

- 1) Primus Inter Pares - First among equals
- 2) De Jure - Titular
- 3) de Facto - Real
- 4) Sui Generis - Unique in character
- 5) Suo-motu - on its own
- 6) Lex Supremus - Law is supreme
- 7) Lex Rex - Law is King.

Res Communis - Govt is a trustee of Pub funds
 Res Judicata - common law doctrine meant to bar relitigation of cases.

- Nat. Emergency
- KT Shah - It was a chapter of reaction & retrogression
- HV Kamath - Foundn of a totalitarian state
- Prez
- VV Giri - Rubber stampidea is compl. nonsense
- R. Venkatraman - Emergency lamp
- Austin, Alexan. - Merely chaf head.

Federal

- Ke Wheare - "quasi-federal"
- Alexandrowicz - "sui-generis"
- Austin - Cooperative federalism
- SC - appendages x, not sat or agents
- have indep. chaf existence. within the sphere allotted they are supreme.
- emrg. is an excep. & ∴ not a rule.

RPA

Sec 8 - Disqualfc" grounds 8(4)

RTI

Sec 2(h): Pub Authority

Sec 4: suo motu disclosure

Sec 6: person requesting info not reqd to give reason

Sec 8: Restricted areas

IPC - 309, 306 (Suicide tabet) Sec 124A (Sedition)

CrPC - 499, 500 (Crim. defmⁿ)

• Only Prez is impeached, while other dignataries are removed.

• Cabinet Cmts are extra - cⁿ (Rule of Business)

• Rules of Procedure

184 - Discussion + voting (∴ censure moti)

193 - only discussion

374 - Member asked to go for rest of day

374A - suspends member fr 5 consec. sittings

375 - adjourns house / suspends memb. for time named by speaker

377 - Special Mention

Not mentioned in RoP - Whip, Zero Hour

198 - No Conf. Motion.

52 - Adjournment Motion (∴ censure)

• HC doesn't have Revisory Jurisdⁿ.

• Basic Structure - A 14 15 19 21 32

• Enforceable against indus as well - 15(2), 17, 22

• only to citizens - 15 16 19 29 30

• Prez/governor issues the notificⁿ of election.

• MCC comes into force as soon as the election schedule is announced by EC which is generally 3 weeks earlier than Elec. notificⁿ issued by Prez/govⁿ

• Ban on exit polls till 1/2 hr of last phase of elec.

• Alexandrowicz - sui-generis federalism

• Austin - Emrg. Provisions are Union's long arm

• Ambedkar - A 32 "Fundamental"

A 356 - will remain a dead letter

CAG - most imp officer

Prez - represents the nation but does not rule

Ordin. - sudden & immediate sitⁿ

The proper thing for this country is to abolish death sentence altogether.

PPSP - Govt which rests on popular vote can hardly ignore PPSP while shaping its policy.

I> Preamble

Berubari Union - not a part of © 1960
Kesavananda Bharti Vs S. of Kerala, '73
Preamble is an integral part

II> Fund. Rights Amendability (SC KM)

1st Amd Act, 1951 →

Shankari Prasad Vs UoI → 17 C.A. Act

Golaknath Vs S. of Punjab → 24 CAA, 1971

(A-368 (3) & Title + A-13(4)) →

Kesavananda Case '73 → 42 C.A. Act 1976

[A 368 (4) A 368 (5)] → Minerva Mills Vs UoI '80

III> A-16 (4) Rsrvn

Indira Sawhney Vs UoI, 1992 / Mandal case

77 C.A. Act, 1995 - Rsrvn in Promotion to SC/ST

M. Nagaraja Vs UoI, 2006 case

UPPCL Vs Rajesh Kumar, 2012. → 117 C.A. Bill, 2012

S. of And. P Vs Muralidharan & others, 2010 → Horiz. Rsrvn

CPM Vs Bharat Kumar, 1998 A 15(1)(c) Barbed illegal

Selvi Vs S. of Karn. 2010 - Medical Test x 14, 21

A 21

A K Gopalan Vs S. of Madras, 1950

Maneka Gandhi Vs UoI, 1978

Right to Die

Rathinam Vs UoI, 1994

Gian Kaur Vs S. of Punjab 1996

Aruma Shambhugh Vs UoI 2011

A 21A R to Educ.

A-45 → Unnikrishnan Vs S. of AP, 1993

→ 86 CAA, 2002 → RTE, 2009

A 22:

Joindree Singh Vs S. of UP, 1994 Arnd of Arrest

IV> DPSP

S. of Madras Vs Champakam Dorairajan, '51

re Kerala Educn Bill, 1958 case - J of Harman

25 C.A.A, 1971 → A-31C (2B) → (all DP > A-14, 1971)

Kesav. Case → 42 C.A. Act → 44 CAA → A 31X

V) SC

Appointment -

SP Gupta Vs UoI, 1982

SCARA Vs UoI, 1993

re Appointment of Judges case, 1998

PIL

Hussainara Khatun Vs S. of Bihar (Undertrial)

MC Mehta Vs UoI, 1997 (Env't of Mahat)

Vishaka Vs S of Raj, 1997

PUOR Vs UoI, 1982 (A K'ad case above)

Election.

Kanhiyal Omee Vs RK Divedi 1985
re powers of ECI 2002

Gowde Vs Chandrasekhar Case 1999

- EC can go into correctness of elec exp

Bhim Singh Vs UoI 2014 Undertaken.

Chandrasekhar & NCLT 2010 Tribunal

Vijay Menkar Pandey Vs UoI, 2014 } Honest will be protected

Ran Lalchand Singh Case, 2015

Shreya Bhat Vs UoI 2015 sec 66A

Kedarnath Case 1962 (sedition)

Kharak Singh & Maneka Gandhi Case

KMC Abdullah Case 1965 (J.R. of A.L)

Suresh Kumar Koushal sec 377

Subhash Kumar 1991 (water as FR)

BODY	COMPOSITION	TERM	Appointed by, Type of body
I Constitutional BODIES			
① Election Commission A 324	CEC + other ECs [Usually 3] + Regional CEs	6 yrs / 65 yrs	President, Salary & Removal as of SC Judge, ^{not} can be further appointed by govt.
② UPSC	9-11 members including chairman	6 yrs / 65 yrs	President, Salary - Cons. Fund, Removal by " , not eligible for further appnt by govt.
③ SPSC } A 315-323	"	6 yrs / 62 yrs	Governor but removal by Pres., salary CF of state, no further emp. in govt.
④ Finance Commission A 280	Chairman + 4 members	Decided by Pres.	Appointed & removed by Pres., eligible for reappointment.
⑤ National Com'n for SC; ST A 338; 338B	Chairperson + 4 memb.	"	Appointed & removed by Pres.
⑥ Special Officer for Linguistic Minorities A 350B	Commissioner (3) + 3 Regional Assistant CEs		Appointed by Pres.
⑦ CAG A 148-151	CAG	6 yrs / 65 yr	President, Removal as of SC Judge not eligible for further office in govt.
⑧ Attorney General A 76	AG	decided by Pres	President
⑨ Advocate General A 165		decided by	Governor
II Non-Const'nal Bodies			
① Planning Commission	PM, Deputy Chairman, 4-7 Expert; Fin. & Plan min. + Member Secretary	Estblish in 1950; Exve resolution	Non const'nal & Non statutory.
② NDC	PM + CM + All Cabinet min. + member of PC	Estblish in 1952;	A — " — A
③ NHRC	Chairman + 4 mem + 4 ex-officio mem. (PM + HM + 2 speaker + 2 LOP)	5 yr / 70 yr	Statutory (Protection of HR Act, '93), appointed by Pres. (6 memb. committee), Removal by Pres., not eligible for further emp.
④ SHRC	Chairman + 2 mem	5 yr / 70 yr	Statutory, Appointed by - President Govt. Removal by Pres.; not eligible for further emp.
⑤ CVC	1 Central VC + 2 VCs (PM + LOP + HM)	4 yr / 65 yr	Appointed & Removal by President statutory; not eligible for further emp.
⑥ CIC	1 CEC + ≤ 10 ICs (PM + LOP + Cabinet min)	5 yr / 65 yr	— " —
⑦ SIC	"	"	— " — Governor —
⑧ LOKPAL	1 Chairperson + 2 memb	3 yrs	Appointed & Removed by Pres. [2001 Bill]
⑨ CAT	1 Ch. + 16 VC + 49 mem	Chal VC - 5/65 yr Members - 5/62 yr	Appointed by Pres.
⑩ National commission for BCs	5 members	3 yrs	Nominated by Central Govt
⑪ " " " Minority	Ch + VC + 5 members	"	— " —
cond ⁿ of service determined by ① P - FC, CAG			② CG NHRC (SHRC)

T. S. R. Subramaniam: ELMA, NEMA

'Campaign for Survival & Dignity' - N40 Odisha Aug 2014

Keonjhar dis Admin - diversion of forest in favour of Essel Mining & Industries Ltd
Violⁿ of FRA.

Union exve - Prez, VP, PM, Com, Attorney General

Prez - Elected MP & MLA; Oath CJ; Resign VP; Impeachment - 'violⁿ of C', $\frac{1}{4}$ member, 14 day notice, only MPs can vote; can't return money bill even for S.G.; Money bill can be rejected; can't amend must always be ratified; ordinance - can't amend © Pardon - completely absolute; commutⁿ - Punishment; Remission - term; Respite - pregnant Reprieve - stay of executⁿ of sentence. Summons, Prerogues & Dissolves LS (Dissolution is irrevocable)

V. Prez - All MPs elect him; Oath & Resign - Prez; R.S - elected members of LA $229 + 4/9 + 12 = \frac{245}{250}$
P.M. - resigns / dies \Rightarrow com dies; leader of lower house; Head of govt not state (Prez) not LS (Speaker)
LS - $530 + 13/20 + 2 = 545/552$. All UTs are represented in LS but only Delhi & Pud. in RS
RS - Term 6 yrs provided in RPA not ©. MPs, MLAs give their resignⁿ to Presiding officer.

Governor - Oath CJHC; LA $\rightarrow 60-500, 30, 40, 46$ includes may be 1 Anglo Indian
LCs $\rightarrow 40 - \frac{1}{3}$ of total strength of LA. Total strength fixed by © 7 states $\frac{1}{36}$ member J&K, UP, Bihar, Mah, Kar, Tel, AP
 $\frac{1}{3}$ Local Bodies MLAs $\frac{1}{12}$ Graduate Teacher $\frac{1}{6}$ Governor [art, sc, liter, social service, cooperative movt]
When Prez returns Bill to S.G. for reconsiderⁿ, state must respond within 6 months.

Emoluments - Prez, PM x [Prez, Gover, Presiding officer, SC HC, CAG] Oaths x - Prez, VP, Governor
TEORSTL³ DPM

Sch VI - Assam Meg Miz Tripura HC $\rightarrow 24$ Meg. Mani Tripura. Also these 3 became states together in 1972

Sch V - HP Raj Guj mah MP Chat Jhar Odisha, Andhra P.

Judge removal - proved misbehav. or incapacity. A 350A mother tongue 351 Hindi 343 official lang
Annual report to C.G. - NHRC, CEC SAT established by C.G.

DP

President

- above partisan interest, on a perch
- can provide the differential eff.
- pol. wisdom
- has subtle influence
- preserve, protect & defend the ©
- guardian of ©
- statesman
- 'violation' of the ©
- de jure executive

Prime Minister

- de facto executive
- primus inter pares
- Keystone of the cabinet arch
- captain of the ship of the state

Preamble

- Introⁿ / summary / preface / essence
- key to the ©
- Jewel set in the ©
- horoscope of our sov, dmct, republi
- KM Munshi
- Keynote of the ©

Arthashastra

- Treasure trove filled with precious gems of wisdom.
- gem of wisdom on governance
- multifaceted
- excellent guide to rulers
- epitomize the ideals of the people
- welfare state
- egalitarian society
- unique blend

Ordinances

- circumvent ①
- eludes consensus
- colorable exercise of power by Exve
- must culminate into an act of ①
- cannot emerge as regular instr.

Prez Rule

- Dead letter → Deadly Weapon

Governor

- Sagacious counsellor
- statesman of high integrity impartiality
- Link / Bridge
- Arbitrator Mediator
- Not an employee / spy / agent but
- constral reprise
- ceremonial + functional
- Influence + power
- political football
- spoils system
- view office as a matter of exve discreⁿ
- Cg running // govt through governor - WS
- "Bis Worker" - UP
- Centralised despotism covered with a thick veil of paternalistic benevolence
- villages were neglected & despised
- parochial self govt than local autonomy

A-19 Composite Rt., Inalienable adjunct

- A-21 heart & soul of © → x nullity
- Fund of all FR
- most evolved
- backbone of Part 3 & 4

Munc. Admn falls in no man's land
appendage of S.G.

fail to attract men of calibre
faster & more inclusive growth

Indian cities - wasted place congested choked

smart house, smart slum, urban disposses

smart cities are self sustaining cities with
harmonious integrn of soc, phy, trust nat injus.

urban liveability ↑

Public Media is the P of the people

S. Audit - "collectively examine, analyse
or scrutinise the initiatives

Policy process is continuous

Policy is originated, implem., adjusted, reimpt, read.

