also provides that the Constitution is the supreme law of the land. We have also learnt that in Indian parliamentary system of government which is based on universal adult franchise, the President is the constitutional head of the Executive. All the executive powers are exercised by the Council of Ministers with the Prime Minister as head. Again for the continuation of the administration there exist some departments headed by a secretary. Like the Central executive, in the State, Governor is the constitutional head and all his executive powers are exercised by the Council of Ministers with the Chief Minister as head. Due to the vast territory Indian states are divided into various districts as administrative units. Such unit is headed by a generalist officer belonging to IAS. It is the last administrative unit of central Government in a state. Hence it is clear that State Government in India functions on the basis of federal relations between the state and central government with the help of various administrative units.

## 1.8 References and Suggested Readings

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## **Unit 2**

### **Recruitment to Civil Services in India**

#### **Contents :**

- 2.1 Introduction**
- 2.2 Objectives**
- 2.3 Public Service Commission**
  - 2.3.1 UPSC**
  - 2.3.2 SPSC**
  - 2.3.3 Power and Functions of PSC's**
- 2.4 Examination System**
- 2.5 Merit System**
  - 2.5.1 Obstacles to Merit System**
- 2.6 Summing Up**
- 2.7 References and Suggested Readings**

#### **2.1 Introduction**

An organization must realize its goals and for that it requires qualified personnel. This function of supply of qualified personnel is performed by recruitment and selection. In the words of D.E. Klinger. "Recruitment is the process of attracting qualified applicants for jobs." Thus recruitment and selection constitute a process which is of vital importance to the administrative system as a whole.

In a parliamentary democracy the political executive is not permanent in nature. In this system the administration is run by the civil servants. The civil servants are now playing a crucial role in the society. No well thought-out and well planned policies can succeed without competent public servants to execute the administrative work. In Indian democratic system, the civil service is regarded as the backbone of the administrative machinery. With the advancement of science and technology, the activities of state have multiplied. Now at every step the citizens come into contact with the civil servants. We find the existence of civil service during the ancient and medieval period also. Akbar, the Great, founded and nurtured the civil service. During

his time the civil service had welfare and a regulatory-orientation. But it was the British who introduced a well equipped civil service in India.

The framework of the development of Civil Service in India may be traced back to the days of British rule in India. The British Government was responsible for giving a definite shape to the civil services in India. In the post -independence era, procedural changes had occurred from time to time regarding the recruitment of the personnel to the highest civil service. But in terms of the overall service at the highest level, there has been no substantial change. Accordingly, the IAS and the allied services constitute the existing categories of civil services of India.

After gaining independence, India adopted the British pattern of civil service with some modification. In this unit an attempt is made to explore the recruitment system of Indian Civil Servants. We know that they are playing vital role in administration in India. Execution of policies depend upon them. So they must be committed and result oriented. In this context it is evident to mention here that for doing such vital works one should have special knowledge. So there should be some procedure to select such personnels. Here in this unit we shall discuss the selection procedures of Indian Civil Servants. We will also discuss the merits and demerits of such process. Let us discuss the recruitment procedures of Indian civil servants.

## **2.2 Objectives**

We know that the system of civil service in post-independence India was reorganized on the British pattern. At the central level, the civil services included the All-India Services, such as the Indian Administrative Service, the Indian Foreign Service, the Indian Police Service, and the Central Services. To select them Government also created a commission known as Public Service Commission. Like the Central, every provinces of the country have their own civil services and own machinery to select them. After reading this unit you will be able to

- *analyze* the role of Public Service Commissions.
- *describe* recruitment procedures of civil services
- *discuss* the merits and demerits of recruitment system

### **2.3 Public Service Commission**

We know that Civil Servants are the backbone of a democratic country. Success of an administration depends on them. In India, the system of civil service is the impact of British rule. However, British civil service was a part of a police state. Initially there was no proper system of their recruitment. But the Government of India Act 1919 changed the scenario of Civil Service system in India. For the first time through this Act proposal was taken for the establishment of a Public Service Commission to recruit personnel for the said purpose. However only in 1926, formally a Public Service Commission was established to recruit central government personnel. At the same time Madras established its own commission to recruit public officials. Again the Government of India Act 1935 laid down the procedure for the establishment of such commission. According to this Act "there shall be a public service commission for the federation and a public service commission for each province". Since then India has two types of Public Service Commission ----- one in Central Level known as Union Public Service Commission and another one is State Public service Commission.

After independence, Indian Constitution following the provision of 1935 Act has provided for a Public Service Commission. Article 315 of the Indian Constitution provides that there shall be a Public Service Commission for the Union and a Public Service Commission for each state. Again Indian Constitution describes that Parliament of India may establish a Joint Commission for two or more States if the State legislature of such state passes a resolution in this regard. There is another provision in Indian Constitution that in some cases Union Public Service Commission (UPSC) may act as a State Public Service Commission if concerned state wants so. These commissions are purely advisory body, whose prime duty is to select candidates for Public Office.

Now it is clear to you all that the Indian civil service is composed of the central and the provincial civil services. The central government has constituted the three All-India services and several other services categorized as Group A, B, C, and D services. The three major civil services at the centre comprise the Indian Administrative Service, the Indian Foreign Service, and the Indian Police Service. Each provincial government has constituted 10-20 services, depending on its historical background and size

of the province. Besides the three top Group A civil services which we mentioned above, the other important services include the Indian Audit and Accounts Service, Indian Customs and Central Excise Service, Indian Defence Accounts Service, Indian Revenue Service, etc. In all the provinces, the civil services mostly include the provincial civil services, education service, judicial service, medical service, engineering service, agricultural service, and forest service. The central civil services have about 4,000,000 employees presently on its rolls, and the provincial civil services employ an equal number of people. In this context, it is evident to mention here that UPSC is responsible for selecting and appointing even in the matters of promotion of said central services. Staff Selection Commission is responsible for appointing Group B services in a joint manner. Again SPSC is responsible in making rule and regulation for appointing personnel for State services.

#### **STOP TO CONSIDER:**

##### **Role of Civil Service In the Post independence era:**

With the inception of economic planning in India in 1951, and the launch of its First Five-Year Plan enjoined on the Indian civil service the role of development administration. In this new mould, the activities of civil servants are increasing. They cover every aspects of social and political as well cultural life of the society. For example, they are expected to participate in the administration of public enterprises, regulation of the private sector, formulation of socio-economic and political policies, elimination of poverty, development of rural areas, combating inflation, effective monetary management, reduction of gender gap, elimination of social inequity, etc. Again the emergence of a new economic policy in 1991, which saw a rollback of the state in economic activities both at the macro and micro levels, meaning thereby formulation of such macro-economic policies which spurred a favourable environment for private sector participation, and reforms at the macro-level leading to the contraction of the public enterprise system, and the existence of only healthy public sector units. In other words, the 1990s foresee for the state a facilitator's role.

#### **Now let us discuss the UPSC and SPSC:**

##### **2.3.1 UPSC**

We have already learnt that in India recruitment to various services is made through Public Service Commission. We have also learnt that Article 315

of the Indian Constitution provides for the establishment of PSC for Union and a PSC for each state. There is also a provision for Joint Public Service Commission.

**Composition and Appointments of the Members of UPSC:**

The Constitution of India is silent about the strength and service conditions of the members of UPSC. It leaves this task to the President of India. He has the power to determine the strength of UPSC. In 1950 it was fixed at six members; however it has been raised to 8 members. Now the UPSC consists of a Chairman and not more than 8 members. The Chairman and the members of UPSC are appointed by the President of India

**Term and Removal:**

Normally the term of the Chairman and the members is six years or until they attain the age of 65 years, whichever is earlier. A member, even the Chairman is free to relinquish his office. Again there is a provision to remove the members by the President. President can remove a member for his misbehaviour after consulting the Supreme Court before the expiry of his terms.

Apart from that, Constitution of India says that the Commission must submit its annual report to the President of India. UPSC is obliged under Article 323 of the Constitution to present an annual report regarding the work and activities done by the Commission to the President of India. After receiving this report, the President has to present it before each house of the Parliament.

**SAQ:**

Write a note on the impact of British rule in the formation of Public Service Commission in India.(80 words)

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### 2.3.2 SPSC: Composition, terms and removal

Like UPSC, Constitution of India is also silent about its strength. It is the Governor who decides the strength of such commissions. Like UPSC, it has also a Chairman appointed by the Governor of the concerned state. Other members are also appointed by following the same method. The term of office is six years. The difference is that while a member can retain his post till the age of 65 years in UPSC, in case of SPSC it is 62 years. The procedure for removal is same. However Governor is not responsible for the removal of the member of SPSC. It is the President and the Supreme Court which has the power to remove the members from their office. Governor has only the power of suspension of the members.

#### **STOP TO CONSIDER:**

##### **Conditions for Removal of the Members of PSCs:**

Article 317 of the Indian Constitution describes the procedure of removal and suspension of a member of PSC. Before the expiry of the term, the President can remove a member including the chairman from his office on the following grounds:

1. If the member is adjudged as insolvent or bankrupt
2. If he engages during his term in any paid employment outside the duties of his office, or
3. If the President considers him as unfit for the post by reason of infirmity of mind or body.

However, the President can not remove them alone. He should consider the advice of the Supreme Court. Only after getting the consent of SC, he can remove or suspend a member from his office.

### 2.3.3 Power and Functions of PSC's

Due to the constitutional status, Indian Constitution discusses the functions of PSC in details. Article 320 of the Indian Constitution mentions the functions of a PSC. In the earlier section, we have learnt that India has two types of services and for recruiting personnel, it has created two types of PSC. Both have same nature of work Let us discuss the powers and functions of PSCs in the following manner :

**Recruitment:** To conduct examination for appointments to the services of the Union and the services of the State respectively.

**Advice:** To advise on any matter which the President or Governor of a State may refer [Art. 320].

**Additional Functions:** To exercise such additional functions as may be provided for by an act of Parliament or of the legislature of a state - as respects the services of the Union or the state and also as respects the services of any local authority or other body corporate constituted by law or of any public institution (art. 321).

Other functions are like - *(a)* to present annually to the president or the Governor a report as to the work done by the Union or the State Commission, as the case may be (Art. 323).

*(b)* it shall be the duty of the Union Public Service Commission, if requested by any two or more states so to do, to assist those states in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required. (Art. 320(2)).

*(c)* the Public Service Commission for the Union, if requested so to do by the Governor of a state, may, with the approval of the President, agree to serve all or any of the needs of the state.

The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted -

*(a)* on all matters relating to methods of recruitment to civil services and for civil posts;

*(b)* on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;

*(c)* on all disciplinary matters affecting a person serving under the government of India or the government of a state in a civil capacity, including memorials or petitions relating to such matters; etc.

However, the function of the Public Service Commission is only advisory and the Constitution has no provision to make it obligatory upon the government to act upon the advice of the Commission in any case. The reason is that, under the Parliamentary system of government, it is the cabinet which is responsible for the proper administration of the country and its



responsibility is to Parliament. They cannot, therefore, abjure this ultimate responsibility by binding themselves by the opinion of any other body of persons. On the other hand, in matters relating to the recruitment to the services and the like, it would be profitable for the ministers to take the advice of a body of experts.

However an amendment of 1961 has curtailed the powers of PSCs. It provides that it shall not be necessary for the President to consult the Commission in any case where he proposes to make an order of dismissal, removal or reduction in rank after being satisfied that such action is necessary in the interest of the security of the state. Again in 1962 following the proclamation of emergency, the advisory powers of PSC is curtailed. All regulations made by the President or Governor specifying the matters in which it is not necessary to consult the Commission are to be laid before the appropriate legislature and are subject to legislative control and modifications.

However it is the parliament and state legislature which has the authority to extend the powers and functions of PSC under Article 321 of the Indian Constitution.

### **Check Your Progress:**

1. Fill in the Blanks:

- a. Article----- empowers the Parliament to extend the powers and functions of PSC.
- b. Under Article ----- PSC can advice in any matter to the President/Governor.
- c. Article----- provides for the formation of UPSC.

2. Write a note on the composition of UPSC.

3. Mention one difference between UPSC and SPSC.

4. What are the basic functions of PSC?

5. Mention a procedure of the removal of a member of PSC.

### **STOP TO CONSIDER:**

#### **Independence of the Public Service Commission:**

The Constitution seeks to maintain the independence of the Public Service Commission from the Executive in several ways-

**Removal :** They can be removed from office only in the manner and for the grounds specified in the Constitution (See Article 317).

**Conditions of Service :** These shall not be varied to his disadvantage after his appointment [Proviso to Art. 318]. Punjab Public Service Commission (Conditions of Service) Regulation 1958 was made by the Governor of Punjab in exercise of the powers conferred by Article 318 of the Constitution of India.

Expenses of the Commission : They are charged on the Consolidated Fund of the State.

**Scope of Employment :** Article 319 Imposes certain disabilities upon the Chairman and members of the Commission with respect to future employment under the Government.

The Chairman of a State Public Service Commission has the only scope of employment in the Union Public Service Commission. The Members have scope of employment to a higher post within the Public Service Commission but not outside.

## 2.4 Examination System

Already we have learnt that through UPSC and SPSC personnels are selected for Public Offices for Central and State Government. The direct recruitment to such offices is made through a competitive examination. It was the British who first introduced open competitive examination to recruit Public Personnel. Initially the recruitment to the Indian civil service was confined only to the Britishers. The language of examination was English and the only centre for conducting the examination was in London. Later, on the basis of the recommendations of the Aitchison Committee, the minimum and maximum ages were increased from 19 and 21 years to 20 and 22 years respectively. The candidates were allowed to take the examination both at London and India.

After independence, Government of India has adopted the examination system. In this examination, any graduate Indian citizen can appear in the examination for Central Services (IAS). The age limit is 21 to 28 years and later it is raised to 30 years in the year 1999. One general candidate is allowed four attempts to clear the exam, on the other hand SC and ST Candidates get five years relaxation. The examination is held in entire India.

Prior to 1979 a single examination was held for the first time to recruit the personnel for Indian Administrative Services. The syllabus consisted of three

compulsory papers carrying 150 marks each. Again there was an optional paper carrying 200 marks. A candidate must secure qualifying marks in each compulsory and optional papers. After passing this examination, the candidate is called for a personnel interview. For selection, the candidate should pass both the exams.

In 1975, the Government of India formed a Committee under D.S. Kothari to advise the government to adopt the most scientific approach to the problem of recruitment of personnel to higher Civil Service. The Kothari Committee submitted its recommendation in 1976. The Government of India adopted most of the recommendations of this committee and implemented it from 1978.

Another committee to improve the examination system for higher services was formed under the chairmanship of Satish Chandra in 1988. The Committee submitted its report in 1989. The recommendations of the committee were implemented from 1993.

The Kothari Committee's suggestions were the following:-

- A preliminary examination to screen the candidates for the main examination.
- The main examination to select candidates for entry to the National Academy of Administration for a foundation course of about 9 months.
- Post training test conducted by the UPSC
- Introducing regional languages in the examination, etc

The examination for recruitment to the Indian Administrative Services is now conducted in three stages,

1. Preliminary Examination: There are two papers. One is common for all and another one is optional. However, as per the decision of Government of India, there shall be change in the pattern of the Preliminary Examination from 2011 in the scheme of the Civil Services Examination.
2. Main Examination: It is consisting of 9 papers where 3 are common to all. Other is optional. And,
3. Personnel Interview: It carries 300 marks. The objective of the interview is to assess the personal suitability of the candidate for a carrier in public service.

Thus we find that the Union Public Service Commission provides for a three-tier examination system for recruiting the officers of the Indian administrative services. The first type of the examination is called the Preliminary Examination, which contains objective-type questions of three hours' duration. About 10,0000 candidates appear annually for the Preliminary Examination. The cut-off point is set in such a way that 10% of the examinees are eligible for appearing in the Main Examination. It is here that the candidates have to give their option in priority for selection to the various Indian administrative and central services. About 15% of the candidates appearing in the Main Examination are declared eligible to appear for the personal interview. Half of these are declared successful for recruitment to the various Indian administrative and central services. The Indian administrative services are normally assigned 150 seats, including an option to ten top-rankers to opt for the Indian Foreign Service.