C. society is a sing aqua-non for any day

P. Policy is inextricably linked to GG

Munc. Admn = ① Inadequate no employees Del Poo 3000 / lakhs

② Weak anachronistic design & str Grade c2D = 97%

③ critical horizontal operations - HR C-gov POSCOR & X

④ skill competence x

PPP Water +ve - ① cash strapped Mun ② 24x7 ③ Wastage x ④ Nagpur model

-ve - ① Soc not ecogud ② FR Subhash Kumar Case 1991

③ 2000-14 37 countries; June 2015 Mysore Munc.

Nat. Water Policy 2012, Nat. Water Mission.

vor - law relating to admnue authority.

Holland - That part of law which empowers the
adm with the power of action.

Nature = S D T U (Dyn Detailed diserm)

ROL refers to sys. of law/legal prin where there
is Rule by law instead of Rule by Men.

Delhi declarⁿ 1959

ROL is meaningless w/o A.L & A.L is directionless w/o ROL

New Despotism (Kewart) IronL of Oli (Mitchel) Man. Rev (Marech)

Legve safeguards - Direct - D. Normal
Indirect - D. Special

Ont on statutory instruments, UK

A.T. - ① Chandrakumar & NCLT ② NTT, IPAB, NCLT ③ PNO MLO

State socialism → social Democracy

E. Sreedharan - social cleavages

① Control over P. Exp - ② Built in techniques in ① Proce.

e-gov - ① Costs ② Policy Makers ③ Policy Paralyzi ④ Iron cage

⑤ BigData ⑥ Privacy.

F.A - ① fuel ② core of modern govt ③ PESAF

④ nuts & bolts of P. Policy ⑤ Harold Smith ABCDE

PAC Wisdom faithfulness & eco

⑥ is the custodian of Pub. money.

CAG - A 148-151, 279

-ve - ① SARC ② TSR ③ KV Thomas ④ Overreach ⑤ Post M ⑥ Follow up x

+ve - ① SC ② Ambedkar

③ ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕ ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿

SFC - ① Data ② Nat Agency ③ Simple a/c ④ ATR

Multi Year Bud ① Panchi ② Rangarajan

Accrual +ve - ① holistic ② cost + norm + m ③ internal control

④ Dec. making ⑤ ↑ confidence IAF, SARC, Dikek---

Lim - ① Cost ② Time ③ capacity b. ④ Empirical x

sector specific grant - ① small ② conditionalities - use x ③ what

sectors scope ④ discretionary ⑤ Overlap

state specific grant - ① small ② Disce. ③ flexibility

④ Top down x

PE NPE - ① Illogical, Dysf. ② Bud comple ③ Fragm of res.

④ misperception ⑤ new schemes ⑥ service delivery.

New instr. arrangement for plan transfers.

Artificial Inducement of Admnue transf. against est

Kotler for AR - ① Belief ② Leadership ③ Pptm ④ Imple

All aspects which can keep in making

Orgn & sys of Admn more sc - adm

O & M - Govwala, Ayyan, Appleby Ont → 1954 central

com division in C. sect ⇒ DARPA w/ MOPPP

Independent P. Stds. Authority

Sec 124A criminalises "attempt to
excite disaffection" against govt.

RTE : Budgetary allocⁿ \approx 3.5%. Kothari 6%.

RTI 2012-13 NCAR cleared only 19% cases.

UNICEF study

→ 8mn still outside school majority SC/ST mn.

→ 80mn dropout

→ 13% do not transit from P → Upper Prim.

+ve : School enrollment 1990-2013 x 2

MOHRD sept 2014 : ② out of school children $\frac{2009}{4.2\%}$ $\frac{2014}{2.9\%}$
in age grp 6-12

Judiciary

① Cans decided by
crat bench (Avg/yr)

1960-64	2005-09	
134.4	6.4	LCI : SC → NC App

② PILs : 1993-2011 PILs formed only 1% of SC's workload

In 2011 of all PILs 29% from Pu Har Delhi

- poorer states less represented

Budget 15/mn	2000-08	Win rate	Adv. sc class 73%	Sisa sc class 47%
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"revitalize PILs"

Pol. Parties ADR \approx 75% finding 6 Nat. Parties "unknown" sc

15 LS Producty 7th LS (120%) 15 LS (61%)

PC Jain 13821 cases, 20th LCI 255, (48) ① > 3500
State > 25,00.

244 LCI report : $\frac{1}{3}$ rd of elected MLA MP home

20/66mn face some form of criminal taint

crim. charge.

in producty of LS (104%) & RS (106%)

A.P. Shah: FTC, fixed CJI tenure, 3 year cooling period.

crisis of faith, governability.

Good legon have foresight, range & depth of analysis & wider fact interpretation.
pathologically low rates of conviction & incarceration in cr. Justice sys.

① as a profession not for public service or out of patriotic duty -
coal, Mines, New & Renew Energy, Petrol & Nat Gas, Power, Steel

° Civil Aviation + ^{Urban Dvlp} ~~Railways~~ + Shipping + Road transp. & highways

SSAAT CSD campaign for survival & dignity catalyst Trust
(B. Audit) (J. Nandu CC)

RTI: PWC (>75% ; 13% 33%.) **People's monitoring of RTI Regime in Ind 2011-13**
report MP \approx 6% disposal rate 60 yrs for applicⁿ to be called for hearing

J. Audit Audit reports of 100 mandals during 2006-10 show
i) Repeated S.A. of MGNREGA project didn't reduce ^{corpⁿ related} complaints
ii) Follow up & enforcement of punishment is weak (AP)
S.A has not able to reduce weapⁿ. State Inst. of Rural Dvlp Kerala 2016
1) 47% SA irregular 2) 85%

MGNREGA bottom up, people centered, demand driven, self-selecting, rights based design

+ve	Nominal wage growth	1985-2005	2006-09	2010-11	-ve	During 2014-15
1HDS PAC	in rural eco	2.7%	10%	19%	17	48 days worst perf ⁿ
14mm					27	SIRD

at 0.3% of GDP, about 50 mm HH are getting some cap^t 85% not aware of rights
at NREGA work every yr. WB "stellar ex. of RD", reduce poverty by 14%. 3) 30% delay in wages
No doubt the program has some deficiencies. But the gains that have been achieved are substantial & amply justify further efforts to make it a success. 4) No unemp allow.

JNNURM 2005-2014 37% of sanctioned ^{Infra} projects & 52% of BSUP not completed

Tobacco 1.4 lakh HLL (2011); 6.4% GDP/yr - sanitⁿ ∴ 1986 \approx 3bn \$

community prog. - Kudumbashree, Village Paani ^{level} ~~Saniti~~ ^{Saniti}, Communitization

• MOHRD MORD MDWS

Juvenile crime \approx 1.3% (5-6% are serious)

Understand^g } 70% connects are poor
21% are Muslims

Rural - 1 reprieve for 300 (U-300)
82 electoral survey analysed ∴ 1986
0 (full) 15 partial accurate.
• 55 bills / 6 referred to PSC
• MP - 2.7 lakh VK IPSA

Better quality of products & services - TOM Top, Permandu Malaysia

Trials - the - ① 1985-2007 CAT disposed 4.6/4.9 lakh cases ② 90% cases corroborated by HC

Nick Robinson - 7% 2014 Cⁿ case NLU study 30% death sent acquitted in HC

RTI: CIC turning down requests 2014 Oct (>3000), 2015 (<250)

60K Adalats 84 case last 10 yrs.

Kautilya pragmatic realist

Checks & balance on Prez: A 74 75 77, (J), (P), conventions

PM: coalition, C.S., CM, Media, extra const str, global con.

Nature of Indian Admn: Centralized Hier Rat Neutral Merit based Impartial
dvlp oriented → PRI's: legacy + instn memory

Role of Ind Adm in Dvlp: 1) P-Making 2) P.I. 3) Dvlp role 4) Regulatory Role L to

e-Panchayat: ① service delivery ② Transp ③ MIS & DSI ④ DBT ⑤ GIS tracking
Sec 13(1)(d)(iii) - presumption of guilt clause - no necessity to prove new

Incapacity of S.G. to promote state C.S. eg. Ind state Judicial services.

PURA failed as Ltd to Pvt sector & VO. SPMRM (involve govt, 300 Rural cluster by 2020)

Police used by exve for brutality - Emer, 1984 Sikh, 1992 Babri. 4 components to be addressed incl

ISC - ① Irregular meets ② incamera ③ sect - understaffed ④ other orgn

Coalition +ve eg CSS -ve GST NCTC FP

Whistleblower Amd - prohibits reporting of coupn related disclosure if it falls
under 10 categories of info eg. cabinet proceeding, IPR etc

Tribunalisation; Judicialisation; Instn Jungle; Ultralocalism, Restructure ULB into 5 bodies

Urban planning - explore ultra govt, new localism, Public Public Puth., Nbd govt.

SARG - Community Policing is a philosophy. Intern through 'community liaison grps'

ULB eg. - ① Surat plague cleanest city ② Ahm. - mun Bonds ③ Water sewage Board Hyder.

Coalition - ① common ideology / interest ② common enemy eg. Bihar. ④ Mohalla Sabha
Delhi eg. (Ultralocalism)

PRI's - self sufficiency instead of self-governance

MPLADS - CAG "most corrupt" SC: discontinue it

Poor L to reason - ① COP ② Police limitations ③ Politicizn of Police ④ CJS ⑤ ↑ng Crime

⑤ Immigrants ⑥ Inter state ramification PK Mishra Panel

Disaster 3 steps ① NEC merged ② NDMA re-estbld with experts ③ swift decision

CBI - 1) Many Masters 2) Auton. 3) Instn capacity 4) Misused Politically (soln NSG model)

Munc. bonds. Recent reform ① ② given rank of secy ② some fin. autonomy (₹15k) in cadre allotm.)

→ US 500bn\$ ann 1st Bang ₹125Cr 1995 2nd Ahm ₹100Cr. -ve ① Cash support x ② Policy x

Trends in Ln: 1990s - ① T3AA ② Globa ③ C.S. ④ Rights based legn ⑤ Transp. ⑥ e-Govern. ⑦ Env't conc

RD programmes are still in search of coheriveness, coordn & effiaay

BRM, Hanumantha Rao: Dvlp & Dis planning head DM

Deepak Parekh Cmt doesn't favoure PPP model for sum dvlp

Urban Dvlp - ① Senablers of 12FVP ② Odisha SFC ③ MFC ④ SARC ⑤ WB Report ⑥ WEF 640bn\$ 2031

⑦ Housing for all ⑧ NULM ⑨ HOMES (RRY) Eg. Chennai, J&K Floods

⑩ AMRUT ⑪ Nat. Ur Transp Policy 22→66% ↑

Smart City - SPV, PPP, SC Council; no appraisal save 8bn\$/yr JNNURM 0.2% Pvt.

Global local Debate - Synarchy, Double crisis, hollow, Autopoiesis

SA - 'not institutionalized, not pan India, only to post stage, 100 Mandal, SIDR, Bctc distate, training

PPP +ve - Delhi 1.5Lakh CCTV installed Oct.

Joseph : ⑥ should have a human face

Dunkley : NPM = Procure + Disaggregation + Incentivisation

Waldo : ⑧ should work within Dey

Bounded Rationality - Chris Argyris "Dysrationalia" Bush-Iraq.

James Madison - A Dey which is not open is a farical Dey

Wilson - 'Corruption thrives at secret places & avoids open space

'Transp' govt is inside-out.

SARC - "masker key" to GG

'It ends the era of darkness & marks the beginning of new dawn of light.'

Subhash Agarwal - RTI has liberated India for the 2nd time.

7 Pay Comm's member - Bctcs have become very cautious bcoz of RTI

Perf Bud (Truman supported) 2BB (Carter supported) (Reagan) ^{Budgeting} Topdown/Target B.

Whitley Council: Tomlin Cmt 1970 Rumuki Basu found < Irregular election in JCM
members not given leave

O&M known by diff names 'Efficiency unit' in MoF. After e-gov O&M has become BPE

① Cmt 2002 found JCM effective - solved 254/256 cases.

NHRC - Overburdened; instnat capacity, Army, Recommen not given serious attenⁿ by S.G

finan. autonomy x, recomⁿ non-binding, investign, reports.

Impediments to police reform - ① Federal Polity ② Pol will ③ Consensus x ④ Fin - support Tech x

Unique in MGNREGA - ① G's ② Demand driven ③ Gender ④ S. Audit ⑤ C.S.

10% of 30 lakh NGOs; poor policy formulⁿ - LAAR Ord, Black money, Manipul Bill

NOFN 200000 700000 Indian Public Policy Report 2014

Disclosure of info should be the norm and keeping it a secret an exception.

US has strong declariticⁿ tradⁿ UK declariticⁿ after a lock in period. OSA 1923

Suresh Kumar Kaushal case 2013 (Sec 377) → Shashi Tharoor. Legⁿ LS failed

PC: Manm. - 'hurting Ind'; 'positive dynamic instrument' of steering the country's eco.

1st PC: weaken Command & Control

① Domain ② Edge ③ CAPF ④ ORDP ⑤ Pay Matrix ⑥ > 17 yrs central staffing scheme

UCC - UCC is necessary for NJ, need of the hour, "wider consultⁿ" - MDL

NPM - ① Namami outsource sewage mgmt ② PPP in water mgmt

EVOLUTION OF INDIAN ADMN.

I KAUTILYA

Saptanga Theory - 7 Anga
w/o state → matsya nyaya

① King / Svamin

• most imp organ

• attaches an element of Divinity

"Divine Punishment also falls on those who treat kings with disrespect"

Qualities - native, noble birth, Learned scholar (philos., Poli. sc., Eco.)

Duties - Rakshana / Palana, Yogakshema War, Admn of Justice, Issue Dharam Niyam, Father to the people, Maintenance of Minors, Aged, Distress; Danda, Misc. duties

Restraint - only indirect checks

① Training - Empathy, compassionate

② Rajpurohita

③ Moral Press. of the Mantris, who if ignored constantly, may rise in revolt

④ Oath of service ⑤ Dharam Niyam for all

⑤ Rigorous daily work & Routine

② Amatya (higher officers of state) M.

Mantain - render advice, highest possible qualifications 3/4 cabinet → Com

Samahatir - Budget & Accounts (FM & HM)

③ Janapada - Fertile land, prosperous pop'n & strategic loc'n

④ Durga - Fort → water, hill, desert, forest

⑤ Kosh - full, not personal Treas. of King

⑥ Danda → Military - Loyal Patriotic & skilful

⑦ Mitra - Ally: Permanent: Political Isol'n

Personnel Admn :

Recruitment based on basic qualific'n

- prajna (intelligence) & vakrajchakti were

imp. Imp. appointments by King

Test - Dharmopadha (Law); Arthopadha (Rev)

Principles of P. Admn

① Ucommand - King

② Rules of Business - Dharamniyam

③ Public Accountability - Rakshana King-duty-heaven

④ Division of labour - Mantrin Dept

⑤ P of coordination - King, COM

⑥ Job Classification

Adhyakshas - state goods; state establishment; mining; trade

⑦ Hierarchy

Yukta (HOD), Upayukta (subordinate officer),

Tatpurusa (servants)

⑧ Budgeting & Planning → not Dvipmntl

Ayasarira - Body of income; Vyayasarira - Expend.

⑨ Personnel Mgmt →

Test; 3 category of person not to be employed

mulhara - squandered away his patrimony

Tadatvika - who spends everything that he earns

Kadalaya - Miser

⑩ Decentralization K.S.G.

King → Samahatir → Sthanika → Gopa → Gramika

Janapada → 4 division Each div. 5/10 village village Head

Will of village was expressed through Gramvrdhas

But vill. Panc. played a very small role &

power was centred in hands of samahatir.

Aspects of Welfare state

Yogakshema, Rakshana, father, Pension,

mainten. of elderly, minor & distress, Disaster

'Benevolent Monarchy' "In the happiness of his

subjects lies his happiness, in their welfare

lies his welfare, whatever pleases himself

he shall not consider good but whatever

pleases his subjects, he shall consider as good."

Tax-gathering state

Bhaga, Bali, Setaubandha, Imp. Exp., Emalg. Tax

State is sustained by revenue it obtains

It was not mere Police / Tax-gath. state, the

activities were necessity to promote Welfare.

Plato - Idealism King → Philosopher (Realism)

Similarity - state indispensable, Secular

Machiavelli - Aims → Advice to King on how to maintain his rule

Similarities: 'Real Pol.' Emphasized Ends more than means
 'Favoured Powerful King' Pol-Ethics separ.
 Both were condemned in their times as they openly preached what was practised in their times, considered immoral by some today

Arthashastra is not a book on ^{IN-}Moralities (Bana)
 He recommends violence, conspiracy, Black magic etc against enemies of State & traitors. Vishakadatta calls him 'Kuti-Mati' or unscrupulous

Arthashastra is multi-faceted - Statecraft, social customs, Diplomacy, Eco's
 It was based on political reality. The structural arrangements in Chand's Kingdom given in Indica, match Arth. Analysis.
 It has a practical utility because it imagines all kind of eventualities & offers sol's.

Max-Weber

Similarity:
 η, Rationality, Hierarchy, Merit, Training, compens'n, Discipline, High Ethical conduct = Spy-network ⇒ Aim Clean Admn

Difference:
 • Socio-Political & Eco'ic Settings
 • Traditional Auth. Vs Legal Rational Auth.
 • Theory Building by Weber Vs Empirical Reality
 • Authority Vs control

Good Governance

η-Test; Transparency-Written Records;
 Rol-Dharmniyam; Bureau Account., Welfare (add) high Ethical conduct

II MUGHAL ADMN

Basic Features:

- ① Military Sys. - every official enrolled in army list, given a mansab, paid by Bakshi
- ② Centralised Despotism - King united power Political / Religious / Judicial / Army Head
- ③ Perso-Arabic Sys in Indian setting
- ④ Strong Blend of Religion & Politics

It was not a Theocratic state:

- shariat was obeyed but not strictly
- Jihad was used exceptionally
- Hindus given mansabs
- Creation of a new order - Din-i-Ilahi
- Aurangzeb → grants to Brahmins & Yogis
- Akbar forbade Jaziya

⑤ Kagaziraj
 massive records, multiplic'n, large terr., slow trans. & Comm'n

⑥ State duties: Police + Revenue Collec.

⑦ State Entrepreneur → Karkhana

⑧ Welfare, Justice, peace left to local Adm.
King Most Mughal emperors did not abuse their powers & covered their despotism with a thick veil of paternalistic benevolence
 Supreme, real sovereignty, symbol of Unity & Peace, not accountable

• Appointment, Removal, Transfer of officials + pensions ⇒ Full Admne Control

His councilmen were secretaries than ministers.

Mirbakshi: Paymaster, maintained troops, recruitment of army.

Qazi - Law, Chief Judge

Sadar - Guardian of Islamic Law

Personnel

- Heterogenous + Military
- P of Hierarchy & Job classific'n
- Akbar - 33 grades for office holders
- Each grade had a definite pay, had to maintain quota of troops & Animals.
- Pay → Cash and/or Jagir.
- Mansab wasn't hereditary

Subah → sarkar → Pargana → Vill

① LEO/Exve head

Subedar Faujdar Shigdar

② Revenue/Accounts

Diwan (Prov) Amir Krori (Pargana)

JN Sarkar: villages were neglected & despised & state undertook no welfare activity. But other historians say Mughal took active interest in agric. **Amir** in village not only collected revenue, but saw if existing ploughs were sufficient, granted loans. ^{parochial self-Govt}

British Admn

I Civil Services

- ① Robert Clive
- ② Cornwallis - Father; cov/uncov.
- ③ Wellesley - Fort William College
- ④ 1833 Act - No Discrimn
- ⑤ 1853 Act - Open Exam
- ⑥ Macaulay Report, 1854 → 18-23; Eng
- ⑦ 1861 ICS Act
- ⑧ Lytton - Statutory C.S.
- ⑨ Aitchison Commn, 1886 - Imperial + Prov + Sub CS; 23 yr
- ⑩ Islington Commn, 1912
• simultaneous exam; 25% Rsvrn
- ⑪ Montford Reforms, 1919
• sim. exam; 33% rec^t from India
- ⑫ Lee Commn, 1924
• PSC, 50:50 cadre in 15 yrs.

II Indianization of C.S.

- ① Uncover C.S. - Indians
- ② 1833 Act - (Patronage) ^{couldn't compete}
- ③ 1853 Act - (Financial & soc. reasons)
- ④ 1863 S.N. Tagore 1st ICS.
- ⑤ 1867 Bar on Prom'n from uncov. C.S. removed
- ⑥ 1868 Scholarship for Indians to go abroad & compete.
• mention ⑨ → ⑫ from ① [Helped in hiding over 1947 crisis]

III Judiciary

- ① Hastings - SC; Diwani & Fauzdari;
- ② Cornwallis - 4 Circuit Courts
- ③ Bentick - Comm's'nee; "x" Law Comm's'n (Macaulay)
- ④ 1861 - HC Act IPC CrPC

IV Limitation of Dyarchy

- ① Govt is an organic whole & dividing it in 2 branches → unscientific & unnatural
- ② Structurally weak & insincere in spirit
- ③ Division of subjects was wrong
- Irr (Reserved) Agr (Transferred)
- ④ Excessive control of finance Dept
- ⑤ Governor trusted secy not ministers
- ⑥ Ministers role only advisory.

V Influence on Indian Admn

- in all spheres
- Generalist character, sect sys, Training, Departmentalization, Strong DM, Revenue Admn, Police sys, RoL, Criminal Justice Syst, Budgeting A/c Audit etc.
- -ve pick from Police & Bty.

VI Law & Order Admn

- ① Cornwallis - modernised Thana u/ Darogas & S.P at dis.
 - ② Bentick - abolished office of SP and collector was now head of Police
 - ③ 1843 Charles Napier Sind 1st civilian Pol. sys
 - ④ 1861 IPA - sys. of civil constabulary & IG
 - ⑤ 1902 Frazer Commn - Police should consist of Eur service, Prov. service, upper & lower sub. ser
 - ⑥ 1905 DSP post created.
- Legacy - Inst'nal, structural & cultural.
Inst'nal - CrPC CPC IPC IPA IAA
Stru - ① IG/Comm. ② Bottom heavy
Cultural - ① oppression/Aggr/corrupt, intimidation
② deliberate distance ③ Paid less.

Behavioural legacy

- Colonial Mindset • Hakim Babu culture
- File Fetish • Over-regulⁿ • Ponderous Dec. Making
- Inferior / superior discriminⁿ

PHILOSOPHY OF CONSTN

Const'n - lays down basic structure of Political system, organs, law of the land, organic, power map, guide map, aspirations & ideals, Birth certificate of state, Nat. symbol.

Const'nalism - Political sys/framework based on the concept of Ltd govt & RoL as opposed to Arbitrary, Despotic Rule.

A democ. govt is a necessity but Written ©
In India, it is based on Westminster model & is mix. of both Evolutionary & Revolutionary Republicanism. (Aadhar eg)
+ People oriented govt

To what extent in P-I India, has Const'nalism been realized -?

1) W.r.t Ideology

Certain // are critical for cnalism i.e

a) Democracy

Atul Kohli - Procedural Dty par-excellent but its substantive character (Disability) is under suspect.

Yogendra Yadav - 1967 1st Democratic upsurge & 1989 2nd ⇒ Maturing Dmcy.

But rising crime, monetis'n --- compromised
Amartya Sen: Social Ineq. '1st. "

b) Socialism

Avadi session, 42 CAA, DPSP, A 338 338A

① Growth	Equity Trade off
Focus: Indus + Service	Agric
↓ Public Expen.	↑
Capital & Technique	Labour intensive
Flexible labour laws	Strengthen
Large scale prod'n	SSI
Urban Dvlpt	Rural Dvlpt

Indian goal of socialism had not been changed even after 1991, only its strategy is changed. We continue to follow it as a goal. bring NPSA MNREGS, RTI, Man. Scav., VHC, NFSB, PSU 73 & 74 CAA, cooperative society further this ideal.

E. Sreedharan - Indian state has been suffering from multiple social cleavages - inequality, poverty, illiteracy → pointing socialism has not been achieved, thereby compromising cnalism.

c) Liberalism - Political lib. was ensured from beginning - R to Freedom, Equality, Press but still marginalized sections are deprived

② Institutions

③ Civil society

④ Political culture

Bureaucracy & Development Democracy

① View of Weber - congruent

Demcy → RoL, Equality, Fairness } conducive
 Bcy → Impersonal Law, impartial, neutral }
 Dem → Election, Equality, Inclusive, Temporary
 Bcy → Selection, Hierarchic, Insulative, Permanent
 'Dcy promotes what reason demands & Democratic sentiments hate'.