The Preliminary Examination tests the numerical ability, awareness of current events, and the state of mind of the candidate to grapple with administrative issues. The Main Examination tests his grip on the language, general knowledge, and expertise on subjects which he takes as options, which normally have two papers each of three hours' duration. The candidates also have to write an essay. The personal interview is conducted by various boards constituted by the Union Public Service Commission composed of board chairmen, subject experts, psychologists, and reputed civil servants. Such a system for testing was introduced in 1979, based on the recommendations of the Kothari Committee Report. However, the Fifth Pay Commission, in its report submitted in January 1997, has suggested switching over to the pre-1979 system which did not have the first rung of the present testing scheme, namely, Preliminary Examination, and made it obligatory on those seeking selection to the All-India services to take two extra papers. The introduction of the Preliminary Examination was suggested to weed out non-serious contenders. The same pattern is followed by the SPSCs to recruit personnel for their services.

**SAQ:**

Do you think that the examination system that prevails in India is the right system to select right candidate. (50 words)

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**STOP TO CONSIDER**

Problems of Recruitment

Recruitment in administration is a very difficult task which means attracting the proper and suitable type of candidates for particular jobs. Now, the fact is that the securing of right and competent persons for administration gives rise to the following problems of -

- (i) location of the appointing power,
- (ii) methods of recruitment,
- (iii) qualifications of employees,
- (iv) methods of determining qualifications,
- (v) administrative machinery for determination of qualifications,

**2.5 Merit System**

Already we have learnt that the system of civil service can function as a system of a career or position based system or a hybrid of both. The system of career tends to be highly competitive, self-motivated and resistant to political pressure. Based on merit-system with a strictly defined career path development for each position, this model has become a basic tool for organizing governance in many countries. Let us discuss briefly about the merit system to the recruitment of civil service.

The term "merit system" refers to a set of rules and procedures commonly used to fill and manage positions in government that comprises of the civil service. Through merit system, the merit principles in public employment are implemented. It may also refer to the idea that public employees should be selected and promoted on the basis of their merit in lieu of political patronage or spoil system. The merit is defined in terms of a demonstrated

ability to perform the jobs at issue. Merit systems are designed to limit the intrusion of politics into the selection of the staff and management of the civil service. We can analyze the merit system on the basis of following principles:

- Recruit qualified individuals from all segments of society and select and advance employees on the basis of merit after fair and open competition.
- Treat employees and applicants fairly and equitably, without regard to political affiliation, race, colour, religion, national origin, sex, marital status, age, or handicapping condition.
- Provide equal pay for equal work and reward excellent performance.
- Maintain high standards of integrity, conduct, and concern for the public interest.
- Manage employees efficiently and effectively.
- Retain and separate employees on the basis of their performance.
- Educate and train employees when it will result in better organizational or individual performance.
- Protect employees from improper political influence.
- Protect employees against reprisal for the lawful disclosure of information in "whistleblower" situations (i.e., protecting people who report things like illegal and/or wasteful activities).

In this context, it is evident to mention here that India is the first country which introduced the merit system to select the public officials. The system originated in British India. Since 1921, the merit system has prevailed in India in the matter of selection and promotion of public officials.

### **STOP TO CONSIDER:**

#### **Merit system in USA:**

Prior to 1883 the selection of public officials in US greatly depended on political affiliation of a candidate. In 1883, the Pendleton Civil Service Reform Act of US federal law established the United States Civil Service Commission, which placed most federal government employees on the merit system and marked the end of spoils system. The act provided for some government jobs to be filled on the basis of competitive examination. However, the law is only applied to federal government jobs: not to the state and local jobs that are the basis for political machines. The act also prohibits soliciting campaign donations on Federal government property

### 2.5.1 Obstacles to merit system

We have already discussed above the various parameters of the concept of merit system. But, the reality is that there are some obstacles on the path of the working of this merit system. Now, we will discuss the various obstacles or limitations on the path of merit system:

Political patronage (clientelism) and nepotism, financial corruption, while common, are usually covert because these are widely disapproved of. But in many countries the 'patron' can present himself or herself as a social altruist, discharging a noble obligation to political supporters, family members and others. Appointments on the basis of either kinship or money will have equally negative consequences for state performance.

Discrimination based on gender, race or other irrelevant personal factors are seen as posing serious obstacles on the path of the merit system. For example, the government facing gender issues at the heart of their policies may discriminate against women, consciously or unconsciously, when they appoint their own staff. Appointment practices should be 'audited' to remove institutional discrimination.

A faulty definition of merit may facilitate corruption. Firstly, if merit is defined to mean merely 'ability to do the job', and there are many able candidates, selectors can exploit the resulting ambiguity to appoint their relative or supporter in preference to another candidate. It will be harder for a patron to insert a client into a job where knowledge and skill requirements are precisely specified than into one where they are left vague.

To reduce such obstacles on the path of merit system, government should have the following policies:

- a job analysis leading to a written statement of the duties of the job (the job description)
- and the knowledge and skills which the jobholder will need (the person specification)
- an advertisement disseminated to eligible groups, including a summary of the job
- a standard application form
- a scoring scheme based on the person specification
- a shortlisting procedure to reduce applications, if necessary, to a manageable number

- including a selection method or methods in addition to the panel interview
- an appointment decision based on the scoring scheme
- notification of results to both successful and unsuccessful candidates
- 'post-interview counselling' offered to unsuccessful shortlisted candidates
- induction on what the panel found out through selection about the successful candidate

Hence it is clear that appointments based on merit is one simple and powerful way through which governments can improve the quality of their services. Further Governments can move forward by if they take these steps:

- declare publicly that they are committed to making staffing decisions on merit
- specify the exceptions to the merit rule and the reasons for them
- understand the forces which oppose merit (patronage etc.)
- audit existing practices to remove institutional discrimination
- establish appropriate institutional arrangements
- establish good practice selection procedures

**Check Your Progress:**

1. What do you mean by merit system?
2. Write a note on the examination system of India?
3. Critically examine the merit system of India.
4. Do you agree with the statement that merit system is the only way to choose the right candidate.
5. Mention some measures to reduce the obstacles of merit system.
6. Critically examine the report of Kothari Commission on the Recruitment methods.

**2.6 Summing Up**

After going through this unit, we come to know that the Indian civil service system is one of the oldest civil service systems in the world. It had its origin in the Mauryan period during ancient India. After independence, the Indian



civil service is patterned after the administrative structure of the country. It is both centralized and decentralized. It is centralized in the sense that the recruitments to the Indian civil service, and in particular of the IAS and the central services, are made by the Union Public Service Commission and the Staff Selection Commission. Once the candidates are recruited to the IAS, they are allotted to the provincial cadres and it is the responsibility of the respective provincial governments to manage their cadres. However, various provincial governments cannot take disciplinary action on the members of the IAS without permission of the Establishment Officer of the Government of India. The various provinces of the Indian union also maintain their own civil services. Recruitments to their civil services are mostly done through the State Public Service Commissions. Each ministry of a provincial government maintains its own cadre. Thus, it can be said that the pattern of the Indian civil services system has nothing to do with its political structure as selections are not based on regime-type or party-system.

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## **Unit 3**

### **Budgeting in India**

#### **Contents:**

- 3.1 Introduction**
- 3.2 Objectives**
- 3.3 Meaning and Definition of Budgeting**
- 3.4 Preparation and Enactment of Budget in India**
- 3.5 Execution of Budget**
- 3.6 Control of Budget**
- 3.7 Summing Up**
- 3.8 References and Suggested Readings**

#### **3.1 Introduction**

With the emergence of Welfare State, the work of the Government has multiplied. Now it looks after every sphere of human life and performs diverse functions from maintaining law and order, and protecting its territories, to implementation of plans for economic and social betterment. However, works in the social sector, such as providing education, health, employment and housing to the people get priority in the agenda of every Government. To discharge such functions effectively, the government requires adequate resources. Hence it is important to trace the source of the government resources for such works. These resources are mobilized by the government in the form of taxes. Again the Government needs a proper plan to execute its programmes. Such an economic plan which contains the total expenditure of the country and the resources from which funds shall be generated is known as budget. The need for proper budgeting arises in order to allocate scarce resources of the government to various governmental activities. Every item of expenditure has to be well thought out and total outlay worked out for a specific period. Here in this unit we shall discuss the meaning and definition of budget. Simply speaking, a budget refers to the financial statement of a nation. However, different scholars provide various definitions of budget, which we shall examine in this unit. Here, we shall analyze various

aspects of budget and study the Indian budgetary system in details, including the preparation, enactment and control of budget by the parliament.

### **3.2 Objectives**

We now know that a budget is a detailed plan of operations, set for a particular period to achieve particular objectives of a nation. After reading this unit you will be able to:

- *define* budget
- *know* the process of the preparation and enactment of budget in India
- *understand* the execution of Budget in India
- *examine* the budgetary control in India

### **3.3 Meaning and Definition of Budgeting**

As stated earlier, a budget is a detailed plan of action that is drawn up for a particular period in the form of a financial statement prepared for the purpose of attaining particular objectives. In other words, budget embodies the socio-political and economic policy priorities and fiscal targets of the government. It is pertinent to mention here that the English word 'Budget' is derived from the French word "bougette" which means a leather bag or a wallet. The word was used for the first time in 1733 to refer to the leather bag containing papers on the financial plans carried by the Chancellor of the Exchequer to the House of Commons. Later, the financial statements made by the Government for a fiscal year came to known as the budget. Hence it is clear that budget means a financial statement of the government carried out for the entire nation. In this regard, many scholars have forwarded various definitions to describe the budget. Here we will try to mention some important definitions of budget.

According to Dimmock, "a budget is a financial plan summarizing the financial experience of the past stating a current plan and projecting it over a specified period of time in future". On the other hand, Harold R Bruce defines budget as a financial statement which is prepared in advance and contains the estimated revenues and proposed expenditures of the given organization for the ensuing fiscal year.

Again Munro defines budget as a "plan of financing for the incoming fiscal year. This involves an itemized estimate of all revenues on the one hand and all expenditures on the other". In a modern state, it is known as a forecast and an estimate of all public receipts, expenses to be incurred and taxes to be collected.

Thus, from the above definitions it can be said that with the continuous development of financial management system, prudent spending is essential for the stability of a Government and proper earnings are the pre-requisite to wise spending. Hence, planned expenditure and accurate foresight of earnings are sine-qua-non of sound governmental finance.

### **STOP TO CONSIDER**

#### **Elements of a Budget:**

A budget has the following elements:

- It is a statement of expected revenue and proposed expenditure.
- It requires some authority to sanction it.
- It is meant for a limited period, generally it is annual.
- It also sets forth the procedure and manner in which the collection of revenue and the administration of expenditure is to be executed.

### **3.4 Preparation and Enactment of Budget in India**

As stated earlier, budget is a financial plan of government for a definite period. However, like government, an individual and organizations may have a budget. But the government budget differs from them. Unlike them, it covers all the spheres of the society and known as National Budget. Now let us examine the term national budget. National budget is a legal document, which is provided by legislatures before being passed by the executive head of the nation, such as the President, Prime Minister or other chief official of a nation. Hence, it is clear that it needs a proper plan of action, time and officials to prepare such budget. A government budget may be for a quarter, a year, five years or ten years. The period of the budget and the procedure of revenue allocation are exclusively mentioned by the government.

In India the 'Annual Financial Statement' is laid before both the Houses of Parliament and it constitutes the Budget of the Union Government. This statement takes into account a period of one financial year. The financial

year commences in India on 1st of April each year. The statement embodies the estimated receipts and expenditure of the Government of India for the financial year. The financial year is not same in all countries and the preparation of the budget is a highly technical matter.

**Check Your Progress:**

1. Fill in the blanks -

(a) Preparation of the budget is the responsibility of -----.

(b) Article ----- of Indian Constitution deals with the national budget.

2. Discuss the role of Finance Ministry in terms of presentation of Indian budget.

Now, let us examine the procedures for the preparation and enactment of budget in brief.

As stated earlier, preparation of the budget is a highly technical matter and it involves the efforts of various persons in various phases. In India, we find that the preparation of the budget involves the following stages-

- firstly, the preparation of the preliminary estimate by the head of the offices(disbursing officers),
- secondly, the scrutiny and review of the estimates by the controlling officers,
- thirdly, the scrutiny and review of the revised estimate by the Accountant General and the administrative department,
- fourthly, scrutiny and review of this revised estimate by the Ministry of Finance and
- lastly, the final consideration of the consolidated estimate by the Cabinet for the preparation of the budget.

You have already learnt that in India, the financial year begins from 1st April of every year and continues till 31st March of the next year. The preparation of the budget begins six to eight months before the commencement of the next financial year. The heads of the offices or the disbursing officers prepare the budget in three parts which includes revenue and standing charges, establishment and the continuing schemes of expenditure. The local officers

submit their estimate to the head of the department for scrutiny and review. After the scrutiny and review, the estimate forms are prepared and sent to the Accountant General and General Administrative Departments for review and scrutiny. Besides the general review, the Accountant General Officer is also required to prepare estimates under different heads and send to the highest department of Ministry of Finance.

**SAQ:**

Do you think the phases involved in the preparation of budget ensure its welfare motive? Justify with reference to India. (80 words)

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After the revision and modification of the estimates by the Finance Ministry it is put together into the budget of the government as a whole. The Ministry of Finance scrutinizes the estimate from the view point of finance that is of economy, availability of funds etc. The Finance Ministry then prepares an estimate of income and expenditure of the government of India and on the basis of this estimated expenditure, proposal regarding fresh taxes is made in the budget. Accordingly, the budget is divided into two parts-

- The income side and
- The expenditure side

It is worth mentioning here that the Finance Ministry, before preparing the budget, checks on certain questions like the necessity of the proposed expenditure, why it is required at present, wherefrom the money is to come for the cost and the consequences for it etc. The budget consolidated in this form is ready by the month of December. The Finance Ministry has decent knowledge about the financial position of the country. Accordingly, it occupies a dominant position in the making of the budget. After the budget is ready, the Finance Minister examines the budget estimate in the month of January and in consultation with the Prime Minister proposes his financial policy.

With the approval of the budget by the Cabinet, the budget is prepared and ready to be introduced in the Parliament and after this begins the enactment step.

### **STOP TO CONSIDER**

#### **BUDGETARY PROCESS IN THE USA-**

The Director of the Bureau of the Budget works under the control of the President. He prepares the budget more or less on the English plan with estimates of the appropriations necessary for the different departments of government and a statement of the probable revenues. The budget is submitted to the Congress on the responsibility of the President. It is considered by two committees of the House of Representatives whose names are the Committee of Ways and Means and the Committee of Appropriations. These Committees report the budget to the House of Representatives which after debate passes the Finance Bill and the Appropriation Bill. The bills are then sent to the Senate and then to the President of America. It is worthy of note that there is no unified responsibility in matters of Finance. It is true that the President submits a unified plan but it is also true that the same can be mutilated both in the Committees and in the chambers. That is partly due to the fact that the members of the Cabinet and the Director of the Bureau of the Budget do not sit in the House of Representatives or the Senate and, therefore, they have no opportunity to explain their proposals. Another reason is that the members, both in Committees and the Chambers, have the freedom not only to reduce items of expenditure and revenue but also to propose increases or even new items. Another remarkable feature to be noted here is that American Senate possesses lots of power regarding American Budget. It shares the task with the House of Representatives.

#### **Enactment of the Budget:**

After the budget is prepared it is introduced in the Parliament. The budget is presented in the Lok Sabha in two parts-

- Railway budget and
- General budget

You should remember here that, in India, the Railway Budget is presented by the Railway Minister separately from the General Budget. The General Budget is presented in the Lok Sabha by the Finance Minister on the last working day in the month of February every year except in unusual circumstances. The budget must be introduced only in the Lok Sabha. The

copy of the budget along with the financial statement is printed and circulated among all the members of the Parliament.

The General Budget consists of two parts- one is dealing with the expenditure and the other with the income of the union.

The expenditure embodied in the budget is divided into two separate parts-

- The expenditure charged upon the Consolidated Fund of India which is not votable
- The sums regarding the meeting of other expenditure which are votable.

Now let us discuss the enactment procedures of Indian budget:

### **A. Introduction of the budget**

Under Article 112, it is the duty of the President to get the budget prepared and placed before the House of Parliament. He gets it done through the Finance Minister. The introduction of the budget is an important event as it unfolds the economic and financial policy of the government. On the day of the introduction of the budget, there is no general discussion on it. On that day, the Finance Minister gives his budget speech and reads out the budget fully.

### **B. General discussion**

You have already learnt that no discussion of the budget takes place on the introduction day. The speaker fixes a day on which general discussion of the budget is to take place. All the items of the expenditure including those charged on the Consolidated Fund of India are covered by this discussion. This discussion is more of political nature rather than financial nature. The discussion takes place for few days. It is important to remember here that no motion is moved on nor voting takes place at this stage. The general discussion of the budget takes place in both houses of the parliament simultaneously. At the end of the discussion, the Finance Minister makes a general reply.

### **C. Parliamentary Committee Stage**

Lok Sabha is too large a body and an indepth, cool discussion of the budget is not possible. Even otherwise, it is a political body where every move is politically conditioned. It was therefore, felt that a dispassionate in-depth discussion of matters demanded the constitution of Standing Committees.



Therefore, the parliament took a decision to set up department related standing Parliamentary Committees to scrutinize, the demand for grants of various ministries/departments before these are discussed and voted in the house. There are 17 committees to cover all the ministries as well as the departments. The committees start functioning regarding the examination of the demands for grants. The committees may seek expert opinion from non-officials when necessary. The concerned ministries/departments supply brief background material to the committee to facilitate effective scrutiny.

#### **D. Demand for grants**

After the general discussion is over, the Lok Sabha votes for demand for grants not charged on the Consolidated Fund of India. It is exclusively made in the Lok Sabha. While voting the demands for grants the Lok Sabha sits as the House and not as the committee of the whole house. The speaker of the Lok Sabha allots a number of days for the voting of demands. When duly voted, these demands become grants. Each head of expenditure comes up for discussions and at the end of the discussions it is put to the vote of the House. It is worth mentioning here that the House can only reject or reduce a demand but cannot increase it. If more money is needed for expenditure it is authorized by the way of supplementary grants.

#### **E. Passage of appropriation bill**

The passage from the annual appropriation bill into a statute is the next stage in the enactment of the budget. The part dealing with the expenditure is known as Finance Bill. The appropriation bill consists of all the demands voted by the Lok Sabha and the expenditure charged on the Consolidated Fund of India are put together and incorporated in a bill. A limited debate takes place in the bill estimate. The bill follows the same procedure in the House as any other bill but there is no mention of select committees. After the bill is passed by the Lok Sabha it is certified by the speaker as money bill and transmitted to the Rajya Sabha for recommendation.

#### **F. Approval of the Rajya Sabha**

It needs mention here that the Upper House has no power to amend or reject the appropriation bill. It can only discuss and make recommendation within 14 days. The Lok Sabha may accept or reject the recommendation of the Rajya Sabha. If the bill is not sent back by the Rajya Sabha within 14 days, it is deemed to be passed by the Rajya Sabha.

### **G. Assent of the president**

After the bill has been passed by the Rajya Sabha, it is sent to the President for his assent. The prior approval of the President has been taken before the introduction of the budget. Therefore, President's assent is just a formality. The President cannot return the bill for reconsideration. With the assent of the President and the authority given by the Parliament, the bill becomes an act and the government is authorized to withdraw money from the public fund and spend it as authorized by the act.

### **H. Finance bill**

The finance bill implies the part dealing with the revenue side of the budget. The government is authorized to collect the required money by way of taxation. The finance bill is placed before the Lok Sabha for this purpose. The financial proposal of the government for the ensuing year is incorporated in the finance bill. It must be passed before the end of April and after having been passed, the government is authorized to collect taxes. With the passage of the appropriation bill and the finance bill, the enactment of the budget is completed.

After the budget is passed through all these stages, it is sent with the authority of the Parliament to the President for his assent. But it's a mere formality. Finally the budget is published in the official gazette which means the budget is enacted.

## **3.5 Execution of Budget**

Already we have learnt the procedures of budget preparation in India. Now we are going to discuss the execution of budget. It is the next step in the budgetary process. The budget is useless without the enforcement of its provisions. It is the responsibility of the executive. The legislature makes the grants of money to the executive and therefore it becomes the responsibility of the executive to execute the budget. This process involves two things or principles. These are as follows-

- The budget must conform to the terms of the Appropriation and Finance Act and

- There must be a high degree of honesty, integrity and efficiency. Apart from these principles in the enactment of budget, the following measures are also used:
- Assessment and collection of funds
- Custody of public funds
- Disbursement of funds
- Accounting
- Auditing

Now let us discuss these processes very briefly the Assessment and collection of funds

It is worth mentioning here that before the collection of the taxes, assessment must be done. Assessment implies the act of determining as to how much amount is to be collected from different individuals according to the authority given by the legislature. Consequently, assessment involves mainly two things, firstly, preparation of a list of persons liable to pay the tax, and secondly, to determine how much each has to pay according to the prescribed rates. It is the responsibility of the executive to devise a suitable machinery and procedure for assessing the amount that is due to the government from an individual or an association. The executive shall take special care in devising such machinery so that the evasion of taxes can be prevented.

Again, after making the necessary assessment the next step is to collect the money which is due to the government. The nature of the taxes determines the mode of collection. For example, in cases like customs, payment has to be made on the spot. Again, in some other cases like the income tax, the tax is deducted at the source, i.e. the pay of the salaried persons. Again, in some cases, the agents or officials of the government may approach the tax payer directly and demand payment from him. The collection thus made, is subsequently deposited in the treasury.

The government of India has to levy taxes through the two statutory Boards, viz. the Central Board of Direct Taxes, and the Central Board of Excise and Customs. The Department of Revenue of the Finance Ministry exercises overall control and supervision over the direct and indirect taxes levied by the government of India through these two boards.

## **STOP TO CONSIDER:**

### **Comparative Study of the British And Indian Systems**

Broadly speaking, the British budgetary process is the same as the Indian, but certain differences may be noted between the two-

- Britain has only one budget. There is no separate railway budget as we have in India.
- The budget speech in India is made by the finance minister as soon as the budget is laid on the Table of the House, but in England the budget speech is made by the chancellor of exchequer at a later stage when the revenue part of the budget is introduced in the committee on ways and means.
- In India the budget is laid before both the houses of parliament and is discussed in both the houses but in England it is not introduced and discussed in the house of lords.
- In England, the voting of demands and of revenue is done in the committee of the whole house known as the committee of supply and the committee of ways and means respectively but in India the house does not sit as a committee of the whole house. The Lok Sabha itself takes up and passes the budget. But now the practice has been abandoned.
- In India the budget reaches the president 14 days after it has been passed by the Lok Sabha, while in England it is presented to the queen 30 days after it has been passed by the House of Commons.

For the rest, the budgetary procedure in Britain has the same features as in India. As a matter of fact the former is the model on which the latter is based.

### **Custody of Funds:**

After the revenue is collected, it has to be placed in safe custody. This involves two main considerations- firstly, there should be no possibility of embezzlement and misappropriation and secondly, there should be ensured convenience and promptness of payment.

### **Disbursement of Funds:**

Disbursement of funds which is based on British system implies the process of withdrawal of money from the treasury for payments of various liabilities. Care should be taken so that there cannot be any illegal and inaccurate withdrawal of money. Therefore, the ministry of expenditure exercises particular control over expenditure. The legislature makes the grants to the government as a whole, technically to the President and to the individual departments.

**Accounting:**

Accounting refers to a process of keeping a systematic record of financial transactions. A good accounting system is essential for adequate budgetary control. The systematic accounts system which is supported by the vouchers and receipts helps in determining the legality and honesty of the transactions as well as the fidelity of the officers handling the funds. Accounting also facilitates in ascertaining whether the provision of the budget as voted by the legislature have been properly implemented or not. That means accounts finds out how much has been spent and for what purpose and whether these are within the budgetary limits or not.

**Audit:**

Audit is the last stage in the execution of budget. Audit is the process of finding out whether the administration is spending or has spent its funds in accordance with the terms of the legislative instruments which appropriated the money. It is a means of enforcing accountability. The Comptroller and Auditor General (CAG) is the head of the Audit Department. The CAG performs some major functions like - keeping the accounts of the government and auditing them. The audit scrutinizes whether the money spent is within the power of the sanctioning authority. One of the major functions of the Comptroller and Auditor General is to make sure that the executive has not exceeded the appropriations made by the Parliament without a supplementary vote. He also needs to check that the expenditure conforms to the rules and regulations of the Parliament. The Comptroller and Auditor General acts as the agent of the Parliament. The Parliament itself, too, exercises control over expenditure through the three important financial committees- the Public Accounts Committee, the Estimates Committee, and the Committee on Public Undertakings.

**3.6 Control of the Budget**

After going through the previous sections, you have already learnt the execution and enactment procedures of Indian budget. In this context it is important to mention here that without the control of budget there is a possibility of misuse of funds by the authority. So the Parliament of India, the supreme law making authority of the nation, has adopted some measures

to control the national financial system i.e. budget. We already know that the preparation of budget is the task of the executive and only after the assent of the President it come into force. After the passing of the budget, the post-budgetary control starts. In this process Parliament takes the help of some committees to review the execution of budget. Simply it means to scrutinize the budget, whether it is properly functioning or not. Let us discuss the role of these committees briefly.

### **Public Accounts Committee (PAC)**

We have borrowed the system of Public Accounts Committee from Great Britain. In UK the struggle between the king and the Parliament over financial issues especially taxation and exchequer continued till 1857. During the decade 1857-67, the Parliament got control over the exchequer issue. In 1861, Gladstone appointed a Select Committee on public accounts on the recommendation of the Select Committee on Public Moneys and in 1862, the House of Commons made it an annual affair by a standing order. In 1866, the Exchequer and Audit Department was set up.

Though the Indian constitution makes no mention of the Public Accounts Committee, the Parliament derives its power to set up such a committee from article 118(i) of the constitution. The state legislature also derives similar power from article 208(i).

The Public Accounts Committee is partly elected and partly nominated. The Finance Minister is the ex- officio chairman of the committee. The PAC is set up at the commencement of the first session of Parliament. The strength of PAC is fixed at 22 members. The members are selected every year and financial and business background is one of the important qualifications to become a member of PAC.

It needs mention here that the PAC needs to check that the moneys shown in the accounts as having been disbursed are legally available, and applicable to the service or purpose to which they have been applied or charged. The PAC also needs to check whether the expenditure conforms to the authority or not. It shall be the duty of the PAC to examine such trading, manufacturing and profit and loss of accounts and balance sheets as the President may have required to be prepared and the Comptroller and Auditor General's report thereon.

The following are the functions of the committee:—

- The committee examines whether the money shown in the accounts of the ministry are legally available and applicable to the service or purpose to which they have been applied or charged.
- That the expenditure made by the committees conforms to the authority that governs it.
- The committee also examines whether the required re-appropriation has been made in reference to the Appropriation Act.
- To examine the report of the Comptroller and Auditor General.

In brief, the main function of the PAC is to examine the report of the CAG in order to ascertain whether the money granted by the Parliament has been spent by the government within the scope of the demands. In other words, it is to see whether the money shown in the accounts as having been disbursed were legally available and meant for the service or purposes for which they have been spent.

Again, the President after receiving the report from CAG lays the report before the legislature concerned. The legislature refers it to the PAC. The PAC examines the reports of each department one by one. The official representatives of each department appear before the committee to answer the questions or objections raised by the committee. A copy of the reports containing the summary of proceedings of the meetings of the committee and its recommendations for improvement is forwarded to the Finance Department. The officers from Auditor General's office help the members of PAC in understanding the audit objection and the materials on which these are based.

### **Estimate Committee:**

The Estimate Committee of India is also modeled on British pattern. The need for an Estimate Committee in England was first emphasized in 1903 by a select committee of House of Commons to examine the details of national expenditure. The committee has ultimately been set up in 1912.

In India the Estimate Committee was set up in 1950 on the suggestion of Dr. John Mathai, the then Finance Minister. This committee was created to scrutinize expenditure of each department of the government and the government as a whole.

You should remember here that the membership of this committee is fixed at 30 and they are elected amongst the members of the Lok Sabha. The committee reports regarding the economies, efficiency or administrative reform. Again, the committee also suggests alternative policies to ensure efficiency and economy in administration. Moreover, it also examines whether the money has been laid out within the limits of the policy implied in the estimates and suggests the forms in which the estimates shall be presented to the Parliament. This committee reviews the activities of the ministries. It sends a standard form to the ministry concerned and collects necessary information through this form. After collecting the information the same are circulated amongst the members of the committee. The committee divides it into various sub- committees and each sub- committee is assigned one part of scrutiny work. The officials from the ministry concerned may be summoned by the committee to furnish necessary information. The committee then present a report to the Lok Sabha. There is no formal debate on the reports of the Estimate Committee. Any member of the House can refer to the report of Estimate Committee during the time of general discussion on budget. Generally the recommendations of the committee are given due consideration by the government as the Estimate Committee is a parliamentary committee and draws its authority from the Parliament. If there is any recommendation which the government feel unable to accept, they may send it to the committee for reconsideration.

Thus, the Estimates Committee has been entrusted with the following functions:

- To report what economies, improvements in organization, efficiency and administrative reforms, consistent with the policy underlying the estimates, may be effected;
- To suggest alternative policies in order to ensure efficiency and economy in administration;
- To examine whether the money is well laid out within the limits of the policy implied in the estimates, and,
- To suggest the form in which the estimates shall be presented to parliament.

It is important to mention here that the Estimate Committee does not always exercise direct control. It is based on influence, fear and awareness that



such a body is there to examine certain aspects of governmental activities. Unlike UK, the committee in India is not organized on party lines. That is why it can present a better picture of the efficiency and economy of the administration.

**Committee On Public Undertakings:**

This committee was set up in 1964. The strength of the committee was fixed at 15 members amongst whom 10 are from Lok Sabha and 5 are from Rajya Sabha. The committee examines the efficiency and autonomy of the public undertakings. Moreover, it also examines the reports of the Comptroller and Auditor General on public undertakings if there is any. To perform the functions related to public undertakings is also another function of this committee.

**SAQ:**

Do you think control over budget by the public committee is effective in bringing accountability in Indian financial system?give reasons in support of your answer. (50 words)

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**3.7 Summing Up**

You have already learnt that budget is a financial statement. After reading this unit, you are now in a position to discuss the preparation and enactment of budget. The preparation of the budget is the responsibility of the executive. In India the budget is presented in two parts i.e. the general budget and the railway budget. The general budget is presented by the finance minister in the Lok Sabha on the last working day of February. You have also learnt that the Indian budget consists of two parts- the income side and the expenditure side. The enactment and execution process of Indian national

budget has also been discussed at length. You have also learnt the control of expenditure by various parliamentary committees such as Public Accounts Committee, Estimate Committee and Committee on Public Undertakings.

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## **Unit 4**

### **Role of Bureaucracy in Development**

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- 4.2 Objectives**
- 4.3 Bureaucracy During British Rule**
- 4.4 Role of Bureaucracy in Independent India**
- 4.5 Bureaucracy and Development Programme**
- 4.6 Summing Up**
- 4.7 References and Suggested Readings**

#### **4.1 Introduction**

Bureaucracy is the basis of government and the engine room of a state. The bureaucracy consists of permanent salaried officials who are recruited on the basis of merit and conduct the detailed business of government, advise the government on vital issues and implement the policy decisions. (Hague, Harrop & Breslin: 1998: 219) An efficient, competent, just and prompt bureaucracy is essential to run the administration of a country like India. The first European thinker Max Weber who attempted to make a detailed analysis of bureaucracy, displays the following characteristics of bureaucracy:- i) assignment of specified duties to every member to discharge the assigned duties; ii) methodological provision for the regular performance of these duties; iii) the building up of the organisation on hierarchical principle; iv) reliance on written documents or records; v) formulation of rules to govern the transaction of business; and vi) recruitment and special training of the functionaries.