② View of Marxist

Bcy is a particularistic instrument to protect & promote parochial or Pvt interest
 General Bcy → Managerial Func's → Not conducive (Parasitic)
 Specialized Bcy → Doctor, Scientist etc → prodve
 Wilson: Bcy within Dcy

③ View of Riggs

Dvlptd country → Balanced Polity → Conducive

④ View of Eva Etzioni Halavry

1st Thesis → Threat (state Dom'n, Indiv's autonomy, promotes secrecy, ↑ng non-Acc. to politicians)
 conducive → Alloc'n of res. in non-partisan way
 2nd Thesis → Double Bind (Imp-Form; Form-Neutral; Control-exempt) If Politically neutral (in alloc'n) → cond.
 3rd Thesis → Absence of clear role defin. → Disputed territory → not conducive

Conditions that makes Bcy conducive to Dcy

- ① Repsve Bcy - **Paul V. Riper** compasn + Values of society
- ② Balanced Bcy - **Nachmias, Rosenbloom** Autonomous not Dominant not submissive, supervision of Pol. Exve
- ③ Participative Bcy - Repres'n + Org'nal Dcy + Bcy → Public Debate + Citizen pptr in Botic Policy formul'n

Bcy & Dcy in India

Subhas Sharma - 4 Hypothesis

- ① D.M. → Politicians, Impl. → Bct's. It is upto Pol. Exve how to use & control Bcy: Civil Service Neutrality - Nehruvian period; Late 1960s & Early 70s → Committed by After 1970s - Subservient to Pol. Exve: Mass transfer Mela, Accommodators & Detractors. [Shah + Vohra Report]
- ② Unity & Integrity - Matured Indian Bcy resisted riots, Terrorism --- + gave Political continuity + Elec'n
- ③ In Inegalitarian society → Bcy to be impartial & Neut. Repsve x, Partcpve x → Bcy not conducive
- ④ Provides specialized proff. service to Govt in Policy Formul'n & Implem'n → conducive

Bureaucracy & Dvlpt

④ Is Bcy obstacle to Dvlpt?

① **Weber** - Conducive as Dvlpt requires Rationalism, scientificism. **Seiznick, Goziel** - Weber's Bcy fails when confronted with Evidence Empirically Deficient.

② **Peter Blau** - An Admin sys should be dynamic to accommodate ecological changes

③ **Kshirsagar & Panandikar, Thompson** - Orgz'n in diff. context requires diff. structure Ho/sect → Weberian struc. Field → Peter Model

Bcy which structurally combines Routine and Dynamic struc + is Repve, Balanced & Participative → conducive to dvlpt.

⑤ Indian Bcy & Dvlpt

Indep. → D.O. → Dvlpt activities, large no. of problems pov, hunger, agric, land, modern's n. scarce res. → CDP, NEP, DVC, Garibi Hatao. It played a active role till 1992 → PRIs + C.S. + NGO but, Bcy stills plays a significant & strategic role → expertise = impl, form, Evaln. But still there are multiple social devoges → suggesting Bcy's failure.

Case Study: Why in Pre Liber. Bcy Failed

① **Prem Lata Bansal** - IAS, elitist, non-participative, status consciousness + omniscient approach → Harmony x, coordn x

② **Kshirsagar** - Dvlpt Admin requires Dynamism but Personell Admin is not Dynamic & has Neo-Patrimonialism character.

③ **Kuldeep Mathur** - BDO → Archaic laws, rules inadequate skills, corrupt, rule oriented, apathetic.

Indian Bcy

+ve → Crisis Mgmt, Foreign Policy, S&T, Elections, self sufficiency in food, coordination

-ve - elite + status conscious + omniscient, Neo-Patrimonial + skills x + corrupt + nexus, Hierarchic, Rule oriented, Apathetic.

Suggestion: ① Barefoot Bcy ② Controlled Spoil sys. ③ Strengthen Meritocracy ④ Matrix Orgz'n ⑤ Better Training

Political culture Sidney Verba

Subjective orientation of indiv towards the politics i.e. belief, Attitude, orientation & commitments to Political values & instns.

3 Types:

① **Parochial** → Ignorant, Illiterate, sectarian goals Mexico

② **Subject** → Authoritarian, no inst'nal & adminv arrang. for People ppt'n (Belief of People) → They don't have a say & can't have a say. Italy & Germ

③ **Participative** → Knowledge, Awareness. Most conducive These are Pure P.C., in reality Mixed P.C. exist U.S., UK → Civic P.C. i.e. Participative P.C. + Discipline US & UK

Indian Political culture

① **Traditional** - Customs, trad'n, casteism ---

Modern - Lang. of ©, Free Press, More Educ/soc reform Trad'nism of Modern PC (Bcy + Ethnic + Resvn).

② **Mass PC** - Local Ruler, Remote / **Folk PC** **Elite PC / Defensive PC** - British Legacy, not willing to share power

③ **Saintly PC** - Politics as a means for higher Moral Achievement & mode of Public Service

Unsaintly PC - selfish gains.

Indian P.C. is a blend of - tradition, modernity, mass, elite, saintly & unsaintly P.C.

Rajni Kothari - More Unsaintly

In recent times, decline of creative leadership & ↑ in Amoral Politics.

* Palombosa - powerful Bcy are necessary evils that one must learn to tolerate in developing countries.

+ve features of Indian PC

Pluralism Inclusive & excl. Secu. Multiparty sys. Peace & harmony Raj Dharma Nishkama Karma

-ve hostile patriarchal corrupt Nepotism Patrimonial Aristocratic, communal

But overall +ve features dominate.

Objectives of PSUs

Economic

- ① Promote Eco'ic Growth & Dvlpt
 - Support for Industr's'n IDBI LIC IDC
 - " " Agric. NABARD RRB
 - " " SSI Linkages SSI Board
- ② Augment revenues of state
- ③ Self-reliance & Import Subst'n
- ④ Dvlpt strategic sectors Atomic, Defence
- ⑤ Essential Goods

Social

- ① Socialistic Pattern, Planned Eco.
- ② Dvlpt of Backward Areas
- ③ Model Employer
- ④ Helps Marginalised through
 - Rsvn → job, PSL, concessional loans
 - Finance & Dvlpt Corp'n → SC, Minority, Safai
- ⑤ Loss making activities for welfare
 - Railway

Nationalisation

- Euⁿ countries → Fabian Ideology
- India → Driven more by circumstance
- 1953 - Air India, Indian Airlines; fin. unsound
- 1956 - LIC; spreading Insu. to masses
- 1972 - Coal Mines; Prudent
- 1969 - Banks; Financial Inclusion
- 1974-77 - Foreign oil cos.; strategic goods

Corporations

- Wholly govt. owned
- Legislative enactment
- Not subject to Budget, Accounting & Audit Laws & procedures applicable to govt dept.
- Body corporate
- Employees not civil servant, except deputation ∴ not governed by its rules
- Immunity from ① scrutiny - day to day
- Independent Financed → self-sufficient
- NTPC, ONGC, LIC

Advantages

- ① Pliable, Accomodative, Flexible
- ② Valuable instrument for Social Control & Eco'ic Planning.
- ③ Relatively Autonomous
- ④ Aim to be self-sufficient

Disadvantages

- ① In the garb of Public Accountability, Legal Autonomy is compromised
- ② Undue interference by Govt Depts.
- ③ Amds reqd for structural changes → Delay
- ④ 3 tier Perf. Appraisal
 - Org'nal → Sectoral → Govtl level

Robson - Most imp constⁿ innovation of 20th cen, it is a healthy blend of State Sovereignty + Public Acc + Comm. Autonomy

Estimates committee (2nd LS, 1960) → It is best

M. Dimock - corp. is hardly distinguishable as a form of Org'z'n. Acc. & Autonomy balance is an expectation that hasn't materialised.

Joint Stock or Govt Company

- Sec 617 of Companies Act, ≥ 51% → state
- Exve Resol'n, under comp. Act
- Rest same as corporation
- SAIL BHEL BSNL

Advantages

- ① Ease & convenience of setting up
- ② Flexible & change oriented
- ③ Helps govt mobilise Pvt capital
- ④ " " in Privats'n & Disinv. efforts or taking over with ease.
- ⑤ Adequate Autonomy & Accountability
- ⑥ Encourages Pvt in Untried sector
- ⑦ Reap Benefit & face Global Comp. together

Disadvantages

- ① **Former CAG**: "a fraud on C & com. Act" as
 - Set up w/o ① approval, funds from CFI
 - Real features of Jt. Stock Comp. absent, dilutes
 - Absence of Real Share holders (Direc, Meetingx) } C. Act
 - Sec-620 permits Govt to exempt

Gorwala, 1951: Best for
EC, 1960: Use sparingly

Departmental Undertakings

Features

- Part of Ministry
- Appropriations from & Revenue to CFI
- Subject to Budget, Acc., Auditing & other
- Employees → civil servant + Rules conditions of serv.
- Sovereign immunity, not Body corporate
- Accountable even in day to day func'n
- Railway, Post & Telegraph, Ordinance

Advantages

- ① Clear conc. source of Admin. Authority in
- ② Public Acc. is complete & total
- ③ old, well known, set pattern, fixed procedure
- ④ Staffing no problem

Disadvantages

- ① Very little or no Autonomy
 - Too much Centralis'n
 - Insufficient Delegation
 - Red Tape, Rigid Procedure & Delays
 - Too many curbs on initiative & flexibility
- ② Staff → Merit x, Disciplinary Action x
- ③ Getting sanction for trivial matters even

AD Gorwala: should be used sparingly where secrecy, strategic importance is involved

EC: " activity has " " or where strict financial controls are req'd.

ARC I Study Team: should be used only when service affects the totality of the community or concerns security.

Holding Co. → 100%

Public Accountability of PSUs

- Acc. of BOD & controlling Ministry
- ④ for objectives - social & comm. met?
- ④ to People through ⑥
- It promotes η, attainment of Nat. Objectives, Targeted Result, Power concern

① Parliamentary control

Questions, Debates, Reports, COPU

② Judicial control (x) 4-12 Recruitment, Promotion, service concern, superannuation case

③ Financial Audit

① Efficient Audit - Accounting Books
Company → CA under CAG: Supplement Audit
Corpor'n → " " (Indus. Finance Corp)
→ Entirely by CAG (DVC)
→ Purely Pvt (RBI)

② Efficient Audit

Man Power, Material Res., machinery Utilis'n

③ Propriety Audit - Questions wisdom and faithfulness of expenditure.

Limitations of CAG Audit:

① covers not more than 5-6 PSU in a year

② CAG staff competence x for PSU

Appleby: Auditors do not and cannot be expected to know much about Admin.

③ compartmentalised & not holistic view of η

④ Rule Oriented ⑤ Discourages initiative & dec. making ⑥ Demoralize

ARC-I:

① separate trained cadre: UPSC

② Experienced persons (Pvt) on deputation to CAG.

③ set up an Audit Board

Govt set it up in 1969, chaired by Dep. CAG & 12 full time members

④ GOVT control devices

① Formal control by AoA, Statutes

② Informal control by influence / Pressure by Minister.

ARC-I: Informal directives, PSU Mgr should ask in writing as it gives govt. Authority w/o responsibility

• PSU Board - 2 Part-time director one from controlling min, finance min. In case of Loss or erroneous decision → Reflect in ACR

Methods of Govt control

① Prior Approval in case of subsidiary cos., foreign cos. collabor'n, capital expendre beyond a limit, major borrowings, conditions of service.

② Directives: AoA → Pre 2 Articles of Agreement

③ Circulars: PSU can refuse, but doesn't

④ Reports

⑤ Institute enquiries (DVC)

⑥ Appointment of BOD

⑦ Supersede the BOD & Appoint a new one.

most are over administered & under-managed.

Govt control Machinery

- ① Controlling Ministry - link b/w P & PSU, conflicts, clearances.
- ② Finance Ministry - 4 part time Dir. Additional Funds, foreign exchange, Disinvestment.
- ③ Other ministries / dept - clearances
- ④ PC - part of FYP
- ⑤ Dept of Public Enterprise u/MOH I.

Functions recommended by **ARC-I**

- ① Data Bank, clearing house of info
- ② Compile & Analyse info, present reports
- ③ Technical & Expert Assistance to Controlling Ministry.
- ④ Secretariat for PESB.
- ⑤ Help P committee in exam'n of PSUs
- ⑥ Advice PSU on Mgmt Dvlpt

Functions DPE performs:

- ① MOU finalised by DPE
- ② Creation of Board level posts, Approval & reqd
- ③ Part-time directors
- ④ Govt Policy dec. as a whole, rooted through DPE
- ⑤ Conflict Resolution
- ⑥ Annual Public Enterprises Survey.