#### **4.2 Objectives**

The objectives of this unit are to sketch the growth, development and role of the bureaucracy, the indispensable organ of modern state. The development and progress of the Third World countries depends on its bureaucracy. After going through this unit, you will be able to-

- *understand* the growth and development of bureaucracy in India during the British rule and the role played by the bureaucracy at that time.
- *discuss* the role played by the bureaucracy in independent India and
- *trace* the relation between bureaucracy and various development programmes.

### **4.3 Bureaucracy During British Rule**

The Indian civil service system is one of the oldest civil service systems in the world. It has its origin in the ancient Mauryan period in 313 B.C. Kautilya, also known as Vishnugupta, the adviser of Mauryan King Chandragupta Maurya, is the writer of the famous book Arthashastra which lays down the principles of selection and promotion of the civil servants. Mughal Emperor 'Mahamati' Akbar who initiated land reforms and established land revenue system is the great founder of civil service system in the Medieval Period between 1000 to 1600 A. D. His civil service had welfare mechanism and a regulatory orientation characterised the system.

The Indian bureaucratic system is a legacy of British rule. The various structural and functional aspects of Indian administration like secretariat system, all India services, recruitment, training, probation, office procedures, local administration, district administration, budgeting, auditing, centralising tendency, revenue administration and so on, have their roots in the British rule. (Laxmikanth: 2007: 478). The British rule in India can be divided into two stages-the rule of East India Company and the rule of Crown.

Under the rule of East India Company, the role of civil servants changed from merchants to that of statesmen, from traders to governors and judges and magistrates. The East India Company entrusted the bureaucracy with the pioneering task of settling newly conquered areas, making political adjustments, restoring law and order, assessment and collection of land revenue, administration of criminal and civil justice.

The British Crown's rule came to India in 1858. However, as the British had a long term interest to stay in India, they consolidated their power and laid down the foundation for a unified India. This required the setting up of a strong bureaucracy and thus, the foundation of the Indian Civil Services was formally implemented. In India, thus the bureaucratic hierarchical

structure came into existence. During that period, the Secretary of State for India, in Britain, was at the top and the Viceroy and Governor General of India just below him; Provincial Governors/Lt. Governors/Chief Commissioners below Viceroy; and Collector/Magistrates or Deputy Commissioners and other civil servants etc. were occupying the lowest rung of the four tier structure of the centralised white bureaucracy. A Civil Service Act was enacted by the British and included the civil servants on the Council of Administrators, which resulted in the accrual of both political and administrative powers to the civil servants in India.

The first step of reforming the civil service system was taken by Lord Clive who started 'covenanted' civil service in India. (Tyagi: 2004: 400) The higher employees who entered into covenanted services with the Company came to be known as 'covenanted' servants, whereas those not signing such agreements came to be known as 'uncovenanted'. Lord Cornwallis changed the whole structure of the country and reserved all the high posts for the British and low posts for the Indians. For the newcomers in the covenanted civil service, Fort William College was established to offer training on subjects like History, Laws and Languages of the country.

### **STOP TO CONSIDER:**

#### **Provisions of some important Acts :**

A provision was made for the inclusion of native Indians in the civil service system in the Charter Act of 1833. It is a landmark event for the Indians. Clause 87 of the Charter Act of 1833 explains thus-"Neither native of the said territories, nor any natural born subject of His Majesty resident therein shall be disabled from holding any place of employment under the said Company." India got efficient civil service system to some more extent by the provision of Charter Acts of 1853. This Act abolished the patronage system and in its place, established open competitive system of recruitment, which gave India a highly efficient Civil Service. Then, the Government of India Act, 1858, was enacted, which transferred the control of the government of India from the Company to the Crown. A new office namely Secretary of State was created. With the emergence of this office, the administrative system was concentrated in his office. The civil service that was introduced during the time of the East India Company got a purely governmental character with the transfer of their authority to the British government.

But up to 1870 Indians could not enter in the civil service system because-

- (i) The competitive examinations were held in England,
- (ii) The age limit of the examinee was very low, and
- (iii) The standard of the examination was very high.

Formerly, the maximum age limit to appear in the competitive examination was 23 years. In 1860, it was lowered to 22 years, in 1866 it was further reduced to 21 and ultimately, in 1878 it was lowered to 19 years. It became almost impossible for the Indians to go to England at such a tender age and compete with the graduates from Oxford and Cambridge.

For the inclusion of native Indians within the civil service system, the Act of 1870, framed some rules and this Act empowered the Governor General in Council to appoint native of good family and social standing to the posts of covenanted civil service which came to be known as 'Statutory Civil Service'. But in India, resentment was visible and a strong public opinion was created against this Act among the Indians. A demand was made for raising the maximum age limit of the candidates and holding of simultaneous examinations in India and England.

Many changes characterized the later years of the nineteenth century because of the political unification of the country. In 1892, the Service of Engineers and the Indian Veterinary Service were created. Moreover, in 1887, the Indian Medical Service; in 1905, the Imperial Police Service; in 1906, Indian Education Service and in 1907, the Indian Agricultural Service were established to carry out the emerging functions of the state.

After a long gap, the Monford Report, 1918 recommended to held competitive examination in India also. It also recommended 33 percentages of superior posts in the Indian civil service were to be recruited in India in the beginning and the percentage was to be increased by half percent annually. Apart from this, higher rates of pay, pensions, leave and overseas allowances were to be given to the Indian Civil Service (I.C.S.) personnel.

The Government of India Act 1919 brought about significant changes in the administrative system of this country. The Act of 1919 created for the first time a horizontal division of work in administration. It equipped the provinces with an independent sphere of administration in subjects like, education, agriculture, medical, health, local-self government, animal husbandry etc.

Moreover the establishment of public service commission for making recruitment to the central civil services was recommended by this Act. A civil service commission was accordingly established in 1926 with Sir Rose Baker as its Chairman. The Act of 1919 introduces the principle of 'communal representation' in the civil service. The Governors were empowered to safeguard the rights and interests of the European members of the Indian civil service. (Arora & Goal: 1995: 318)

**SAQ:**

Do you think communal representation has changed the course of Indian Administration? Elaborate with reference to the principle. (80 words).

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According to the Act of 1935, civil services commissions were established both at the centre and the provinces. All posts, except the All India Services, were brought under the jurisdiction of the Legislatures. But a special responsibility was entrusted to the Governor General and Governors of the provinces to safeguard the interests of the European members of the civil services. When the British government decided to establish interim rule in the various provinces in India, the number of Indian subjects in the Indian civil service increased tremendously. Thus, up to 1935, the British dominated the Indian civil service in terms of numbers. However, introduction of interim rule in 1935 led to gradual increase of the Indians in the civil service.

The civil service during British rule was characterized by hierarchy of officers neither chosen nor accountable to the Indian people. During this time, the civil servants possessed a high sense of responsibility and they developed traditions of character, initiative, imagination, understanding and paternalism. The civil service was not only a career for them, but something which they had built-up, united and administered. It gradually developed into one of the most efficient and powerful bureaucracy in the world. The bureaucrats

were the spokesmen of its dumb masses and often fought with their superiors for the interest of the people. A civilian of those days said, "They ruled with an iron hand in a velvet glove"

The limited functions which were vested to the bureaucrats under British regime are-i) Maintenance of law and order of the country, ii) Collection of revenue necessary to meet its expenditure, iii) Retention of strategic powers in the hands of the British civil servants, and iv) Sub-servivance of administration to the paramount needs of Great Britain. (Maheswari: 2001) Thus, bureaucracy in India was known for its being 'the backbone of imperial rule' and 'the steel-frame', on which the whole system of administration depended. Though it mainly served the imperial interests, it worked efficiently and effectively.

**SAQ:**

Do you think that the concept of civil service neutrality was writ large in Indian bureaucracy during British times? (80 words)

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**4.4 Role of Bureaucracy in Independent India**

The role of bureaucracy underwent a great transformation with the attainment of independence due to the adoption of the goal of welfare state, planned economy, and socialistic pattern of society. India prepared a written and the largest Constitution with a preamble which is regarded as a significant instrument to understand the real goal of the state.

When India got independence, on 15th August, 1947, the country was in real need of the service of the civil servants. The whole country faced the problem of partition, communal riots, burning problem of Kashmir, integration of Princely States and the like. Thus, to formulate welfare policies and to make smooth diplomatic relations with foreign powers, the government required the services of the civil servants. Just before independence, out of



the total strength of 1157 officers, 608 were British. After independence, the total was reduced to 251 and the number of the British officers remaining in India came down to only 33. The then Home Minister of India, Sardar Vallabh Bhai Patel called a Chief Minister's conference at New Delhi and secured an agreement of all the state governments for the reorganization of the Indian Administrative and Indian Police Services as All India Services.

#### **4.4.1 Important Factors for expansion of role of bureaucracy**

After independence, some factors contributed to the rise of powers as well as the expansion of role of bureaucracy. The factors are—

- Firstly, the state was transformed into a welfare state from the police state. The quantitative expansion in the work load and increasing complexity of the problems of modern governments increased the functions of the bureaucracy of the state.
- Secondly, the recruitment of the bureaucrats on the basis of merit i.e. the open competitive system has contributed to the importance of the civil servants. The best people are selected for bureaucracy and general masses have high expectations from them.
- Thirdly, adoption of the Parliamentary form of Government is another factor which contributed to the rise of powers and role of bureaucracy. The bureaucrats have to do multifarious functions serving through various administrative departments as well as different layers of administration of our country.
- Fourthly, the rapidly rising tempo of political consciousness among masses is another factor which contributed to the rise of powers and role of bureaucracy.

Gradually, the duties of civil servants increased and thus service was not merely confined to the maintenance of law and order only, but it also included the planning and achievement of well defined social objectives.

The civil servants were protected in matters like dismissal, removal and reduction in rank under British Rule. The national leaders had been highly critical of the imperial and other services during the pre-independence days. But, after independence, the Constituent Assembly decided to continue

with those protections which the civil services had been enjoying during pre-independence days. (Mishra: 1987: 37) When the national leaders were called upon to draft their Constitution, they showed their eagerness to lay the foundations of the civil services on the sound and scientific basis. (Constituent Assembly Debates September 8, 1949. p.1099) They wanted to keep them free from the control of the politicians. Perhaps, it was their sincere desire to provide the civil servants the needed security and protection so that they may work objectively and are not hindered in the performance of their official duties. (Constituent Assembly Debates September 8, 1949. p.19) It was observed, "We must strengthen the foundations of our civil services and protect it from the onslaught of those who are in the name of democracy, trying day in and day out to boss over and dictate over those who are their superiors in intellect and morale." (Constituent Assembly Debates September 7, 1949. p.1084-85)

After independence, the civil services are classified as-All India Services, Central Services and State Services. All India services are those services which are common to both central and state governments. All India services are controlled jointly by the central and state governments. The Indian Civil Service (ICS) is replaced by the Indian Administrative Service (IAS) and the Indian Police (IP) is replaced by the Indian Police Service (IPS) in 1947. Another All India Service i.e. Indian Forest Service (IFS) came into existence in 1966. At present, there are three All India Services namely, Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service (IFS).

The central services are under the exclusive control of the central government. The officers of central services are also generalist administrators but they are confined to a single department, while All India service officers can be posted to a number of departments.

In India, every state has a permanent civil service of their own to serve the masses. Administration at the state level is operated in the context of national uniformity and local diversities.

#### **4.4.2 The increasing Role of Bureaucracy in Independent India**

The role of bureaucracy in independent India has increased tremendously which can be discussed under the following heads:-

- (1) **Role in Policy Formulation:** The bureaucracy in India plays an important role in the formulation as well as the implementation of the policies. In the Parliamentary system of Government in India, the ministers are the political heads of the departments. But they are not the permanent executives and they lack adequate technical knowledge of different subjects. Therefore, they frequently consult the top bureaucrats to determine and formulate a policy. It is required that the bureaucrats also have to cooperate with the ministers and have to show the place as well as hand over all the policies and facts before the political executive so that the later may be able to take the right decisions.
- (2) **Role in Implementation of Policies of the Government and Laws:** The bureaucracy is the chief instrument for implementation of the will of the state as expressed through public policy. They are indispensable to the functioning of multifarious works of Indian state. The Government have been formulating different schemes and policies since independence like, Indira Awas Yojana, Prime Minister Swarojgar Yojana, Pradhan Mantri Gram Dadak Yojana, ANREGA, Seheri rojgar Yojana, Total Sanitation Programme, Mahila Samridhi Yojana, Mid-Day Mill Scheme, Janani Surakshya Yojana etc. The bureaucrats of this country are vested with the role to implement all these schemes and yojanas.
- (3) **Role in the Field of Running the Administration:** The bureaucrats are the permanent executive responsible to ensure the continuity of administration. The bureaucrats remain unaffected by the change or fall of government and continue to run the administration with devotion and loyalty. The bureaucrats have to take the responsibility at the time of emergency declared in a state due to the breakdown of constitutional machinery in a state and also during the time of national emergency and thus they have to ensure the continuity in administration.
- (4) **Advisory Role:** In the Indian context, the bureaucracy plays their advisory role in the determination and implementation of different policies of the Government in many cases. To run the administration swiftly, their advice is inevitable for the ministers.
- (5) **Judicial Role:** In India, due to the rise of the administration of justice, the role of the bureaucrats has increased extensively. The different departments take numerous decisions of quasi-judicial characters which

are regarded as final. The Judiciary of India is overburdened with numerous cases and therefore the bureaucrats are vested with some quasi judicial functions.

- (6) **Role in Legislation:** The bureaucrats play an important role in the sphere of legislation. They prepare various bills and they formulate different rules for them. The details of a bill is worked out by the bureaucrats keeping in view their administrative convenience and the political executives merely introduce them in the legislature and get the bill through. The answers of different types of questions asked to the respective ministers in the legislature are also prepared by the bureaucrats in Indian democracy. The Legislature is overloaded with works. Hence, it generally passes only the skeleton of laws and leaves the task of providing flesh and blood in these laws to the bureaucrats. Nevertheless, the ministers are accountable to the Parliament and to the people for efficient working of their respective departments and are responsible for the working of the bureaucrats. The Parliament cannot discuss the lapses of civil servants and the ministers have to take responsibility for the actions of the bureaucrats. (Chander: 2001:277) The minister can take necessary action against the erring bureaucrats.
- (7) **Role in Financial Matters:** In India the bureaucrats play a crucial role in the management of state finances. The budget proposals are prepared by the bureaucrats. The bureaucrats prepare the details of the income and expenditure through which money will be raised. Being more aware than the politicians about the financial resources and possible expenditures involved in development projects, the experienced bureaucrats are responsible in fixing the appropriation policies as well as in allocating funds for the implementation of plans according to the priorities.

For the efficiency of administration, a cordial and co-operative relationship between the political executives and the permanent executives is inevitable. The ministers should avoid interference in matters of day-to-day administration like postings; transfers etc. and permit these to be regulated in accordance with rules. (Chander: 2001:277) It is desired that the ministers avoid the habit of blaming the bureaucrats for the lapses of their department and realize that ultimately they are accountable to the Parliament for the efficient working of the department.

For the sake of the country's welfare, the civil servant should try to act in a neutral manner. They have to provide their efficient, alert, smart and best services to the government in power.

**STOP TO CONSIDER:**

**Concept of Civil Service Neutrality–**

Neutrality stands for absence of any political activity or bias on the part of a civil servant in the discharge of his duties. The idea of neutrality is based on the politics-administration dichotomy view where politics and policy are seen as distinct and separate from administration. Civil servants are appointed and promoted on the basis of merit rather than on the basis of party affiliations. It stipulates that they shun partisan political activities and provide forthright and objective advice to their political masters in private and in confidence. Above all, they must implement policy decisions faithfully, without fear or favour, and regardless of their personal opinions. Thus, a neutral bureaucracy is a depoliticised one.

In this regard, Peter Self identifies four important areas of interaction between the politicians and the administration—

- (i) policy making
- (ii) the arbitration of interests
- (iii) the treatment of individual and localized claims and
- (iv) the balance between the political accountability and administrative discretion.

The bureaucrats have the responsibility to advise, to warn, to draft memorandum and speeches in which the government's policy is expressed and explained to the consequential decisions which flow from decision on policy, to draw attention to difficulties which are arising or are likely to arise through the execution of policy, and generally to see that the process of government is carried on in conformity with the policy laid down.

Satisfied with the role played by the civil servants, M.C. Gupta, the former director of Indian Institute of Public Administration, New Delhi remarked, "When we look back at our achievements in the last 50 years, we find that as a nation, we have many reasons to feel satisfied. The biggest of them is

preserving the unity of the nation which, in spite of some aberrations and periodic shocks and jolts, has endured. The other note worthy achievements of the last fifty years include the development of the political system, achieving the higher rate of literacy of 60 percent or so, and strengthening and deepening of Indian economy. Above all we have been able to build solid blocks in agriculture and industrial production which not only made us self-reliant but also generated surpluses for export." But at the same time, he finds, "While these are enough causes for satisfaction arising out of our achievements, there are equal measure of dissatisfaction and unhappiness." The civil servants have failed in the context of the maintenance of law and order, which is the prime responsibility of state. Another major area of concern is the inability to generate adequate employment and eradicate poverty. The literacy rate of women is being abysmally low.

#### **STOP TO CONSIDER :**

##### **Some important characteristics of Indian Bureaucracy :**

Dhrubajyoti Bhaumik, in his essay 'Economic Reform and role of bureaucracy in India: A study in the perspective of Administration Reforms' (Arora & Goal: 1995: 106-107) mentions some characteristics of Indian bureaucracy-

1. It lives in a sheltered world of its own, largely insulated and quarantined, functionalized and sectoralised.
2. It is elitist and overlordist, groupist and separatist in approach and attitude; its proclivity is for exclusivity.
3. Its business is to be busy about its own business, unmindful of others business which however remains the rationale for its existence.
4. It is strong hierarchy believer, status hungry and 'perk jerker'.
5. It proposes in immense measure 'passing the buck' trait.
6. It is a votary of red-tapism with a file fetish.

Administrative Reforms Commission during its working of four and half years (1966 to 1970) presented 20 major reports. A.R.C.'s seven major concerns in these Reports were-

1. A more rational distribution of work in the secretariat and among the executive agencies; a regrouping of subjects.
2. Improving coordination
3. Straightening top management and integrated specialists and technical experts into the administrative hierarchy.

4. Reduction in agencies and staff.
5. Reduction in levels of consideration to reduce delays and promote quick decision making; adoption of desk officer system.
6. Integration of secretariat with field agencies. (Area of Goal: 1995:247)

Neutrality is the key factor for the successful working of bureaucracy. In the years after independence, political neutrality of the bureaucrats was respected. But in the whole country during the two decades after independence, the civil servants escaped becoming a victim of inter party political rivalry. The most dangerous cultural aspect of our country today is corruption. Administrative corruption has become serious and rampant. This is an obstacle for the bureaucrats to perform their role. The bureaucracy of India is criticised because of its elitist character. It is alleged that bureaucracy does not truly represent the people of our country. Favouritism, nepotism and too much political interference in the administrative procedures is another criticism levelled against the Indian bureaucracy.

#### **STOP TO CONSIDER:**

##### **Some Problems of Bureaucracy in India and the Remedial Measures:**

The sharp deterioration in the ranks of bureaucracy is apiece with the decline in ministerial material and is reflective of the malaise that plagues the Indian polity. The administration is affected by various problems contributing to the breakdown of administrative machinery. The situation is worse with the growth of manipulative politics and the downslide of the political system. These are not just the days of politician-bureaucrat nexus but also of linkages or alliances fostered with criminals, mafia outfits and business-houses.

However some remedial measures can be adopted, like-

- (1) Creation of Civil Service Boards for service matters.
- (2) Putting an end to the 'transfer mania' of the ministers, so that the bureaucrats feel secured.
- (3) Uniform standards and guidelines for the bureaucrats.
- (4) Ombudsman for grievance redressal of civil servants.

If these remedial measures are implemented properly, then the bureaucrats will be in a healthy position to play vital role in the development process.

In the wake of globalisation, the question arises whether the importance of bureaucracy is reduced in India or any other Third World countries. The Twenty Third International Congress of Administrative Science held in Dubai

by International Institute of Administrative Science discussed in depth the challenges posed by globalisation and the possible administrative responses to them. The Participants felt that, the government will have to undergo a total restructuring of role, policies, organisations and practices to enable the public sector to contribute to the competitiveness of national economy and to its integration in the global market. (Arora & Goal: 1995: 53) The bureaucracy has to play crucial role because, the more freedom given to private sector, the more is the need to regulate their operations.

Thus, the role of the bureaucracy is tremendously active and vigorously important in the working of the state. Bureaucracy works as the instrument of political, economic and social development; modernisation and social change.

**SAQ:**

Do you think in independent India, bureaucracy's role has widened? Give reasons for your answer. (80 words).

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**4.5 Bureaucracy and Development Programme**

Bureaucracy is the most important asset of a country. In India, it may be considered as the fourth branch of the Government. Bureaucracy has to act as a dynamic force which follows the will of the general masses as well as leads them. In a developing country like India, the people are poverty ridden, illiterate, and unemployed. More than seventy percent of Indian population are the rural population and their main occupation is cultivation. The bureaucracy therefore has to undertake developmental policies and programmes to eradicate poverty, illiteracy, unemployment, malnutrition, infant mortality, population explosion and many others.

The development programmes taken by the bureaucracy in India may be mentioned as-i) Finding out the right and important developmental goals, ii)



Formulation and implementation of developmental plans, programmes, policies and projects, iii) Mobilisation of human resources and materials for the proper utilisation leading to the development of the country, iv) Creating of new administrative organisations for the development of our nation, v) Improving the capacity of the existing institutions for the developmental purpose, vi) Utilisation of the science and technology for the rapid growth of the country, vii) Formulation of policies for crisis management and viii) Creation of awareness among the masses to protect the nation from threats to national integrity and to create unity among the people. Thus, under the guidance of bureaucracy; political, economic and social objectives are achieved. According to Edward Weidner, development is a state of mind, a tendency, a direction, rather than a fixed goal; it is a rate of change in a particular direction. The task of nation building and ensuring major socio-economic changes in the underdeveloped and developing world is the main theme behind the concept of development administration.

The bureaucracy of India played its role as the centre-state agency for the implementation of different developmental models with emphasis on modernisation, social change and industrialisation in the days of Jawaharlal Nehru, the first Prime Minister of India. In all the fields like economic field, educational functions, cultural and social functions, different developmental programmes were operated through direct intervention of the activist state with bureaucracy playing a central role in it. To fulfil the different aspects of mixed economy, the bureaucracy took different developmental schemes like, the establishment of heavy industries and huge irrigation programmes with the recognition of the role of private sectors also. The bureaucracy had already established its credence by handling problems of law and order caused by the partition of the country and the refugee problem caused by large scale migration, integration of princely states and the tribal people into the mainstream of national life besides playing a crucial and critical role in launching the democratic process based on adult franchise in 1952. In this era, powerful and regulatory administrative bureaucratic state has emerged.

The Indian bureaucracy in the 60s and 70s attained the goal of all round development in the fields like building of national highways, bridges over big rivers, big dams, construction of railways and exploration of oil etc. The bank nationalisation and the nationalisation of the insurance companies helped to mobilise financial resources.

Modernisation of agriculture through Green Revolution produced the sufficient food grains for India, at the same time; it paved a way for dominant group power politics and conflicting situations among different classes. The whole nation was facing the evils of poverty, population explosion, unemployment, expansion of black money, tremendous economic and developmental gap between rural and urban areas etc. The Government of India tried to tackle the situation by strengthening and consolidating the regulatory administration and bureaucratic arrangements for governance of India.

In 1991, India followed a new path of fiscal discipline, globalisation, liberalisation, and deregulation linked with privatisation of the state enterprises. (Verma, Mehta & Basu:1999: 250) These policies were to accelerate the rate of economic growth and effectively launch poverty eradication programme. For the development of the country, the bureaucracy has to be a facilitator, promoter or policy developer in the economic management process and in monitoring the activities of the economic management process. Because of the LPG, the discretionary powers of the bureaucracy are going to be declined. But it still needs to play an effective role in making the economic reforms by better delivery of services in health, education and food security, transport and telecommunication facilities and raise market effectiveness by simplification of procedures and audit mechanisms for industry and investors. (Verma, Mehta & Basu: 1999: 249) For the sake of the development of our country, the bureaucracy should be neutral. It should be capable to repudiate all the criticisms labelled against it.

**Check Your Progress:**

1. What do you mean by committed bureaucracy?
2. Explain the role of bureaucracy in development in the context of welfare state.
3. Give your suggestions for the improvement of bureaucracy in India.

**4.6 Summing Up**

It is crystal clear that without a well organised and effective bureaucracy the task of development and modernisation in a developing country like

India is not possible. The bureaucracy should have an idea about the changes taking place at the different parts of the country and a kind of dedication to formulate and implement the policies for the needy person. Besides, the citizens are becoming more and more demanding because of expansion of education, socio-economic progress as well as citizen centric laws like Right to Information Acts etc. The society is more complicated, political culture is getting more aggressive and the system is more demanding. To cope up with them, the bureaucracy should play more and more vibrant role with greater wisdom, greater competence, greater professionalism, and above all greater humanism.

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**Institute of Distance and Open Learning  
Gauhati University**

**MA in Political Science  
(2<sup>nd</sup> Semester)**

**Paper VIII  
Indian Administration**

**Block 2  
Challenges to Indian Administration**



**Contents:**

**Block Introduction–**

**Unit 1 : Challenges to Indian Administration**

**Unit 2 : Sixth Schedule and Challenges to Indian  
Administration**

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**Block Introduction:**

In the context of the emergence of the concept of modern welfare state, there has been tremendous increase in the administrative activities. In a developing country like India which experienced colonial regime for a long time, the task is more challenging. Consequently, these countries choose the path of democracy to ensure maximum benefit and welfare for all segments of population after independence. Indian administration, no doubt, is operating in conformity to constitutional norms. But unfortunately, Indian administration has to face various problems and challenges like corruption, favouritism, red-tapism, poverty, unemployment etc., which act as obstacles in the path of its development. So combating these problems is the urgent need of the hour. Indian administration is struggling hard to overcome these problems in order to attain maximum possible development. In this block, we will make an attempt to discuss the challenges to Indian administration with special reference to the Sixth Schedule of Indian Constitution.

**Unit 1** deals with the challenges to Indian administration where we will discuss in detail about corruption, its meaning, causes, consequences etc. Here an attempt made to discuss the other challenges like favouritism, red-tapism etc as we all know the fact that corruption and other related problems have spread throughout the length and breadth of our country. This unit is designed to help you understand the meaning of these problems and how these problems act as obstacles in the path of smooth working of Indian administration. These problems need to be tackled immediately; otherwise the dream of socio-economic development of our country will look like a mirage.

**Unit 2** deals with Sixth Schedule of Indian Constitution and challenges to Indian administration. Here our attempt is to discuss in detail the various provisions of the Sixth Schedule, areas under the Sixth Schedule, powers of the Sixth Schedule councils etc. We will also focus on areas under the Sixth Schedule in Assam.

After reading this block, you will be able to understand different challenges to Indian Administration as these challenges needs to be solved in order to

realise the goal of welfare state and fulfil the dream of the founding fathers of Indian Constitution.

In this block, we have two units:—

**Unit 1:** Challenges to Indian Administration.

**Unit 2:** Sixth Schedule and Challenges to Indian Administration

# **Unit 1**

## **Challenges To Indian Administration**

### **Contents:**

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### **1.1 Introduction**

Indian administration operates within the framework of the Constitution. The basic framework of Indian Administration is based on the theory of decentralisation of structures and functions. The Indian Constitution upholds the welfare concept of administration and to reach the goal of welfare concept, various provisions are adopted. But in spite of the provisions, administration has to face different obstacles and hindrances which challenges the smooth functioning of Indian administration. The explosion of population, illiteracy, the problem of unemployment, caste- rivalry, communalism, religious fundamentalism etc. are treated as external challenges to Indian administration. The responsibility to combat these problems is vested in the administration of India. On the other hand, unnecessary interference by influential persons, loyalty of the public servants towards political parties and political leaders, favouritism, corruption, nepotism, red-tapism, inefficiency of administrators are the main problems which are regarded as the major drawbacks of Indian administration. These internal problems are responsible for the ensuing failure of administration and the Indian administration has not been able to achieve its desired success.



## 1.2 Objectives

In this unit, our aim is to find out the challenges to Indian administration. After going through this unit, you will be able to:

- *define* corruption, favouritism and red tapism.
- *discuss* the various provisions of law to eradicate corruption
- *describe* the ways through which corruption, favouritism and red-tapism operate as challenges to Indian administration.

## 1.3 Corruption

### 1.3.1 Definition and Meaning of Corruption

Corruption is the curse of society. Corruption drains a country's limited financial resource, demoralises the bureaucracy and adversely affects public performance. Though it is a global problem, its ill effects are most pernicious in developing countries. It is the greatest hindrance to excellence in public service. Corruption spreads in the society in various ways. It might take the form of bribe, favouritism, nepotism, misappropriation of public funds for one's own use and patronage. According to Szeftel (Machael, 1983), "Corruption is behaviour which is deviance from norms and duties governing the exercise of public role or office for private gains." (Ahuja: 2010: 450) D. H. Bailey (Doughlas and Jhonson, 1971) explains it as "Misuse of authority as a result of consideration of personal gain which need not be monetary." (Ahuja: 2010: 449). J.Nye (1967:410) states corruption denotes the abuse or misuse of public offices for personal gains. (Ahuja: 2010: 450)

The various penal offences, leading to corruption, are enumerated in the Indian Penal Code, 1860 which are directly related to bureaucrats. There are certain offences which can be committed by public servants alone. These offences are classified as follows—

- Bribery and cognate offences (sections 161-165-A).
- Dishonest acts of public servants (sections 166-167).
- Unlawful acts of public servants (sections 168-169).
- Personating a public servant (sections 170-171).

Bribery is the popular expression for what is known as 'gratification'. The word gratification is not restricted to pecuniary only. It includes all gratifications of appetite and all honorary distinctions. Of course money is

one major source of affording pleasure but there are also other objects which ensure pleasure.

Section 161 of the Indian Penal code, 1860 defines 'bribery' as follows- "Whoever being or expecting to be a public servant, accept, or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, with the Central or any State Government or Parliament or the Legislature of any State or with any local authority, Corporation or Government Company referred to in Section 21, or with any public servant, as such shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

Corruption in India has become so ingrained that no stray, isolated attempts can purge the society of this evil. What is required is national determination to combat it and a strategy of well-designed action and follow-up. First and foremost, moral education must be imparted to all the people in the society. The family and the school are the two important social institutions, which must be activated to articulate and reinforce moral values. Then only, corruption can be mitigated from the society to some extent.

### **STOP TO CONSIDER**

#### **Provisions of the Prevention of Corruption Act, 1988, regarding Corruption :**

Section 7, Chapter III of 'The Prevention of Corruption Act, 1988' deals with corruption in this way - "Public Servant taking gratification other than legal remuneration in respect of an official act: Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government Company referred to in Clause (c) of Section 2, or with any public servant, whether named or otherwise shall, be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine." (Khera: 2002: 739)

The Report of the Santhanam Committee (1964) and The Administrative Reforms Commission (1967) recommended the creation of the Institution of Lok Pal at the Centre and the Lok Ayuktas in the states to investigate alleged cases of corruption. The office of Lok Ayukta is established in various states. But for the establishment of the institution of Lok Pal, the Lok Pal Bill is not yet passed by the Parliament.