Public Enterprise selection Board

Advices the govt. on

- ① selection of personell - Chairman, MD, Member
- ② App. confirmation, extension-tenure, Disc. action
- ③ Performance Appraisal system
- ④ Formul'n of code of conduct, Training prog
- ⑤ Build database on perfor. of officers.

Steps to strengthen Govt PSU Relation

- ① Govt should ensure that PSU operates in public interest, with n. exercise broad oversight w/o involving itself with Mgmt.
- ② Govt control → Indirect and need not be wholly formal
- ③ clear demarcation of Respblty b/w Ministry & PSU
- ④ Adequate Autonomy overgovernance

Other Sol'n

- ① Close loss making PSU
- ② Under-utiliz'n of capacities x
- ③ Uniformity in Wage Bill
- ④ Personell policies → more professional
- ⑤ Strengthen PESB
- ⑥ Promote Innov'n, techn. upgradation, Modernisation.

ARC-I

- ① Secy of ministry not to be in BOD
Chairman not to be a officer of Ministry
- ② Top Mgmt post to be filled on deput'n only as last resort.
- ③ All appointments below Board level by Board itself. ⑩ Poor inventory Mgmt.

Problems

- ① Excessive Bureaucratic & Ministerial Control
- ② Overstaffing, Higher Wages
- ③ Low rate of return on investment in PSU
- ④ Poor work ethic due to job security & no incentive for better work.
- ⑤ Rigid Exit Policy ⑦ Cost overruns
- ⑥ Poor cost Estimation ⑧ Delayed implem't
⑨ Too much dep. on Govt subsidy/grant.

Performance of Public Sector

IPR-1943

- ① State Monopolies - Arms, Atomic En., Railways
- ② Mixed sector - 6, Existing Pvt can continue
- ③ Govt Regul'n & control - 18 industries
- ④ Pvt sector

IDRA, 1951 Indus. Dvlpt & Regul'n Act
Govt licence for setting up / expansion
Govt can set up enquiry, take over Mgmt, control Price distr'n, supply.

IPR-1956

- ① Sch. A → 17 (4 state mon. + Mixed sector)
- ② Sch. B → 12 (Govt will ↑ its pptn + Pvt also)
- ③ Sch. C → Remaining

* Original intention of Licenses was to promote selected imp. indus. but later was used to control all indus., dvlpt was sidelined. ∴

Impact of NEP, 1991 on industries

No more Nationalis'n
Licenses x

Impact of NIP, 1991 on PSU

- ① More Autonomy through MOUs
- ② Sick PSUs referred to BIFR
- ③ Disinvestment to raise resources
- ④ Portfolio of Public Sector Investment to be reviewed to focus on strategic, high tech & infras. areas.
- ⑤ Board of PSUs to be made more profess.
- ⑥ MRTA Act was abolished

Disinvestment

- Routes → IPO / Strategic sale / Mgmt Employee Buyouts (BALCO, VSNL)
- Board for Reconst'n of PSE BRPSE was set up in 2004, to recommend Govt. on disinv. program.
- National Investment Fund NIF, 2005 comprising of proceeds from Disinv. to be used for investments in-
 - ① Social sector Projects
 - ② Revivable & Profitable PSU with adequate return.
- ₹ 55,000 Cr target for 2013-14

-ve of Disinv.

- ① undervaluation of Assets
- ② Inadequate Attempts at Restruc. 1st
- ③ Dis. used for juggling up F.D. LIC buying
- ④ Backdoor to Privt. Lack of policy on what to/how to disinvest

MOU

Mutually negotiated agreement b/w Mgmt of CPSE & concerned ministry/dept on-Objective + Financial Aid + Perfor. Appraisal Method

Arjun Sen Gupta Committee, 1984

1986 → 4 PSU, Today 202 (2010-11) PSU

+ve

- ① ↑ Autonomy & delegation
- ② ↑ performance as pay based on perf. appraisal under MOU sys. of exve.
- ③ ↑ Motiv'n, Morale
- ④ Perfor. Review meetings more focused
- ⑤ High quality of debate.

-ve

- ① Principle of negotiation not followed in spirit.
- ② Aspects such as Techn. upgrad. not adequately reflected in perf. criteria

Performance is not incentivised.

Delegation of Enhanced Power to PSE

Profit making PSE to be incentivised by granting them autonomy wrt

- ① Capital Expend're
 - ② Joint ventures
 - ③ Technological & Strategic Alliance
 - ④ Human Resource Mgmt
- DPE grants them status based on score

Status	Invest. Ceiling in a project	No.
Man.	5000 Cr / 15% of net worth	7
Nav.	1000 Cr / --	14
Mini I	500 Cr	52
Mini II	250 Cr	16

Maharatna

2010-11, Mega CPSE → Global Giants

• Eligibility Criteria -

- ① Navratna
- ② Avg Annual Turnover > 20,000 Cr, last 3 yr
- ③ -- Net worth > 10,000 Cr, --
- ④ -- Net Profit > 2500 Cr, --
- ⑤ Indian Stock Exch.
- ⑥ Significant Global Presence.

Relevance of Public Sector in Lib. Env't

- ① Promote Social Distributive Justice
- ② Balanced Regional Dvlp't
- ③ Promote Inclusive Growth
- ④ Model Employer
- ⑤ Critical Consumer Goods
- ⑥ Infras., ↑ GDCF, savings
- ⑦ Check Cartelish & consumer exploit'n
- ⑧ Joint ventures → global competition
- ⑨ Energy security.
- ⑩ Food security - FCI, seed corpor'n
- ⑪ Substantial contribution to Govt exchequer
- ⑫ Earn & Conserve Foreign Ex change

Comm. on Public Undertakings, 1964 (22 mem)

Func → Examine reports & a/c of PSU & CAG Report + whether PSU are prudent, 2nd + speaker may add Can't discuss Govt Policy + Day to day admn + matters for which separate machinery is estd

+ve: ① Reliable info. on PSU working to P, Mgmts. ② PSU Mgmt's + Govt pt of view brought in open

① Single Holding structure - Indep BOD
Chairman + 12 mem.

• Aim - Incubate cos. and take risks that pvt sector is currently not taking.

• Functions -

- hold ownership of Maharatna, other PSEs
- Decide on which sectors to invest
- Manage the investment
- Extent of holding, Timing of Divestment or exit
- Select chairman & directors on incubated / invested cos. / CPSEs
- EGoM to monitor SHS entity & hold it acct.

② Redefine the role of PSUs in today's context - Nationwide debate on new avatar

③ MOUs - Restructure, consider new aspects
Delink from PRP . eg. Tech, diversification
Benchmark Physical Parameters

④ Sell loss making PSEs to profit making CPSEs through auction

⑤ CPSEs are constrained by 'over governance', as they are w/ ambit of multiple agencies - CAG, CVC, Ministry, Parl. cont, RTI, which leads to risk aversion.

⑥ Paradigms I II III IV
1950-69 1969-84 1984-2013 Present

⑦ Review A-12

⑧ Corp. govern., vigilance, technology promotion
HR - all appts below Board level by CPSE

MOUs +ve : NCAER Study

- ① operational autonomy ↑ ^{Ministerial interf.} _{Delegn ↑}
- ② Result oriented
- ③ Fiscal Discipline
- ④ Quarterly Perf. Review ORR meetings more focused.
- ⑤ competitive

① Nationwide debate on future of PSEs

② Prioritisation of PSEs in context of new realities, fiscal implications, empl. interest into 4 categories -

High Priority - 25% } strategic, natural res.,
Priority - 49% } public utility, mkt imperfec
Low Priority - 74% } Returns on investments higher
Non Priority - 100% } ample pvt sector, unrestricted imp. _{orfs.}
PSEs are sick, not a public utility / stat. monop. only.

Adv. of categorisation

- ① Determine scope for Disinv, Disinv. Policy
- ② Relinquishing Non-Priority
- ③ New areas of Pub sector investment will be identified
- ④ Help each PSE to plan its future path
- ⑤ Give govt a coordinated follow up action wrt CPSE Policy.

③ Relinquishing Non-priority should be done w/o restructuring & through auction

④ Dividends, Reserves and subsidiary policy should be decided by govt not Board

Focus in present context

- Redefin role
- making PSEs competitive, market oriented
- Finding new areas of pub. investment eg Advanced engg, special capital equipments
- Divestment process - its policy
- Correcting overgovernance & risk aversion
- Transforming into global giants
- Result orientⁿ, Mkt & service orientⁿ.

above power, means, on a person
 • can provide the differential coefficient
 • Pol. Wisdom • has subtle influence
 Effect on → FRs
 → Life of LS
 → Views Shah, Kamath, Dal

President

Election

A-54 55 58 62 71
 Prez & V-P Elections act 1952
 " " " " Rules 1974
 Value of vote of MLA & MP, Quota
 Single Transferable Vote + Prop. Reps.

Exve Powers

A-52 establishes the office of Prez
 A-53 Exve Power of Union in Prez
 A-74, 75 COM to aid & advise
 44 C.A. Act Prez can ask COM to reconsider

Appoints

PM COM CAG Ecer AG Governor
 Administrators Inter state council
 UPSC Office Language Commission
 FC Commission for SC ST OBC, Protem
 • Can seek any info.
 • All executive orders & contracts of U.G. are taken in his name

Legve Powers

• Summons / Prorogue / Dissolve L.S.
 • Summon a Joint sitting
 • Addresses (P)
 • send Msgs
 • Nominates 12 (R.S.) + 2 (A.I.)
 • Ordinances A-123
 • Prior recomm'n
 • Lays reports by (P)
 • Bill sent by (P) / S.L. he has options

Judicial Powers

• Appoints CJ + SC Judge + HC Judge
 • A-143, A-72, A 361

Financial Powers

• Money Bills Budget A-280
 Contingency Fund
 No demand for grant can be made except on his recomm'n

Military + Diplomatic Powers

Veto Power

Absolute Veto - PEPSU Appropriation Bill
 Suspensive Veto - Kalam Office of Profit Bill
 Pocket Veto - Zail Singh Post Office Am Bill, 1986

Discretionary Power

Choosing a PM; A-78; suspensive
 Veto: not bound by advice of COM.

National Emergency

38 CAA, 1975

• Proclaim NE on other ground
 • Immunity from JR.

42 CAA 1976

• Prez can impose it even over a part
 • " " vary NE

44 CAA, 1978

• Armed Rebellion • Written advice of cabinet
 • Periodical (P) approval (6 mths)
 • 2nd majority • 2mths → 1mth approval by (P)
 • Revoked on (1) LS Resol'n (2) 1/10th of LS
 • Restricted scope of A 358 & 359

Punchhi central Govt to have an extended role but Authoritative role to be of State.

President's Position

Views of Scholars, BR Ambedkar, Judiciary
Ram Jawaya Vs S of Punjab (1955) not
UN Rao Vs Indira Gandhi (1971) Head
Samsheer Singh Vs S of Punjab (1974)
 VVGiri, R. Venkatraman.

(C)^{nal} evidence of binding nature of advice
 A-361, 78(a), aid & advice, 42 & 44 CAA.
 Discretionary Power

Ordinance

38, 44 CAA Bihar 1971-81; 1956
 Cooper Vs UOI (1970): if malafide intention
 D. Wadhwa Vs St of Bihar (1987): Re-prom. x
 +ve → SEBI -ve → NPSB

Clemency Powers

Kerai Singh Vs UOI 1989
 Guru Venkata Reddy Case 2006

President's Rule

1977, 80, Sarkaria comm'n, Bommai
 Case, NCRWC

A-78: unjettured Power to RTI; Zail Singh;
 exve power as highlight in media of info.
 sought ∴ indirectly influence content &
 directly the Process.

Sarkaria comm'n

① sparingly ② Warning ③ Alternative govt.
 ④ Law & order x ⑤ P^{ry} ratification ⑥ speaking cl.

Bommai case

① Prez Proclm'n - JR ② Relevant Material
 ③ P^{ry} Approval ④ centres Burden for Relev. Mate.
 ⑤ secularism ⑥ Restore S.G. ⑦ Floor Test

Death Penalty: Bacchan Singh Vs S of Pu, 1980

Macchi Singh Vs S of Pu, 1983 (Balance sheet)

Council of Ministers

Portfolio - Integration of Duties which are inter-related. Lord Canning

Classific'n of Minister

① Ayyangar Report, 1949

- ① Cabinet Minister - Dual Respbty & 1 or 2 " " w/o portfolio.
- ② Mos - Dept / Ministry / under cab. min.
- ③ Dep. Min - ① Duties, Consol'n Prize
- ④ ① Secy - Duties of his can be performed by Dep. Min.