### **1.3.2 Modes and Causes of Corruption**

In a survey carried out by the *Hindustan Times* in certain states like, Tamilnadu, Assam, Punjab, Bihar, Uttar Pradesh, Jammu and Kashmir, Hariyana, Maharastra and Andhra Pradesh, reports revealed that although an increasing number of Indian Administrative Service (IAS) and Indian Police Service (IPS) officers figured in corruption cases, the wheels of Justice were not moving fast enough to punish the guilty. Procedural delays, political patronage and resistance from within the bureaucracy appeared to be helping corrupt officials evade the long arm of the law. (*The Hindustan Times*; 4, 6, 7, 8, 9, 10, 11, 12 and 13th November, page 7 of each issue.) (Jain: 2004: 243-244) The Central Vigilance Commission has identified the following twenty seven modes of corruption (Avasthi & Maheswari: 2001: 449-450)

1. Acceptance of substandard stores/ works
2. Misappropriation of public money and misappropriation of stores.
3. Incurring pecuniary obligations of persons with whom the public servants have official dealings with officers.
4. Borrowing money from contractors/firms having official dealings with officers.
5. Showing favours to contractors and firms.
6. Claiming of false travelling allowance, house rent, etc.
7. Possession of disproportionate assets.
8. Purchase of immovable property, etc, without prior permission or intimation.
9. Causing loss to government by negligence or otherwise.
10. Abuse of official position/ powers.
11. Acceptance of illegal gratification in recruitments, posting, transfers and promotions
12. Misuse of government employees for personal work.
13. Production of forged certificates of age, of birth, of community, etc.
14. Irregularities in the reservation of seats by Rail and by Air.

15. Non-delivery of money orders, insured covers, value payable parcels, etc,
16. Replacement of new postage stamps by used ones.
17. Irregularity in grants of import and export licenses.
18. Misuse of imported and allotted quotas by various firms with the connivance of the public servants.
19. Irregularity in the grant of telephone connections.
20. Moral turpitude
21. Acceptance of gifts.
22. Under-assessments of income tax, Estate duty, etc, pecuniary gain
23. Misuse of advances sanctioned for purchase of scooters and cars.
24. Abnormal delay in settlement of compensation claims to displaced persons.
25. Wrong assessment of claims of displaced persons.
26. Cheating in connection with the sale and purchase of plots for residential purposes.
27. Unauthorized occupation and sub letting of Government quarters.

Corruption prevails in various shapes and quantum and accordingly the causes of corruption are varied in different offices and departments. But the main causes of Corruption can be categorized as a) Historical causes b) Economic causes c) Political causes d) Social causes e) Legislative causes f) Environmental causes g) Procedural causes h) Cause of misuse of powers etc. In India the adoption of the idea of a welfare state and development administration resulted not only in rapid multiplication of the functions of the state, but also the assumption of even new and unfamiliar duties. The activity of the government in the economic sphere is extended and regulations, controls, licences and permits are introduced which provides new opportunities for corruption. (Fadia: 2002: 569)

The present Central Vigilance Commissioner, Government of India, N. Vittal (Vittal: 1999:11-13) finds out five main reasons for spreading of corruption in India. The reasons are-

1. Scarcity of goods and services,
2. Red tapism, complicated rules and procedures,
3. Lack of transparency in decision making,
4. Legal cushions of safety we have built for the corrupt people under the very healthy principle that everybody is innocent till proved guilty, and
5. Tribalism or biradari among the corrupt who protect each other. (Jain: 2004: 243-244)

### **1.3.3 Corruption in Indian Context**

Corruption is not a new phenomenon in Indian administration. It has been traced since time immemorial. Kautilya in his Arthashastra mentioned about forty types of corrupt practices, found during that period. During Ashoka's reign also, corruption prevailed. Even in Mughal period, corruption largely affected the administration. Again, during the British rule, Indian administration was affected by the various modes of corruption.

After independence, many honest and noble politicians, leaders and bureaucrats tendered their services towards the nation. But, at the same time the number of self-centred persons indulging in corrupt practices increased. The corrupt political executives and civil servants were having close nexus, thereby leading to curtailment of the citizens' rights to know about the process of public policy formulations. Nirad C. Choudhary remarked, "In India, there is hardly anyone from a petty clerk to a minister who is not manageable with a proportional amount of gratification." B. L. Fadia comments, "Today, in India no other profession, except probably the risky profession of smugglers and black marketers, is as lucrative as the career in the civil services and if one is willing to take the risk and adopt unfair means, he can make more money in IAS than outside. The impression gaining ground today is that in the last fifty three years top ruling politicians, bureaucrats and some defence officers have become fountainhead of corruption. At present, there is a system of corruption at all levels. Everyone and everybody, with a few exceptions, have a price. Family members of a deceased, still in mourning, cannot procure a death certificate without greasing the palm of the functionaries concerned." (Fadia: 2002: 570) Indian administration is tainted with scandals. According to the Corruption Perception Index 2004 Report released by Transparency International India, India is among 55 of the 106 countries where corruption is rampant.

#### **STOP TO CONSIDER**

##### **Some Examples of Corruption :**

There are many instances of corruption prevailing at the top level of administration. To elaborate, we can take the example of the famous Rs. 1, 750 crore BOFORS Scandal in 1986 where the guns were purchased from the Swedish firm for the Indian military. The chief minister of Maharashtra was

involved in a plot scandal in 1988-89. Likewise, the Hawalla Scandal of 1991, the Urea Scam of 1995, Animal Husbandry Scam of Bihar, Jharkhand Mukti Morcha Scandal of 1993, Urea Scam of 1996, the Telecommunication Department Scam of 1996 in which the former Telecommunication Minister and the bureaucrats were involved, The Treasury Fraud Scandal involving Rs. 200 crore was unearthed in Assam in June, 1995, The Indian Bank Scam involving financial irregularities by the Bank between 1991 to 1995 resulting in a loss of Rs. 2,358 crore to the public sector bank, Lakhubhai Pathak Cheating case are some of the huge scandals and corruptions in India. Recent example of corruption is the Satyam fraud case.

A corrupt administrator can be compared to a diseased cell in the body of administration and if not extracted out, it will infect the whole office. So the need for various measures for fighting against corruption was felt soon after the independence. The Prevention of Corruption Act, 1947 is passed to combat Corruption among the public servants because the provisions regarding Corruption mentioned in the Indian Penal Code is not sufficient for the prosecution and punishment of such public servants.

### **1.3.4 Consequences of Corruption**

Corruption disrupts the unity and integrity of the nation. It delays the proper implementation of various developmental plans and programmes within and outside the administration. Due to corruption, people may not have faith in democracy. The common people lose the faith in political system if the persons are found indulged in corruptions who are elected by the people as their representatives with utmost hopes and aspirations. In the same way, the bureaucrats appointed to run the administration involved in corruption creates a doubt in people's mind. Corruption divides the society. Corruption causes a rise in the price of administration. People who have already paid the tax are forced to bribe in order to get governmental service. Corruption is noticeable not only at the top but also extends all the way down. There are at least four ministries in the union government i.e. Defence, Petroleum, Power and Communication ministry which are regarded as gold mines for making money. (Ahuja: 2010: 450) Likewise, corruption is rampant in the departments like Public Works, Police, Excise and Revenue.

One of the harmful effects of corruption within the administration is that it reduces the willingness to make sacrifices for the society's economic development. Corruption in bureaucracy undercuts popular faith in government. People become alienated from the government. It retards economic development of the country and increases black money.

In *Dinesh Trivedi vs. Union of India*, (1997,4,SCC306) the Supreme court held that "to ensure the continued participation of the people in the democratic process they must be kept informed of the vital decisions taken by the government and the basis thereof. Democracy, therefore, expects oneness and openness as a concomitant of a free society. Sunlight is the best disinfectant. But it is equally important to be alive to the dangers that lie ahead. It is important to realise that undue popular pressure brought to bear on decision-makers in government can have frightening side effects. If every action taken by the political or executive functionary is transformed in to a public controversy and made subject to an enquiry to soothe popular sentiments, it would undoubtedly have a chilling effect on the independence of the decision-makers who may find it safer not to take any decision. It will paralyse the entire system and bring it to a grinding halt. So there are two conflicting situations almost enigmatic and the answer is to maintain a fine balance, which would serve the public interest".

In our country, much of the corruption exists because of the tolerance of people, or complete lack of public outcry against it. A concerned effort by the responsible and enlightened citizens can surely make a serious dent in the corruption level. (Ahuja: 2010: 472).

**SAQ :**

Do you think that corruption is a challenge to Indian Administration? Explain. (80 words).

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**Check Your Progress:**

1. Describe various measures to combat corruption.
2. Mention the laws relating to corruption.

**STOP TO CONSIDER****Anti-Corruption Measures in India:-**

The anti-corruption measures in India are taken by the Central Bureau of Investigation(C.B.I.), Santhanam Committee, Central Vigilance Commission(C.V.C) etc. Various Suggestions were placed from time to time to combat Corruption, like-

- (a) Article 311 of the Constitution may be amended in order to make the judicial process in corruption cases easy and speedy.
- (b) There should be a Central Vigilance Commission having autonomous powers.
- (c) Some amendments in the Defence of India Act, 1962, may be made. etc.

It must be noted here that some other challenges to Indian administration are like - poverty, unemployment, slum dwellers problem, lack of transparency in administration etc. The only cure to the problem lies in observance of the rule of law and stress on ethical administration. Two main causes of corruption are actually - need and greed. If these causes are taken care of, then challenges to Indian administration can be tackled to some extent.

**1.4 Favouritism**

Favouritism is the practice of giving special treatment to a person or group. It is an unfair treatment of a person or group on the basis of prejudice. The state of being treated as a favourite is also favouritism.

In favoritism, a person is not favored because he or she is doing the best job but rather because of some extraneous feature-membership in a favored group, personal likes and dislikes, etc. Hiring, honoring, or awarding contracts is the forms of favouritism. Patronage where public service jobs are given to those who may have helped to elect the person with the power of appointment is related to favouritism.

Nepotism is also a form of favouritism. It is an even narrower form of favouritism. Coming from the Italian word for nephew, it covers favouritism to members of the family. The practice of nepotism is deeply rooted in Indian administrative system. Another term related with favouritism is



cronyism which is a more specific form of favouritism, referring to partiality towards friends and associates.

Impartiality and anonymity are the main characteristics of bureaucracy in India. The public servants who administer the administration of the whole nation have to apply the laws of the state without showing any favour or partiality to any individual or group of individuals in society. In India, rule of law is the basic feature of administration as all are equal before law. Apart from this utmost principle of administration of justice, the public servants are also restricted from joining the direct political procedure to establish a noble form of administration in India. The public servants should be neutral in politics and serve the government without caring for the party character of the cabinet. To maintain a balanced administration, the administrators should maintain a high standard of conduct and serve the nation impartially, honestly and anonymously.

Favouritism operates against the principles of ethics and morality of a public servant of India. It interferes with fairness because it gives undue advantage to someone who does not deserve that. The practice of favouritism deprives the proper and meritorious person from getting something. Favouritism undermines the public good. In the public sphere, favouritism, cronyism, and nepotism also undermine the common good. When someone is granted a position because of connections rather than the best credentials and experience, the service that person renders to the public may be inferior.

Favouritism undermines transparency of a public office. If a favour is done to the friend or family member of a public servant it is not possible for him to make all the documents transparent before the public. This leads to corruption in the administrative procedure.

Sometimes, favoritism affects the official atmosphere. Again it may create a division in the society. Public apathy may be an outcome of it. Such instances are overt in the different places and offices while dealing with the appointment, transfer or promotion to the different posts. It is also seen that efficiency is undermined through the practice of this evil.

Corruption is one of the reasons of practicing favouritism. On the other hand, favoritism is the main evil which forces a person to indulge in corruption. Both the terms can be seen as the two sides of the same coin.

In Indian administration the authority to issue licenses, permits, distribution of quotas etc. are allotted to the administrators. In performing such duties most of the administrators are involved in favoritism. Without judging as to who is the best one to be selected, sometimes a wrong person is selected due to the undue pressures from family or to fulfill the ambitions even through the illegitimate means. The practices of favoritism does not suit or favour the administration. It is against the principle of natural justice.

The practice of favoritism is found also in India in political domain. Most of the political leaders want to give more priority to their sons, daughters, spouse or other relatives at the time of allotment of tickets to contest the elections. Again, favoritism is practised to offer the topmost official positions, chairmanship in various Boards and Corporations, in the matters of appointment, transfer and promotion.

**SAQ:**

Do you think that Favouritism can pose a challenge to Indian Administration? give your arguments? (50 words).

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**1.5 Red-Tapism**

Red-tapism is a challenge to Indian administration. It is an evil practice which deteriorates the quality and fame of Indian administration. The word red-tape usually refers to unnecessary paper works like issuing of licences getting held up for ages, having too many officials for a relatively insignificant job that can easily be handled without much fuss and so on. (www.bestindiansites.com)

Red-tapism means blindly following the formal rules, regulations and procedures. Rules, regulations and procedures may be good or bad and they may help as well as hinder the progress of the Country. To follow the formal rules, regulations and procedures is not itself bad but the dogged

and blind attachment to these tight formal rules and procedures hampers the efficiency of work. Likewise, if it is forgotten that rules and procedures are the means to an end rather than an end in itself, it degenerates into red tap which consists in insistence on the letter of procedural rule, and an unwillingness to exercise discretion and make exceptions even when there is good case for doing so. (Sharma: 1992: 536) The matter is not decided on the basis of its merit but on the rules. Under such circumstances, the rules and procedure degenerates into a protective cover for the mental lethargy of the official who is unwilling to take any decisions on his own responsibility and constantly waits for orders. Because of this blind support to procedures, seeking orders from superiors and the lethargy of the respective officer; the administration as a whole suffers.

In Indian administration, a file passes through various stages, before a final order is made. It is alleged that the bureaucrats commonly give more importance to the procedural formalities than human considerations. In every organisation, it is found that the works are carried out according to certain rules, regulations and procedures. Such rules, regulations and procedures are so complicated that they generally lead to unnecessary and avoidable delay. This delay is also largely due to the reluctance of the bureaucrats. The government set up the organisation and methods division in the Cabinet Secretariat primarily with a view to ensure improvements in the structure and working procedures of the various departments. The government has encouraged greater delegation of powers to junior officers and encouraged them to dispose of certain types of cases without referring them to the higher officials. (Prakash Chader: 2001: 275)

It is often alleged that the administration and bureaucracy of India are too slow because of red tapism. The procedures carried out by the public officials are quite cumbersome, dilatory, lazy and unimaginative. Red tapism is a major setback for the smooth functioning and it delays or closes even the urgent official works. The practice of red-tapism has been crunched into the work ethics. Red-tapism is confirmative with the established rules, procedures and regulations of administration.

In Indian administration, Red-tapism is found in various ways-i) defects and complications in rules and regulations in working procedures, ii) reluctance and unwillingness of the bureaucrats to perform their duties giving

more priority to the procedural formality, iii) to fulfil personal benefits and self interest some public servants practice the evil of red-tapism, iv) unnecessary interference of political leaders and influential persons in the administrative process, v)The craze to earn speedy and easy money is also responsible for the expansion of red tapism in Indian administration.

Red-tapism is one of the major factors of hindrance for the smooth functioning of administration in India. It delays every kind of works whether it is individual or public. Sometimes because of this practice the whole country may not get the plans and policies of development in proper time. Such tactics of unnecessary delay crosses the estimated cost and most often the works are not completed within the stipulated time. It is a major setback in the administrative system and seems as a challenge to the Indian administration.

Red-tapism leads to maladministration. Just after independence, India adopted the welfare administration and development administration and its main goal was to make a socialistic society. To fulfil the goals written in the Constitution the public servants were vested with enormous responsibly. Socio-economic development and nation building were the main aims of our country. At that time, India had to perform the role of 'planning and equilibrating state' a 'service state' and 'regulatory state'; this could be possible only through the instrument of most efficient, strong, dedicated and good bureaucracy. But gradually, the state failed to fulfil the desires of the general masses. The bureaucratic strangle-hold and procedural red taps kept undermining the autonomy and efficiency of the public sector undertakings. Too much dependence on government clearances and direct political interferences in matters like personnel policy, choice and source of technology, foreign collaboration, denied the public sector requisite market opportunities necessary for growth which makes them uncompetitive and unprofitable in long run. (Verma, Mehta & Basu: 1999: 252) The Indian administration has been failing gradually to maintain effective and neutral administration in India. Thus, you all are able to understand from the above discussion that Red-tapism is against the professional ethics.