Functions of all ministers to be codified

① Ayyangar ARC I 1966

- ① Cab. Min - Dual Respbty
 - ② Mos - Indep. Ministry x
 - ③ Dep Min. - Training grnd
 - ④ Abolish P.S. (1967 last)
- 3 tier Machinery, 2 tier for quick decis.

Hung ①

1989, 1991, 1996, 1998

Pres should follow following principles:

- ① Invite ① Leader of opps'n
- ② Leader of coalition formed prior to election
- ③ " " single largest party
- ④ " " coalition formed after elections

Size of COM

- ① 91 CAA, 2003: $\leq 15\%$.
- ② Ayyangar cmt - Bunching together of related minis. into 4 Bureaus(x)
- ③ ARC-I - Size to be based on no. of depts. min. can hold individually & give repres'n to imp. region. com $\rightarrow 40-45$

Cabinet

It is the prime mover of pol. action & core of Ind. Pol. sys. steering wheel.

Advantage:

- ① Effective, not
- ② Secrecy ✓
- ③ Public Exchequer - less burden
- ④ Better coordination
- ⑤ Less dissenting voices - Expedites
- ⑥ Team spirit.

Functions:

- ① Supreme Exe authority
- ② Prime League "
- ③ " Policy-making Body
- ④ " Coordinating "

Decides

⑨ Budget

⑩ Senior level appointments

⑪ Crisis Mgmt ⑫ Foreign & Def. Policy.

Checks on cabinet Omnipotence:

- ① Collective wisdom of cabinet is often lack.
- ② Dominating PM
- ③ Cabinet Committee
- ④ Coordination " (NAC, Nat. Comms'ns)
- ⑤ Media
- ⑥ Pres
- ⑦ Judiciary
- ⑧ Oppos'n ⑨ EGOM

Challenges to cabinet:

- ① Dominating PM
- ② Problems on secrecy fronts
- ③ Inc corruption
- ④ Dumping grnd for rejected Cms
- ⑤ Absence of Intellectual Merit + application.

GW Jones: C.C. have saved the cabinets of govt which otherwise would have crumbled under the pressure of work.

Cabinet Committee

- C.C. - [Adhoc - Inquiry] [standing - Advisory]
- 1948 - 2 Def. & Eco'ic Affairs
- Ayyangar Report
- ① standing cmt - Perm. Machinery, sec^t;
- ② 4 " "
- ARC-I
- ① 11 standing cmts.
- ② members $\neq 6$, all concerned minister
- ③ Commt of secretary to support S.C.
- ④ Adhoc cmts to investigate & Advice
- ⑤ C.C. should cover all imp. areas of govt. activity.

Adv.

- ① Saves time of cabinet, expedite D.M.
- ② More effective discussion, go in depth
- ③ Sustained focus on key aspects of Admn.
- ④ Upholds P. of collective Respbty as Junior Ministers can be appointed
- ⑤ Check on arbitrary decision of Minister
- ⑥ Inter-dept coordination flexible strength
- ⑦ Best utilis'n of Ministerial expertise

Limitation

- ① PM chairperson compromises advisory & revisionary authority of Cabinet.

Cabinet Secretariat

Evolution

- Britain, Lloyd George, Maurice Hankey 1916
- 1935 Wellington Eric Coates
- 1946 Council Secy
- 1948 Eco'ic & Statistical Coord'n Commit.
- 1954 O & M Division (Appleby Report)
- 1962 Emergency commt & Emerg. Wing
- 1964 O & M Division shifted out
- 1965 Directorate General of Rehabilitation Settlement
- 1966 Shifted out.

ARC-1 recommended to bring central Personnel Agency & Dept. of Admin. Reforms in cabinet secy. Govt. brought them but later separated them.

Organization

③ Wings:

- ① Civil Wing: Secy. Assistance + Rule of Bus.
- ② Military " : " " to Defence cmt of cabinet, NSC shifted out.
- ③ Intelligence Wing: RAW
- ④ Nat. Authority on chemical weapons Con.
- ⑤ Directorate Gen. on Public Grievance
- ⑥ Performance Mgmt Division.

Role & Functions of Cabinet secy

- ① Secretarial Assistance to cab. & cmts.
 - Oath ceremony
 - Communicate Portfolios
 - Agenda of cab. meetings w/PM
 - Circulation of Agenda
 - Minutes - Recording, Circul'n, Compil'n
- ② Custodian of Papers, Rules of Business
- ③ Implem'n of cabinet decisions - Monit.
- ④ Ordinance, Msgs by Prez + Address.
- ⑤ Ensures cabinet functions on the basis of collective Responsibility.
- ⑥ Chief Coordinating Agency among min., disaster
- ⑦ Keeps Prez, VP, Ministries informed

Role & Functions of Cabinet secy

- ① Head of the Civil Service Think tank
- ② Principle advisor to PM
- ③ Annual conference of chief secy
- ④ chairperson of civil service Board

PMO

Arora Pg 214

Evolution

- PMS came into being on 15 Aug, 1947
- Nehru - Decline in Power of P. Secy.
- Shastri & Indira - Boost LK Jha → PN Haskar
- Desai - Decline; PMS → PMO; Cells X
- Indira - P C Alexander Tsd
- Rajiv - Boost "Govt of GOI"
- Vajpayee - ↑ assumed the role of cabinet also nerve centre of power

Organization

Principal secy NSA Media Advisor
S → AS → JS → DS → US Total Manpower = 500

Role & Function of PMO

Helps PM in overall discharge of his duties

- 1> Making objective decisions (facts/data)
- 2> Decision implementation
- 3> Eco'ic Dvlp't, Inclusive Growth, Intern. Relations, Internal security
- 4> Managing Depts Residual Legatee.
- 5> Examination of cases
- 6> PM's Fund
- 7> discharge of duties as chairpers. of PC, NC
- 8> ① Question, speech, Travel Plans, Appointment
- 9> Maintaining coordination & linkage with Prez, VP, CM, Governors. Jaka recourse to formal & informal channels of conflict Resol'n

Need for strong PMO

- Increasing complexity of
- ① Govt ② Eco. ③ ↑ng Pop'n, Policy
- ④ Intern. front (Border, Terrorism)
- ⑤ strong chief exve of foreign countries demand a strong PMO.
- ⑥ shorter tenure of Cabinet secy.
- ⑦ Strong PM ⑧ Ministries not good
- It acts as a virtual Think tank of PM
- To function decisively PM needs a small trusted band of officials who think like him & can serve him with dedic'n & competence.

Evidence of strong PMO

- ① 1967 LK Jha NPT negotiating with US Prez & Soviet PM
- ② 1971 Pak War entire planning & Exec'n 1969 Nationalis'n of Banks

Central Secretariat

Evolution

indispensable to the proper functioning of the govt.
1757 - Furnish info + carry out orders of Govt.
Vellesley raised their status to secy & extended function to Research & Planning.
1919 - Policy Formul'n + Execution as well
WWII - Expansion & change in struc. & func.
1947 - ↓ in ICS + goal of welfare state + Indus. Policy Resol'n (1948) ⇒ need for expansion → Recruitment stds. declined.

Organization

India Split Sys.
Minister + Secy. + HOD
Secretariat Directorate
Adv. of Split Sys.

① Special's'n ② DOW ③ Autonomy
④ Delegation ⑤ Accountability ⑥ Upholds Principle of collective Resp'ty.

Structure SAJDU

Dept - Wing - Division - Branch - Section
Secy / Adm. Director / Under section
p. secy. Jt. Secy Dep. Secy secy officer

Secretary

Principle Advisor to minister
Admin Head
Represents min. b4 ① Cmts + Nat. + Int. cmts
Appointed by Panel / ACC + PM
Empowered to enter into Treaties
Power defined by Min. through standing order
ARC-I → Coordinator, Policy Guide, Reviewer and Evaluator

Functions of central Secretariat

① Policy - formul'n, coordination, Interpretation, Implem'n, Modific'n
Provides Relevant Data, Value Judgement
Sectoral Planning
Supervision of Field Agencies

Legue Func's

Draft legis'n; Delegated legis'n
① Answers; Budget & Expendre.

Virtual Think-tank, Instit. Memory

④ Main channel of comm'n b/w States, Nat'l & State Bodies, clearing

Tenure Sys.

⑤ Comprehensive scrutiny of issue.
1905 Curzon; Simon Wheeler Maxwell ARC-I
Adv. → office Stale X Ground Reality → Policy

Arguments Against: Special's'n, Field exp. not very imp.
Problem: IAS → sec't service Tussle on Deput'n
long stay Merit Judging Pos'n's long 4/7/5

Problems of Central Secretariat

① Overstaffing

Why? → ① More Ministers ② 1947 Legacy causes further problems like

② Delays & Red Tape (over-consul'n, coord.)

③ File noting

④ Extended Hierarchy → Reverse Deleg'n

⑤ Too many Depts. → conflict, Poor Integ'n, Poor coord'n, Absence of Team spirit ⇒ ↓ sd n.

⑥ Encroachment over state Jurisd'n, Policy execu'n.

⑦ High level of Dept'l. Thinking violating collective Resp'ty.

⑧ Empire Building Tendencies

⑨ Dominance of the office.

Solutions

① Red Tape & Delay

* ARC-I - Desk officer Sys.

* functional desk at lowest level manned by U.S./section officers

* Avoids Red Tape, Delay, Notings, Expedite

Helps in Downsizing of Admin
↓s the reliance of lower level

complex work, beyond clerk intellect
Facilitates Resp'ty Fixing.

* Introduced in U.G. 1973

* Lim. - Poor incentivis'n to Desk officers
Oppos'n from Staff Unions

* ARC-II

① Dept to lay detailed scheme of Deleg'n

② File pass: max 3 levels

③ Digitis'n of Public Record → Pre cedents

④ To improve Decision Making wrt Policy

* ARC-I ① Set up Policy Advisory Cmts.

② Focus on Goals & Outcomes

③ Set up sys. of Policy Evalu'n

④ Dept: Mission, Obj, func.

* Strengthen TechnoBureaucracy

Encourage specialists, lateral entry prog.
specialise Generalist

③ checking Enclaa.

④ Rationalising functions of GOI

* Focus on Key sector P. of subsidiarity

Directorates

Forms of Exe Agencies

PSU (corp., comp.); Cooperative Society
Dptl. Undertaking; PPP

Secretariat - Direc. Problems

- ① S.T. Expansionist Attitude
- ② Deleg'n x
- ③ Interference
- ④ Generalist scrutiny
- ⑤ Comm'n Gap
- ⑥ Token pptn of field
- ⑦ Blaming Attitude
- ⑧ Superiority complex

Sol'n

A. Status Quo Approach

- strict adherence to P. of split sys.
- HOD full control over his staff
- S.T. to provide House Keeping activities & service w/rt. Directorate
- ARC II: ST should conc. on -
 - Policy: Analysis, Making, implem'n
 - Coordin., Evaluation Monitor
 - Strategic Decisions
 - Budgetary & P. Work

B. Bridging the Gulf Approach

HOD given an ex-officio S.T. status

C. Amalgamate Direc. with S.T.

Integrated attached office u/ministry
⇒ Expedite + continuous contact

Flaws in Conventional Direc. Model

- ① Deleg'n x
- ② Interference x
- ③ Redtape & Delay
- ④ Stand./Goals/ Policy Parameters not well defined.
- ⑤ selection: Bctc.
- ⑥ Any context - same struc.

Sol'n: Agencification i.e. extensive use of self contained quasi^o Autonomous bodies.

- Adv. ① Clarity + Focus ② Contextual structure
- ② Better Accountability

Ministries & Depts.

① MOHA

Home Min. → 2 MOS → Home secy
6 Depts, most influential ministry
① Dept of Home - overall Policy making of ministry. Emerg., Prior approval of Pres. citizenship.

- ② Dept of state -
 - Maintain centre-state relations
 - inter-state council

- ③ Dept of J&K
 - A-370; PM's package

- ④ Dept. of Internal Security
 - Public security, Police & Prison
 - Paramilitary forces
 - Police reforms, Acts - TADA...

- ⑤ Dept of Border Mgmt

- ⑥ Dept of Official Language

② Mo F (1810)

5 Depts, FM → 2 MOS → Finance secy

- ① Dept of Eco'ic affairs - 11 divisions
Budget Div., Eco'ic Division

- ② Dept of Expend'ure - 6 units
Plan Finance Division (new schemes)

- ③ Dept of Revenue - CBDT CBEC

- ④ Dept of financial services - Public sector Banks, Insurance cos.

- ⑤ Dept. of Disinvestment - Promote people's ownership of CPSE...

Parliament

Pr'y Form of govt:

- | +ve | -ve |
|------------------------------|------------------------------|
| • more responsible, a/cable | • Instability |
| • continuous accountability | • Delays, Defections, |
| • Harmonis'n b/w Exe & Legre | • Frequent election |
| → less deadlock | → reshuffles |
| → pptn in Dec. making | • strengthening of Gov |
| | • continuity of Policies x |
| | • ↑ in corrup., criminals in |

Why did C. Ass. choose it

- ① Accomodating Diversity
- ② Low level of civic culture
- ③ Avoid Dictatorial govt.
- ④ Experience of P'y govt
- ⑤ Nehru report, T.B. Sapru Report,
- ⑥ Fast pace of dvlpmt need Harmonis'n
- ⑦ Welfare for Diverse

Parliament

Problems of P

- ① Time devoted to Trans'n of Biz has come down.
- ② Quality of MPs has come down
- ③ Weakened opposition
 - Fragmented, Ideologically Driven
 - Failed in effective constr. criticism
- ④ Avg. Age of P 46.5 → 55
- ⑤ Inadequate women repres'n
- ⑥ Poor Attendance
- ⑦ Quality of Debates ↓ - Regional Issues

Reform required

- ① Electoral Reforms to avoid Criminals of Politics.
- ② Constructive vote of No confidence
- ③ -ve vote
- ④ Strengthen cmt of Ethics & privileges
- ⑤ Anti-defec'n law → coalition ARC II
- ⑥ NCRWC - min sittings LS-120 RS-100 days

P^y control over Exve

- ① Question Hour
- ② Zero Hour
- ③ President's speech
- ④ Motions & Resolutions
- ⑤ P^y committees
- ⑥ Budgetary Process

Importance of P^y control

- ① Direct Dty not possible, P holds exve accountable on behalf of people
- ② Custodian of Public Money
- ③ Forum for Debate
- ④ Awarer People
- ⑤ Awakens Govt on sensitive issues
- ⑥ Ensures laws passed are fair & Rational, not draconian.

Challenges of P^y control

- ① Inc technicality of Admn
- ② Quality of debates ↓
- ③ Fragmented & weak opposition &

④ Regional issues

⑤ Inadequate no. of sittings

⑥ Non-availability of expert assistance

Steps to improve P^y control

- ① Strengthen Public Policy cell in Political Parties.
- ② Provide for min. no. of sittings
- ③ Reforms in cmt system
 - Tenure of " at least 2 years
 - Academic background.
- ④ Code of conduct for MPs to be strengthened.
- ⑤ Strengthen Party Discipline
- ⑥ Cmt. on subordinate legsl'n → streng.

Utility of RS

- ① Senior Politician + Statesman + Intellectual Ptn.
- ② Strengthen Federal spirit
- ③ Checks Hasty legsl'ns.

Criticism of RS

- ① Non-federal features
 - Repres'n to UT, Nominations
 - No equality of state repres'n
 - Money Bills.
- ② Failure to check encroachment of states
- ③ Not emerged as House of Elder
- ④ Revisionary chamber x
- ⑤ Abuse of Nomination Provision

Judiciary

① Judicial Activism

Assertive role played by J

Reasons for rise of JA

- ① Inadequacies in functioning of L & E
- ② Societal Learning
- ③ Vibrant civil society, Media, NGO
- ④ Emergence of PIL, Suo Motu cognizance
- ⑤ Wider interpret'n of A-21

+ve of JA

- ① Brings in line Exve & leges, sensitizes them
- ② Restores Peoples faith in Dem'cy
- ③ Awareness
- ④ Env't, corruption
- ⑤ Justice to Poor

-ve of JA

- ① Judicial Adventurism w/o a code of conduct
- ② Constitutional incompetence in law making

GOVERNOR

Centre - State Relations

15

① Discretionary Power

- A-163 :
- A-200 : Suspensive + Referential veto
- A-356 : Report on Breakdown
- A-167 : furnish info. from CM
- A-239 : Administrator of UT
- A-371 : Mah & Guj
Nagal + Arun. P. → Law & Order
Manipur → Proper functioning of cmts
Sikkim → Peace + socio-econ. devt
- Proroguing + summoning + Dissol'n
if COM has lost Majority.

Governor as a agent of Centre

- A-200, 356, 167, 257
- In appointment / dismissal of S.G.
Jayalalita (Fatima); B.K. Nehru (J&K)
- At the pleasure of Prez i.e. C.G.
- Presidential Rule report.

Governor's office +ve

- ① const'nal reprsve not spy. Link
- ② Secs A-257, 356 is maintained
- ③ check hasty, unconst'nal, Rights
violating acts of S.G.
- ④ 1980 MAR Antulay (Mah) corrupt dismissed

Recomm's :

① Sarkaria Comm's'n

- ① He should not be in active Politics
- ② from outside the state
- ③ Eminent walk of life
- ④ Allow him to complete 5 years
- ⑤ C.M. should be consulted.

② Punchi Comm's'n

- ① on Appointment : follow Sarkaria Com.
- ② on Removal : Process similar to impeach
- ③ on Disca. Power : Narrowly construed
- ④ Prez should consult PM + HM + Speaker + VP

Governor not an agent : Halgovind Pant
B.P. Singhal Vs UOI, 2010 : Employee X,
Agent X but const'nal reprsve. B.K. Nehru

↑ng Power of Governor st. of Guj Vs R.A. Mehra, 2013

- ① Guj Lokayukta (CM not consulted)
- ② 1967 Dhasam Veera Ajay Mukherjee

① Legislative Relations

- ① Territory - 245 ② Subject Matter - 246
When centre can make law on S.L.
A-249 250 252 253 356
When centre controls state govt. laws
A-31A, B, C 200 288 304

② Adminve Relations

- A-256 257 258 261 262 263 312

③ Financial Relations

- A-280 275 282 : Grants in aid
+ Revenue sharing

Problems & Sol'n

① Legve Relations

- ① Monopolised the conc. list A-253
Residuary

- ② A-201 abused, A-356

- ③ Encroachment on state list
SARC - P of subsidiarity
Sarkaria Recomm. doctrine of Harmon. P. & Subj. Colour

- ① Residuary Power of Taxation to centre rest
transfer to Con. List.

- ② A-356 use sparingly
- ③ A-201 Prez give reasons for withholding.
- ④ Consult states when making law on C.L.

Punchi Recomm'n

- ① A-201 Prez return bill or give recom. in 6mth
- ② A-356 Amd ③ to give effect to Bommai case
- ③ Greater flexibility to states in Transferred items
- ④ A-253 consult states in Treaties, if it impinges.
conc. list + compensate
equal reprs'n in Rs.

② Adminve Relations

- ① Appointment & Dismissal of Governor
- ② A-312 All India service
- ③ Deployment of central forces
- ④ Abuse of A-356
coalition
LPG influence

Sarkaria Recomm'n

- ① Gov. ② AIS strengthen
- ③ centre should have power to deploy
w/o consent, but it will be desirable to consult
- ④ A-263 Inter Govt. Council
- ⑤ Zonal Council reactivate promote spirit of Feder.

Punchi Recomm'n

- ① Gov ② AIS strengthen ③ AIS for Health, educ. - -
- ④ Strengthen I.S. Council ⑤ Zonal Council 1-2 meet/yr

3) Financial Relations

- 1) Dissem'n in Financial Alloc'n to state
- 2) sharing of revenue
- 3) Role of PC

Sarkaria Comm'n

- 1) Corp. tax may be shared
- 2) Division of funds b/w FC & PC is reasonable & should continue.
- 3) surcharge - specific purpose ltd period

Punchhi Comm'n

- 1) Make FC a permanent body (Recommendation also said this)
- 2) Involve state in formul'n of terms of reference of FC
- 3) Synchronize periods of FYP & FC
- 4) PC's role of coordinator, rather than micro-manager of Project.
- 5) Adoption of Multi-year Budgeting

CHIEF SECRETARY

Role w.r.t

- 1) C.M. - Principal Advisor, Extended Arm
 - 2) Ex-officio ~~cabinet~~ Secy to CM & Cabinet
 - 3) Dvlpt - gets fund, deliberates with PC, receives report from Dvlpt Agency, State Planning Dept, Path-breaker
 - 4) Crisis Manager - logistical support
 - 5) in crat Emerg. → Chief Advisor to Gov.
 - 6) Head of civil service of state
 - 7) Adminve head of state sec^t, Govt
 - 8) Heads Gen. Admn, St. Plan. Dept, Personell
 - 9) Rules of Business
 - 10) chairs conferences of DC, HOD
 - 11) Centre - Represents centre as he is IAS
 - 12) Chief Secy conference, Zonal Council
- Coordination - B/w Centre state
Policy formul'n, I.E. Inter-state Intra-state

Similarities b/w Chief & Cab. Secy

- 1) Adminve Head of Govt
- 2) Secy to sec^t
- 3) Principal Advisor, eyes & ears
- 4) Chief Regulators & Policy makers

Differences:

- 1) Chief Sec. is Residual Legatee (P.S.)
- 2) " " " Head of all secy
Cab. " " Primus Inter Pares
- 3) Chief Secy heads dept
- 4) " " wider powers & functions
- 5) Cab. Secy Head of IAS, with min. tenure 2 years by conventions
- 6) Chief Secy has larger involvement in Personell matters.

C.S. = Cab. Sec + Prin. Sec + Sec. Home + Sec. Finance + Sec. Personell.

Dangers to Chief Secy Position

- 1) Slow but sure rise of CMD
- 2) Appointment of separate cab. secy
- 3) UP, Mayawati, Additional Chief Secy
- 4) Appointment of Pol. favourites as C.S.

Appointment of C.S.

seniority + merit + confidence of CM

ARC-I

- 1) Senior most civil servant
- 2) Fixed term 3-4 years
- 3) He shouldn't be changed with change in govt.

ARC-II

- 1) Advice of collegium - Incumbent C.S. + min. nominated by CM + Leader of opp'n
- 2) 2 years min term
- 3) consider all officers above a specified seniority.

Adminve head of st. Admn in India. He is the pivot of st. Governance system.

ACCOUNTABILITY & CONTROL

CITIZEN CHARTER

I Meaning

Obligation of those holding power to take respty for their actions.

3 Dimensions -

Answerability + Enforcement + Responsiveness

Acct is the domestication of Power

II Types of A

(a) General Classification

- 1> Substantive / Goal
- 2> Procedural / Process
- 3> Fiscal / Financial

(b) Jabbra & Dwivedi (c) Bruce Stone

- | | |
|-------------------|------------------|
| 1> Orgznl A | 1> Parliamentary |
| 2> Legal A | 2> Legal |
| 3> Political A | 3> Managerial |
| 4> Professional A | 4> Constituency |
| 5> Moral A | 5> Market |

III Changing dimension of A

i) Factors that has ↑sd A

- ① Macro dimension - Supranational
- ② Micro " - Multistakeholder (from below)
- ③ Marketised Paradigm - A O Hirshman
Methodological Individualism, choice

ii) Factors that has ↓sd A Hoque

- ① A for What -
 - Profit, η , comp. & not Dty, Equity--
 - NPM state Role ↓sd, → A ↓sd
- ② A towards Whom -
 - Customer & Client not citizen
 - Citizen charter → Manager charter
- ③ How to enforce A
 - a) Contractual empl - But not towards perfor. but Manager
 - b) Autnomisation - ↓sd Pol. Scrutiny & Citizens influence.

IV Limitations to enforce Int & Ext mech

following

I Meaning

CC is based on values statement that gives details of Orgzns

- ① Vision & Mission
- ② Business Transacted
- ③ Clients
- ④ Services
- ⑤ G R Mech
- ⑥ Expect- from Client

6 Fundamental Characters -

- ① Standard
 - ② Info & openness
 - ③ Choice & consult'n
 - ④ courtesy & helpfulne
 - ⑤ Putting things right
 - ⑥ Value for Money
- Martin McGuire; Polidano, Clarke, Wool*
- Innovative duplt of Early 1990s under the philosophy of value for Money, to improve η & reduce the gap.

1991 John Major 1998 service first

II Studies on CC

DARPG 1998; 2002-03 DARPG + Nat. Coord. Council
5 charter of C.G & 15 charter of S.G. found
Consult'n x, Training x, Awareness x, GR x.
Public Affairs Cmt, TI highlighted limitat.

III Limitations by PAC

- ① Poor Design & content (Critical info.)
- ② Pub. Awareness x
- ③ Inadequate Groundwork
- ④ Updation of CC x
- ⑤ Consult'n x - End user, N4D, senior Citizen Dia ble.
- ⑥ Resistance to change.

IV ARC-II Recomm'n

- ① One size does not fit all
- ② Each Indep. unit → CC
- ③ Wide consult'n
- ④ Firm commitment
- ⑤ Internal Str & Process should preced CC
- ⑥ Redressal Mechanism
- ⑦ Periodic Evalu'n
- ⑧ Benchmark using feedback
- ⑨ HoD directly accountable
- ⑩ Legalising GR Mech.