#### **Some instances of corruption, favoritism and red tapism:**

It is important to note here that all these three terms discussed above are interlinked to each other. There were often rumours in the past that many

dealerships and agencies of PSUs e.g. gas agencies, dealerships of automobiles, cement, fertilizers, petrol pumps and other sales outlets were clandestinely given to the friends and relations of persons in the power and in one such scam there were reportedly allotment of 38000 petrol pumps, LPG and kerosene agencies of public sector oil companies to friends and relations of the M.P.s and M.L.A.s of the then ruling Government without an prior public information. (Agarwal : 2009: 339) This is an example of favoritism and corruption. All these allotments had to be cancelled due to public outcry and uproar in both Houses of Parliament.

Another example of favoritism and corruption was visible when one Yashvy Tirath was ranked 33 for one post in Doordarshan news channel. Only 30 candidates were to be called for interview but the number was arbitrarily increased to 35 just two days before the interview. She was happened to be the daughter of a Minister and she scored 90 percent marks in the interview. She was selected for the post. In that case the Central Administrative Tribunal had intervened and cancelled the whole process of selection.

In another case, Sheila Kaul, the Minister for Housing at the time of Congress Government allotted some houses and residential plots to her relative and friends without showing any reason to the government. Likewise Captain Satish Sarmah, Petroleum minister of Congress party government at the Centre allotted a few petrol pumps out of his discretionary quota to some of his personal staff members without public information. Through Public Interest Litigation petition, both the cases were introduced in the apex Court. The Supreme Court cancelled the allotments and awarded heavy financial damages on the ministers. The Court also directed to the Government that it should formulate a fair and transparent system of allotment rather than allow arbitrary powers of allotment to any minister through any discretionary quota without the prior knowledge of the People. (Agarwal: 2009: 339)

### **Combating the challenges:**

The Right to Information Act, 2005 can be used as a weapon of the public to know and collect information about the happenings within the administration. People may seek information which includes records, documents, memos, emails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data materials

held in any electronic form and information relating to any private body which can be assessed by a public authority under any other law for the time being in force. Under the provision of this Act, the administrators, bureaucrats and public authorities are obliged to furnish information to the person who seeks information with due process of law. Effective implementation of this Act depends on the following fundamental shifts-a) From the prevailing culture of secrecy to a new culture of openness and b) From personalised despotism to authority coupled with accountability. (Jain: 2009: 347) Adoption and application of this Act is a good sign for the administration of India. The Right to Information Act is helpful to facilitate good Government in India by preventing or reducing the level of corruption, red tapism, favouritism and nepotism. To ensure good governance, the role of civil society and the individuals are equally important. Without the awareness, alertness and proper vigilance of the citizens of India, the challenges to Indian Administration in the form of corruption, red tapism, favouritism, nepotism cannot be reduced or eradicated.

The measures to reduce and eradicate corruption, favouritism and red tapism may be mentioned as follows-

- More and more transparency in governmental activities.
- Severe punishment to those who abuses the official powers and positions.
- Quick disposal of cases by the judiciary.
- Proper implementation of the laws relating to corruption, favouritism and nepotism.
- Awareness generation among people regarding their rights.
- A strong vigilance in governmental activities by the people is required.
- Mass awareness and strong civil society to voice against the top level corruption.
- Necessity of the machinery like 'Lok Pal'.
- Media is the main source of public information. It shapes the public opinion and contributes to public debates about important and significant issues. Media's role as an essential watchdog for the public, scrutinising governmental actions, plans, schemes and policies in order

to expose corruption, cases of favouritism, mismanagement and demand accountability is important. Equally, it is very much essential that media should not be biased.

- It is said that the main impediment to combat corruption, favouritism and red tapism is a lack of political will. The political parties, political leaders and the government itself have to take necessary steps in this regard.

#### **Check Your Progress:**

1. What do you mean by favouritism and red tapism?
2. Describe various measures to combat favouritism and red tapism
3. Describe the role of RTI in Indian administration.
4. Corruption, favouritism and red tapism are related to each other. True or false?

### **1.6 Summing Up**

In conclusion it may be said that the bureaucrats and the public servants are the social scientists and social moralist. It is incumbent upon them to set up a higher moral standard before their subordinates and the people at large. It is necessary for the public servants to know exactly what is expected of them in the moral arena. To make a transparent and vibrant administration such a climate should be encouraged where everyone's conduct is open for others to see, any deviation is easily noticeable. Openness and public knowledge of the different schemes, policies and government transactions is essential to minimise corruption, favouritism and red tapism. The different preventive machineries should be made very prompt and in case of unethical conducts, prompt and severe action should be taken. Above all, the civil society and individuals have to play an important and constructive role in this regard. After reading this unit, you all are able to understand the fact that if the people become alert and tries seriously to wipe out these problems or obstacles from the society, then these problems can be tackled very easily.

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## **Unit 2**

### **Sixth Schedule and Challenges to Indian Administration**

#### **Contents:**

- 2.1 Introduction**
- 2.2 Objectives**
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- 2.7 Village Level Democracy in the Sixth Schedule Administration**
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#### **2.1 Introduction**

The Sixth Schedule, a comprehensive innovation of the Constitution of India and is one of the important features of administration in the North-East India. The philosophy behind the Sixth Schedule of the Constitution is to preserve the democratic tradition, cultural diversity of North East and deals with the unique problems of the tribes of North-East India by constitutionally mandating a special kind of autonomous governance structure. These autonomous structures of governance are entrusted with the twin task of protecting tribal tradition, culture and customs, and at the same moment undertaking development plans for them.

The Sixth Schedule of the Constitution of India is instrumental in setting up of Autonomous Regional /District Councils in the four states of Assam, Meghalaya, Mizoram and Tripura. These provisions have been made in

exercise of the enabling provisions given in Article 244(2) and 275(1) of the Constitution. As stated in Article 244(2), the tribal areas as specified by this Article in the states of Assam, Meghalaya, Mizoram and Tripura are to be administered as per the provisions of the Sixth Schedule only. So provisions in the other parts of the Constitution, specially the Part IX of the Constitution of India can have no connection with the administration of these areas. Article 243M in Part IX of the Constitution of India exclusively exempt the Sixth Schedule areas from the applicability of this part, which indicates that the Panchayati Raj is not to be implemented in the Sixth Schedule areas. Among the provisions stated by the Article, the following is the noteworthy in this regard:

*'Nothing in Part IX shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.'* [Article: 243M (1)]

## **2.2 Objectives**

The Sixth Schedule is described as 'Constitution, within a Constitution', and the study and understanding of the Sixth Schedule of the Constitution is highlighted in the unit. Tribal areas generally mean areas with a preponderance of tribal population. However, as specified in the Constitution of India, tribal areas within the States of Assam, Meghalaya, Tripura and Mizoram are the areas specified in paragraph 20 of the Sixth Schedule. The unit also highlights the constitution of the sub-committee in the Constituent Assembly and the present state of the Sixth Schedule in Assam. After going through this unit, you will be able to :

- *know* about the states in the Sixth Schedule,
- *analyse* the powers of the Sixth Schedule councils,
- *understand* the village level democracy in Sixth Schedule administration.

## **2.3 Constitution of The Sub-committee of The Constituent Assembly**

In 1946, the Cabinet Mission sent by the British government came to India to suggest the ways and means to protect the rights and interests of the religious minority communities and tribes. In pursuance of paragraphs 19(IV) and 20 of the Cabinet Mission's Statement of May 16, 1946, an Advisory

Committee on fundamental Rights of the Minorities and Tribal and Excluded Area, was constituted by the Constituent Assembly of India in their meeting held on February 27, 1947 under the chairmanship of Sardar Vallabhbhai Patel. The Advisory Committee, further constituted 'North-East Frontier (Assam) Tribal and Excluded Areas Sub Committee' under the chairmanship of Gopinath Bordoloi, the then Chief Minister of Assam, popularly known as Bordoloi Sub-Committee with a purpose to advise the Constituent Assembly on the future administration of the North East Frontier (Assam) Tribal and Excluded Areas. The other members were Rev. J.J.M. Nichols Roy, Rupnath Brahma, A. V. Thakkar and Aliba Imti. A few others were co-opted as member of the Sub-Committee. The co-opted members were: Khawtinkhuma and Saprawng (co-opted for Lushai Hills Area); Harison W. Momin and Mainram Marak (co-opted for Garo Hills Area); S.S. Engti and Khorsing Terang (co-opted for Mikir Hills Area); Khelhosle and Kezehol (co-opted for Kohima Area, however Kezehol has resigned); Swat Daulagopu and C.T. tnanga Biete (co-opted for Haflong Area); and Josing Rynja and Larsingh Khyriem (co-opted for Khasi & Jaintia Hills Area). R. K. Ramadhiyani was the Secretary of the North-East Frontier (Assam) Tribal and Excluded Areas Sub Committee.

The sub-committee visited the tribal areas in the then composite state of Assam and interacted with the representatives of the hill people in order to formulate a model administrative set-up for these areas within the state of Assam. In course of its visit the sub-committee received a number of representations from different hills tribes, and observed the existence of traditional tribal self-governing institutions which functioned democratically and settled their disputes in accordance with their own societal norms, customs and traditions.

The sub-committee accumulated divergent experiences from different hills areas. The opinions of the people living in different hills or in the same hills areas by different groups of people were diverse starting from the demand of separate territorial administration to protection of land, language, social custom and improvement of educational standard etc.

While reporting to the Constituent Assembly, Gopinath Bordoloi highlighted the ethnic background of hills of Assam: *It is not unknown to you that the rule of the British Government and the activities of the foreign*

*missionaries always went together. ... During the war, the then rulers and officers developed in the minds of these tribal people a sense of separation and isolation and gave them assurances that at the end of the war they will be independent states managing their affairs in their own way. They were made to believe that the entire hills would be constituted into a province and put under some irresponsible government. You might possibly have read in the papers that plans were hatched in England in which the ex-Governors of Assam evidently took part, to create a sort of kingdom over there. (Constituent Assembly Debates, Vol. IX)*

**SAQ :**

Do you think that the formation of the sub-committee of the Constituent Assembly had its impact in the future administrative scenario of North-East India. Discuss. (80 words).

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**2.4 Areas Under The Sixth Schedule In Contemporary North-East India**

Currently, ten Autonomous Councils are functioning in four states of North-East India under the Sixth Schedule of the Constitution of India.

**(a) Assam**

- The North Cachar Hills District Autonomous Council (NCHAC)
- The Karbi Anglong District Autonomous Council (KAAK)
- The Bodoland Territorial Areas District (BTAD)

**(b) Meghalaya**

- Khasi Hills District Autonomous Council (KHAC)
- Jaintia Hills District Autonomous Council (JHAC)
- The Garo Hills District Autonomous Council (GHAC)

**(c) Mizoram**

- The Chakma District Autonomous Council (CDAC)
- The Mara District Autonomous Council (MDAC)
- The Lai District Autonomous Council (LDAC)

**(d) Tripura**

- Tripura Tribal Areas District Autonomous Council (TTADC)

**2.5 Areas Under The Sixth Schedule In Assam**

The three Autonomous Councils in Assam constituted in terms of the Sixth Schedule of the Constitution of India are not homogeneous; rather they are diverse in terms of historical background, population size and pattern, geographical area and structure, Constitutional provisions etc. The basic facts relating to these three Autonomous Councils are summarized as below. (Table No. 1)

**TABLE 1**

**THE BASIC FACTS RELATING TO SIXTH SCHEDULE AUTONOMOUS COUNCILS IN ASSAM**

Sl. No.	Name of the Autonomous District Council	Revenue Districts Covered	Rural Population	Urban Population	Total Population
1	Karbi Anglong District Autonomous Council	Karbi Anglong	721381	91559	813311
2	North Cachar Hills Autonomous Council	North Cachar	128110	58979	186189
3	Bodoland Territorial Areas District	Bokoto	717942	0	717942
		Kokrajhar	841823	67941	907764
		Chirang	343626	0	343626
		Udalgum	671030	0	671030
<b>Total</b>			<b>3423642</b>	<b>113990</b>	<b>3637562</b>

**2.5.1 State of The Karbi Anglong and North Cachar Hills Autonomous Councils In Assam**

***Historical Background***

Both Karbi Anglong Autonomous Council and North Cachar Hills Autonomous Councils have a long history of development from a kingdom to District. Sometimes they were part of kingdom and then a part of other districts. For example, North Cachar Hills Autonomous Council was a part of Kachari Kingdom before 1832. The Dimasa Kachari kings had their

capitals successively at Dimapur, Maibang, Kashpur and lastly at Horitikor. In 1830, the Dimasa King Gobinda Chandra was assassinated by his own general Gambhir Singh, after which the British annexed the southern part of kingdom on 14th August 1832 under the principle of Doctrine of Lapse. The rest was ruled by Dimasa general Tularam. In 1837 a portion of Tularam's kingdom was further annexed to the British Empire and constituted into a sub-division of Nagaon District with head quarter at Asalu. In 1854, on the death of general Tularam, the remaining portion of his kingdom was finally annexed to the British Empire and added to the Asalu sub-division. In 1867, Asalu sub-division was abolished and apportioned into three parts among the districts Cachar, Nagaon and Khasi and Jaintia Hills.

#### ***Formation of United Mikir and North Cachar Hills District***

On the 17th November, 1951, the 'United Mikir and North Cachar Hills District' was created. Before the creation of this new district, the area formed parts of Nagaon District, Sivasagar District, United Khasi and Jaintia Hills District and Cachar District. The District was formed by combining partially excluded areas of Nagaon and erstwhile Sivasagar (Mikir Hills Tract), Block-I and Block-II of United Khasi and Jaintia Hills District and North Cachar Hills (excluded area) Sub-Division of Cachar District.

#### ***Backward Tract, Excluded and Partially Excluded Areas: Status of Mikir and N.C.Hills***

During the British rule, the pattern of administration in the Northeast frontier tract and hill districts was different from that of the plains districts. They adopted the policy of minimum administration and minimum interference in the powers and functions of tribal chiefs, village organizations, customary laws etc. Government of India Act, 1919 classified these areas as backward tract. On the other hand, under the Government of India Act 1935, the British Administration classified the tribal areas in Assam either as Excluded Areas or Partially Excluded Areas.

#### ***Excluded Areas***

- i. North-East Frontier (Sadiya, Balipara, Lakhimpur District)
- ii. Naga Hills District
- iii. Lusai Hills District
- iv. North Cachar Hills Sub-division of Cachar District.

### ***Partially Excluded Areas***

- i. Garo Hills District
- ii. Mikir Hills in Nagaon and Sibsagar District
- iii. The British Portion of the Khasi and Jaintia Hills District other than Shillong Municipality and Cantonment areas.

In Excluded and Partially Excluded areas, any act passed by the Federal or Provincial Legislature was not applicable unless the Governor so directed by Notification. The Governor exercised his powers in the case of excluded areas in his own discretion while in case of Partially Excluded Areas he could seek the advice of the Ministers. The British Administration adopted the policy of non-interference in the social and cultural affairs of these areas. The tribes of these areas had their own pattern of living which was completely not affected by the British policy. They produced almost all of their requirements for living and managed their internal and external affairs by themselves.

British Administration introduced inner line rules in these areas, because of which plains people were restricted to enter into the hills without taking due permission of the district authorities. The idea of inner line was to protect the tribal people from economic and political exploitation and cultural dilution; however this principle isolated the hills people from the plains and they remained educationally and economically backward.

As per the provisions of the Sixth Schedule, two Councils were constituted in the United Mikir and North Cachar Hills District within a year of its formation. The North Cachar Hills District Council was inaugurated on 19th April, 1952 and the Mikir Hills District Council was constituted on 23rd June, 1952 with headquarter at Diphu.

On 2nd February, 1970 Government declared an independent administrative District i.e. North Cachar Hills District covering the geographical boundary of the North Cachar Hills District Council. In the same process, with effect from 1st June, 1970, almost all the development departments of the Government of Assam functioning in the Mikir Hills District were placed under the administrative control of Mikir Hills District Council.

Reorganized Assam in post 1972 period inherited two Autonomous Hills District Councils namely the Mikir Hills District and the North Cachar Hills District within the Sixth Schedule. In 1976, the Karbi Anglong District Council



was substituted for the Mikir Hills District Council. In 1995, the North Cachar Hills District Council was renamed as the 'North Cachar Hills Autonomous Council' and the Karbi Anglong District Council as the 'Karbi Anglong Autonomous Council' by the amendment (42 of 1995) of the Constitution.

Organizational and administrative mechanism in the Karbi Anglong and N.C. Hills Autonomous Council

The organizational mechanism in the Karbi Anglong and N.C. Hills Autonomous Councils are almost same. The details are shown below (Table 2).

**TABLE 2**

**Organizational Mechanism: Karbi Anglong and N.c. Hills Autonomous Council**

Sl No.	Item	Karbi Anglong Autonomous Council	N.C. Hills Autonomous Council
1	Creation of the United Mikir and North Cachar Hills District	17 <sup>th</sup> November, 1951	
2	Date of Constitution of separate District Councils	23 <sup>rd</sup> June, 1952 (as the Mikir Hills District Council)	19 <sup>th</sup> April, 1952 (as the North Cachar Hills District Council)
3	Rename as Autonomous Council with more autonomy through an amendment to the Sixth Schedule of the Constitution of India	April, 1995	
4	Details of the Elected Body	Elected Members: 26 Nominated Members: 04 Total Members: 30	Elected Members: 23 Nominated Members: 04 Total Members: 27
		Tenure: 5 years	
5	Details of the Executive Committee	Chief Executive Member (CEM) + 10 members	Chief Executive Member (CEM) + 9 members
		Council elects Chief Executive Member	
		Other EC Members appointed on CEM's advice	
		All executive functions are performed	
6	Administrative Structure	Principal Secretary/Chairman, DRDA heads Autonomous Council Secretariat	Two Principal Secretaries with Staff Support
7	Village Councils	Traditional Village Council exists, comprising of all heads of households + one Gaon Barah (SGB). No elected village level bodies exist.	
8	Powers and Functions (A) Legislative	Legislative Powers – with Governor's assent	
	Powers and Functions (B) Judicial	Powers to constitute courts, with appellate powers with the Council. Appeals from Council courts lies with High Court	
	Powers and Functions (C) Executive	Powers to constitute Village Councils etc.	Appointment and succession of Chiefs/ Headman etc.
	Powers and Functions (D) Financial	Prepare and pass budget/assess and collect revenue/ impose taxes/trades/markets/tolls/license/share in royalties collected by the State Government	

### **2.5.2 State of The Bodoland Territorial Areas District: Sixth Schedule From Hills to Plains**

With the creation of the Bodoland Territorial Areas District (BTAD) and its inclusion within the Sixth Schedule of Constitution of India (which is essentially a plains tribal area) in 2003 the Sixth Schedule comes down from hills to plains. This Constitutional Amendment provided for several special provisions in respect of Bodoland Territorial Council. The second paragraph of the Sixth Schedule has been amended to provide that the Bodoland Territorial Council shall consist of not more than forty-six members. It is also provided that out of forty-six members, forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes, five for non-tribal communities, five open for all communities and the remaining six shall be nominated by the Governor having same rights and privileges as other members, including voting rights, from amongst the un-represented communities of the Bodoland Territorial Areas District, of which at least two shall be women.

### **2.6 Powers of The Sixth Schedule Councils**

The Sixth Schedule endows Councils with legislative, judicial, executive and financial powers.

#### **Legislative Powers of the District and Regional Councils**

Under Para 3, District and Regional Councils are empowered with the assent of the Governor, to make laws with respect to:

- a. The allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town;
- b. The management of any forest not being a reserved forest;
- c. The use of any canal or water-course for the purpose of agriculture;
- d. The regulation of the practice of jhum or other forms of shifting cultivation;
- e. The establishment of village or town committees or councils and their powers;

- f. Any other matter relating to village or town administration, including village or town police and public health and sanitation;
- g. The appointment or succession of Chiefs or Headmen;
- h. Inheritance of property;
- i. Marriage and divorce; and
- j. Social Customs.

The District or the Regional Council is empowered to make rules inter alia, regarding formation of subordinate local Councils or Boards and their procedure and the conduct of their business, with the approval of the Governor [Para 2(7)]. Apart from this, District Councils are empowered to make regulations for the control of money-lending and trading by non-tribals (Para 10).

#### ***Judicial Powers of the District and Regional Councils***

Paragraph 4 provides for Regional and District Councils to constitute Village Councils or Courts to the exclusion of any Court in the State for the trial of suits and cases between Scheduled Tribes within such areas, with certain exceptions. The Regional or District Council can appoint members and presiding officers of such Village Councils. The Regional and District Council are also empowered to act as, or constitute separate Courts of Appeal.

#### ***Executive Powers of the District and Regional Councils***

The range of executive functions of District and Regional Councils vary from Council to Council, based on several amendments made to the Sixth Schedule. The common range of executive functions are laid down in Paragraph 6, under which District and Regional Councils are empowered to establish, construct, or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transport and waterways in the district and may make regulations for their regulation and control. It is also specifically empowered to prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district. Functions relating to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State extends can also be entrusted to Councils.

### ***Financial Powers of the District and Regional Councils***

Constitution of District and Regional Funds: Para 7 provides for each autonomous district, a District Fund and for each autonomous region, a Regional Fund to which shall be credited all moneys received respectively by the said District and Regional Councils. The accounts of the District and Regional Councils are to be maintained as prescribed by the Comptroller and Auditor-General of India, who is also entrusted with their audit.

Powers to Collect Taxes and Fees: Para 8 gives powers to Regional and District councils to assess and collect land revenue and to impose taxes within their jurisdictions such as on lands and buildings, on professions, trades, callings and employments, animals, vehicles and boats, on the entry of goods into a market, tolls on passengers and goods carried in ferries and for the maintenance of schools, dispensaries or roads.

Entitlement to Royalties: Para 9 entitles the District Council to receive a share of the royalties accruing each year from licenses or leases for the purpose of prospecting for, or the extraction of, minerals granted by the State Government in respect of any area within an autonomous district as agreed upon with the Government. Disputes in this regard are to be referred to the Governor for settlement.

Indication of resources to be credited to Councils: Under Paragraph 13, estimated receipts and expenditure pertaining to autonomous districts which are to be credited to, or is to be made from the State Consolidated Fund shall be first placed before the District Council for discussion and then shown separately in the annual financial statement (budget) of the State to be laid before the Legislature of the State under Article 202.

### **2.7 Village Level Democracy in The Sixth Schedule Administration**

The provisions of the Sixth Schedule were formulated basically to retain tribal customs, traditions and traditional administrative norms in the hills of North-East India. Obviously, no attention was paid to democratic representation through elections at the village or intermediate level in the Sixth Schedule areas in the initial days of the formulation of the Constitution. This was not surprising, considering the fact that the idea of complete democratic decentralization, started in the form of a two / three tier elected

Panchayati Raj organization with the Balwant Rai Mehta Committee Report in 1957, practically materialized much later through 73rd Constitutional Amendment of the Constitution of India.

In the two hills districts of Karbi Anglong and North Cachar in the state of Assam, there is no provision for village and intermediate democratic representative system. It is observed that only the District tier comprises of elected representatives, and unlike the Panchayati Raj structure, the district tier has been left unsupported from below in these two districts. A Panchayati Raj structure is composed of Village, Intermediate and District Panchayats, whereas in the two hills districts of Assam, tiers corresponding to the Village and Intermediate levels are non-existent.

The Expert Committee on Planning for the Sixth Schedule Areas and those areas not covered by Parts IX and IX-A of the Constitution, set up by the Ministry of Panchayati Raj as per the decisions taken by the Empowered Sub-Committee on Financial and Administrative strengthening of Panchayati Raj institutions of the National Development Council recommended that : Representative bodies for Village Development should be constituted through legislation enacted by the Councils themselves, in such a way that they do not transgress into the powers of the Traditional Village level bodies. The system in Assam can be patterned as existent in Nagaland, where the traditional Council and the development body coexist, and public services are communitized through Village Development Boards.

The Committee further observed that the size and extent of such grass root level bodies can vary depending upon the local terrain and habitation pattern. For instance, in North Cachar Hills Autonomous Council areas, clustering of scattered habitations for the formation of village councils could be envisaged. Since the councils would use their own legislative powers to constitute, such bodies, their scope and ambit could easily be harmonized with the Traditional village level councils. This way, the apprehension of the traditional Chiefs that Panchayati Raj is being imposed on them, can be allayed. There is a need to highlight success stories of village level peoples' mobilization through NGO projects, to stress the benefits that such arrangements carry for development. Arrangements adopted for village level planning and implementation for NREGA may be adopted for planning and implementation of other programmes also.

Within the Sixth Schedule itself, in other parts of North-East India, some innovative measures are taken to create elected and representative Village Councils. For example, in Tripura innovations are made for elected Village Councils. Unlike several other Autonomous Councils in the North-East, the areas coming under the Tripura Territorial Autonomous District Council (TTADC) area have village councils established under law. The District Council has constituted 527 Autonomous District Council Villages in the Sixth Schedule Area, co-terminus with Revenue villages. Election to these Village Committees was conducted in February 2006 as per Tripura Tribal Areas Act 1994. There are 4165 elected members in all for 527 of Village Committees, of which one third are women members. Reservations are made for Scheduled Tribe and Scheduled Castes in proportion to the percentage of their population.

In Meghalaya too, partially elected Village Executive Committees being tried in parts of Meghalaya for overseeing implementation of National Rural Employment Guarantee Act attest to the realization of the importance of village level representative institutions. In the non-Scheduled areas, Nagaland has formalized Village Area Development Boards as a combination of traditional village leaders and elected representatives with a role in village governance.

### **STOP TO CONSIDER**

#### **The Nagaland Village Council Act, 1990 :**

Under The Nagaland Village Council Act 1990, every recognised village, established according to the usage and customary practices of the population of the area is required to have a Village Council with a five year term. This council consists of members, chosen by villagers in accordance with the prevailing customary practices and usages as approved by the State Government. The Act provides that hereditary village chiefs shall be ex-officio members of such Councils, with voting rights. The Act also recognized that traditional village institutions such as the 'Putu Menden' in Ao Area, which is recognized as a village council, shall continue to function according to their custom and usage. The Village Council chooses a Member as Chairman and can select and appoint a Secretary who may or may not be a member of the Council. If the Secretary is not a member of the Council he does not have voting rights. The Village Council is required to meet at least once every three months. It is the job of the village council to formulate village development schemes, to supervise proper maintenance of water

supply, roads, forest, education and other welfare activities to help Government agencies in carrying out development works in the village and to take up development works on its own initiative or on request by the Government. The village council also has the power to borrow money from various sources such as the Government, Banks or financial institutions, to apply for and receive grant-in-aid, donations, subsidies from the Government or any agencies and to raise fund for utility services within the village by passing a resolution subject to the approval by the State Government. However, all monetary transactions are required to be conducted through a Scheduled bank or the Nagaland State Cooperative Bank. The Village Council also has the power to administer justice within the village limits in accordance with the customary law and usages and has full powers to deal with internal administration of the village.

Formation of Village Councils is referred to in Clauses (e) and (f) of Paragraph 3(1) of the Sixth Schedule. These two specific clauses read as:

- (e) The establishment of village or town committees or councils and their powers;
- (f) Any other matter relating to village or town administration, including village or town police and public health and sanitation;

These two are the powers of the District and Regional Councils under the Sixth Schedule. These clauses provide for the establishment of, Village Committees/Councils and invest them with powers and other functions relating to village administration including village policing, public health and sanitation etc. It is not mentioned anywhere in these clauses that the Village Councils cannot be elected ones. The only requirement is the suitable legislations by the concerned Autonomous Councils in this regard.

Looking at the village level bodies, the Seventh Report of Administrative Reforms Commission on Capacity Building for Conflict Resolution offers the following final suggestions —

- a. Measures should be taken to ensure that all the Autonomous Councils pass suitable legislation for establishing village level bodies with well defined powers and a transparent system of allocation of resources.
- b. Stipulation may be made in the rules relating to release of grants to the Autonomous Councils to the effect that passage of appropriate legislation for elected village level bodies and its implementation will entitle the Councils to additional funding.

- c. It is imperative that in all States where village bodies administer justice under customary laws by virtue of the Sixth Schedule or other laws, such laws are duly codified.

Again the Administrative Reforms Commission in its fifteenth Report on State and District Administration emphasised in favour of enunciation of certain general principles that may be followed by the Autonomous Councils while constituting village Councils within their jurisdiction. To establish balance between tradition and modern representative democracy, the traditional village functionaries may also be included in the proposed elected Village Councils as ex-officio members. At the same time, the number of nominated members should be as less as possible.

The functioning of the sixth Schedule in the two hill districts of Karbi Anglong and North Cachar in the state of Assam should be seen in the perspective of its capacity to become an effective instrument reflecting people's needs and aspirations ventilated through their representatives. As we see it, the Schedule is created as a means for self governance by the people. However, in present structure, the objective conditions on the ground do not enable the people to infer that the Sixth Schedule has fulfilled its charter in totality. This leads towards the question of representation. The district tier comprising of elected representatives of the predominant tribal population has been created. It has been functioning, though even here one has to qualify it by saying that representation has not been accorded to all groups in the district and some have been left out. Actually elected Village Councils will help to overcome this problem. It will ensure the representation of all strata of the society at least at the grassroots level.

In BTAD, steps have been recently taken to constitute Village Council Development Committee (VCDC). For this, entire blocks development area has been proposed to reorganize by the BTAD authority for the creation of twenty eight development blocks with 403 VCDCs.

Within the Sixth Schedule areas of the Constitution, Village Development Councils will have to be activated and evolved to undertake grassroots planning. Rejuvenation of institutions for such planning should be done in harmony with the traditional institutions in the region. While designing local planning approaches, care must be taken to harmonize the functions and rights of traditional tribal self-governing village institutions such as the



Syiemships and Dorbars of the Khasi hills of Meghalaya, the Kuki-Impi of the Kukis in Manipur, the Clubs of the Manipur valley and peoples' organizations of various tribes in Nagaland, with institutional mechanisms designed for modern development and service delivery. In this regard, the Autonomous Councils will have to be oriented to become the harbingers of economic transformation and should not operate merely as legislative, regulatory and administrative agencies. However, in order to assume a central role in local development, they need to adopt a more participatory approach. Such a transition must emerge from within, as tribal communities themselves proceed to adapt their time-honoured traditional systems to the needs of inclusive participation and development. In this context, it may be desirable to consider the approach adopted in the Fifth Schedule areas, where democratic elections based on adult franchise and reservations for women in elected seats and leadership positions have been applied without reducing the importance of tribal customs and traditions. The Panchayats (Extension to the Scheduled Area) Act, 1996 (PESA) is a landmark legislation that ensures involvement of tribal people in their empowerment process not only as active participants but also as effective decision-makers, implementers, monitors and evaluators. If the tribal population is made responsive of the provisions of PESA and the 73rd Amendment to the Constitution and if alertness is developed from within for their self-development, it would result in greater participatory democracy in the Sixth Schedule areas.

**Check Your Progress:**

1. Discuss the different types of powers of the Sixth Schedule Councils.
2. Discuss in detail about the village level democracy as reflected in the Sixth Schedule administration.
3. What are the different areas included under the Sixth Schedule in contemporary North-East India. Discuss.

**2.8 Summing Up**

From the above discussion, it is already clear to you all that the Sixth Schedule holds a place of vital importance in Indian Constitution. You have

studied in this unit about the areas included under the Sixth Schedule of Indian Constitution. You have also studied about the state of the Karbi Anglong and North Cachar Hills Autonomous Councils in Assam and state of the Bodoland Territorial Areas District. After reading this unit, you have also come to know about the administrative aspects of North-East India, which is very important for us to know. Also, this unit enabled you to understand the various provisions within the Sixth Schedule and helped you all to understand the powers of the Sixth Schedule Councils. You have also studied here a lot about the village level democracy in the Sixth Schedule administration.

## 2.9 Referances and Suggested Readings

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