V Sevottam - CC + GR + serv Delivery Capability

VI RTS, 2011 BiU - GRO (30 days, Penalty)

CGRC + SGRC → LOKpal 3 Appeals.
Lim - Legality (Actionable Wrong), Overlapping of GRM
Non-citizens, Pvt instn, GR Cer (jud. inquiry)

RTI

I Evolution

- Traditionally the basis of secrecy was
- Buck to Secrecy & Expertise
- State as the Owner of territory.
- 1960-70s - Disempowerment of Admin
- 1980-90s - LPG New World Order

- 1766 Sweden Press Room
- Official Secrets Act, 1911 UK
- USA 1923 sec 5 Ind 'Catch all sec' (3yr)

India

- 1997 Freedom of Info Bill
- 2002 Prez assent but not notified in Gazette, opps'n by civil society
- 543 changes MKSS Parivartan \Rightarrow RTI Act

II Features of RTI Act, 2005

- Citizen is great Master
- Empowers citizen to access info from Public authorities
- Aim to bring suo-motu decl'n \rightarrow but arrangement $\times \rightarrow$ Request for info
- Sec 4, 5, 6, 26, 27, 28 \rightarrow Role & Resp. of Pub Auth
- Sec 19 \rightarrow of ICER

- PIO & APIO \Rightarrow 30 days 48hr 45day
- Ground for restriction: info related to
- Judicial proceeding cabinet Minute
- Foreign Relation security Agency
- IPR, Copyright Pvt Interest
- Nat. security strat., sc. & eco. interest

No other act can be basis of rejection

- Appellate Procedure in case of
- inadeq. info, not satis info, not satis gmd
- of restriction, unreasonable cost
- Senior Authority \rightarrow ICER.

Complaint Procedure in case of
malafide denial, wrong info, distr. of Pub Record
Info Comm'n (highest Authority \rightarrow JR)

III Benefits

E³, Res, Acc⁺, Answerability, empowers,

Case study: Tribals Thane Apr 2013 RTI
satyagraha 1300: their claims on forested
land and basis of allocn which S.G.
followed. Revenue Dept \times Appellate \times
ICER \rightarrow Directed " " To give info &
Rs 2000 for 10 Tribals.

IV Appraisal

① Composition

- Retired Civil Servants, Sec. Agency people
- ARC II - PM + Loo + CJI $\geq \frac{1}{2}$ Non Civil serv.
- Induction Training on basic laws.

② File Noting

- DoPT: undermines freedom & fairness \rightarrow Play safe
- Window to minds of Govt, make them more responsible.

③ Overburdening of Admin

- Archaic laws & instns are the cause
- RTI will streamline, bring in new techn & in long-run $\uparrow \eta$.

④ Black mailing of officials

- Mention the purpose
- But against Principle of law & will be retrogressive

⑤ Harrassment of citizen

- Statutory backing to protect citizen

ARC-II

① Oath of secrecy \times

② Pub. Records office

③ 50% of operating cost or > 1 cr in last 3 year: substantially funded

④ Orgzn \rightarrow f(n) of Pub nature & natural monopoly \Rightarrow Pub Authority.

2009 Report

① RTI Implementation Cell

② Promote as a Brand (13%, 33%)

③ Call Centres, RTI Portal, e-DU \Rightarrow APIO,

④ 3rd Party Audit to be institutionalized.

GENERALISTS AND SPECIALIST

(Area)

Generalists

Person whose educ & training are broad based, belongs to generalist C.S. & perform POSDCORB functions, their nature of job remains admin as against technical, Line Managers, specialist in admin, all-rounders

Evolution

Northcote-Trevelyan Report on orgn of permanent C.S. 1853 recommended superior posts should be filled by young men, selected by a competitive literary exam'n on a level with highest description of educ'n in the country.

Macaulay Report 1854

At that time technological differentiation & functional specializ'n were relatively underdevlpt when these reports came. 1947, India adopted it.

Today it forms the core of country's Admin Framework. They hold Top, middle level pos'n in central & state sect; no. of exve dept (Directorates of Educ, health, Agric.); head PSEs DO, DDCs, CEO of ZP

+ve of Generalist

- ① Loyal advisers, maintain Neutrality & Anonymity.
- ② Wider outlook, strategic perspective
- ③ Flexible bent of mind
- ④ Long & varied experience in diff walks of life with diff. people gives a rare acumen for understanding the political facet of admin
- ⑤ More obj & impartial, while dealing with demands of various specialists
- ⑥ POSDCORB func'ns + Admin leader + Motivator + Public Relations expert + Public relations expert + facilitator + Mediator + Arbitrator + coordinator
- ⑦ Politicians seem to understand the

-ve of Generalist

- ① Limited Empirical validity
- ② With Moderniz'n, new tech, new dvlp'ts → scientific & not Admin outlook reqd.

Paul H. Appleby: It was designed to serve relatively simple interest of an occupying power & as such not well suited to India.

Specialists

special knowledge in a particular field, staff managers

+ve of specialist

- ① scientific outlook, work culture
- ② Improve the quality of decision making by giving range of options
- ③ No empirical evidence to suggest specialist are not good administrators

Riggs: structural & functional Differentiation are inevitable concomitants of process of dvlp't & Differ'n requires a specialist.

ARC-I: The contemporary need is for the purposive dvlp't of Professionalism.

• IAS should be converted into functional service; • gave 8 broad Areas of specializ'n

Sunder Nath Cmt, 2003: officers may be assigned 3/11 domains through empanelment process. **Hota Cmt, 2004**: similar view

Fulton Cmt of Britain favoured a more prominent role to specialist France, US, Aus, N.Z., Russia accord specialis top admin pos'ns in country.

-ve of specialist

• Mention +ve of Generalist
Thorstein Veblen: Experts suffer from trained incapacity
Harold Laski: scientist has a marked aversion to new ideas.

Present Pos'n

- ① Top Policy Pos'n → Gen; Subordinate pos → Spec
- ② Pay scale, service cond'n, Social Status lower of spec.
- ③ Dichotomy in Policy Making (sect) & Exec'n (Direct)

Performance is assessed by incompetent & unspecialized of spec. by Generalist
1) Superiority complex in Gen, treat spec as subordinates

2) Ideas of Senior spec. questioned & rejected by amateur gen., even of middle level

3) No. of pos'n of specialist have grown phenomenally. Spec. who excelled in administering their inst'n -

H.T. Bhabha, Verghese Kurien, Swaminat.

Heads of IIT IIM, AIIMS, ISRO, BARC managed effectively by educationist, scientist & other specialist

PC, PMO, Cabinet sec^y, Railways have no. of technical advisers.

Sam Pitroda, Nandan Nilekani

• Models of Relationship

1) separate Hierarchy - common pay, but greater respect for spec. Aus, Germany.

2) Parallel Hi. - own respect hier., coordinate

3) Joint Hi. - Both report jointly to common generalist superior.

4) Unified Hie. - All service & cadre merged in a single cadre. (Fulton cmt supported integrated service in Pak.)

• Measures to ↑ Harmony (Mental Revⁿ)

1) Minister-specialist Interaction -
" should seek advice & actively involve spec. in Policy formulation → ↑ Motiv.

2) Unified Hierarchy - **Fulton Cmt**
Jt. & parallel " causes delays & inefficiencies & prevent specialist from exercising full range of respty

3) Access to Top Pos'ns

2nd Pay Comm'n: when the work of a dept is mainly technical, its secy should be a specialist

4) Equitable Emoluments

Rajendra, Nehru, Indira suggested this

5) Training for Generalist - Thatcher compelled

CSS, 2010: Allow lateral entry at higher levels 34%
G&S are like the 2 wheels of a chariot and they deserve equal importance in the Admin sys.

Need for greater sense of partnership, compatibility, b/w G&S bcoz the respective role of each of the groups is of utmost significance in process of nation building and debate on which is imp is

HUMAN Resource (only here) irrelevant

• Key differentiator variable

• Key to solve all problems

• create miracles with scarce res.

• HDR 2013 Investment in HR lead to exponential returns

• Riggs Formalism

• Till very recently it was believed

→ HRD is a natural function of time, just like growth of Plants & times

→ Man was not given the same importance as of managing other means of prodn.

But now it is realised that HR is the Key to P³ & E³ of orgn. Unlike other assets which depreciate overtime it appreciates, sharpens & smoothens

• Mgrs should go for selective Adaptation.

• HRD gained ground after mid 1970s, strengthened in 1990s and is the outcome of re-engg Personnel Mgmt.

• HRD is an effort to develop capabilities & competence among employees as well as create an envt conducive to employees' dvlpt

• In India, though we have MOHRD but the initiative is far from satisfactory.

• The colonial Hangover, frozen feudalism of thought, Bureaucratic Pathologies restrict HRD in India. Chris Argyris

• Value sys. must be strengthened.

• Competency based HRM (Mgmt) [DOPT + UNDP] Project

- What "is reqd for a portl implemented for HRM in C.S.
Developing competency of C.S.

Under project competency (Skill, Knowledge, motive, trait, social, role, self image are

RECRUITMENT

Personnel recruitment process includes: recruitment, exam'n, certifica'n & selec'n.

// is ltd. to specific steps taken to attract suitable candidates to apply

• 1 cen B.C. - china

Modern times - Prussia

1853 - Britain & India Merit sys.

Merit System Willoughby vociferously argues for it.

Features:

• Open competitive exam, Intrinsic merit

• Permanent Life career

• Independent, non-political Pub ser com'n

Advantages:

① Upholds Principles of Justice & Equality

② Security of tenure → Motiv'n, Neutrality, non-partisan, corrup'n x

③ Frees employees from whims of Pol Boss

~~Disadvantages~~ Limitations:-

① Some posts are exempted from purview of Merit sys. - A 320

② Some Pol appointments outside the purview

③ Preference to SC, ST, OBC

④ Temporary appointments

But these limitations are in view of practical consideration.

Spoils System

means a sys under which Pub. offices are considered & used as spoils to be enjoyed by Pol. Parties victorious at polls

Features:

① Appointment on Party & Personal Consider'n

② No security of service

Advantages

① consistent with Principles of Demcy

② Brings simplicity in admn - no diff. b/w Pol & Admnve office

③ creates Loyalists → make admn progressive

④ Rotation of office → makes admn responsible to people.

Disadvantage

① Inefficient admn - Battle b/w Prez &

② Employees become corrupt, dishonest, selfish - gather all while in office.

③ Merit x security of tenure x

④ Encourages vested interest instead of Public Welfare. ⑤ Party work replaces public work.

Types of Recruitment

A Negative or Positive recruitment

positive - as it stimulates people to apply for job → higher hiring ratio.

negative - as only few are selected

B Recruitment from Within / Promotion

Advantages:

① Promotes Loyalty, Morale, gives incentive to employees to work well

② Little training reqd saves cost & burden of PSCs

③ Employees confident of Promotions stick to their jobs.

④ Services of Experienced persons

Disadvantages: promotes mediocrity. Assumes all are fit for prom

① Narrows area of selection

② Fresh blood x, young & competent person & ideas not inducted

③ Not consistent with Principle of Equality.

C Recruitment from Without / Direct Rec.

Advantages:

① Wider Field of selection

② Young, competent persons, new ideas

③ upholds P. of Equality of opportunity

④ Services keep pace with changing conditions & techniques.

Disadvantage:

① Inexperienced Young Persons

② ↑ Cost & Burden of PSCs

③ Chances for Promotion ↓ → Incentive, Morale

④ Old & experienced incumbents made to serve under newly recruited → jealousy & heart burning.

Conclusion: An extensive Direct Rec. at higher grades is questioning the ability & talent

Direct recruitment is very much desirable for higher services & to a lesser extent from promotion - central pay comm'n India - $\frac{1}{3}$ rd post can be filled by promotion

Process of Recruitment

- 1) Wide Publicity, Announcements
- 2) Holding of exam
- 3) Certification
- 4) Selection
- 5) Appointment
- 6) Placement

Problems of Recruitment

- 1) Who was the recruiting Authority - Special Agency like UPSC or Electorate
- 2) Recruitment from within or without
- 3) Qualification of candidates
General Qu. - Citizenship, Residence, sex, Age
Special Qu. - Edu, Exper, Technical, Personal Quality

Methods of Determining Merit

- 1) Personal Judgement of Appointing Authority
- 2) Certificate of Character, Ability, Educ'n
- 3) Records of Previous experience
- 4) Examination

RECRUITMENT IN INDIA

IAS: ① Direct Rec^t
② Promotion from state civil service $\leq \frac{1}{3}$
③ Special selections from certain Gazetted Post

IPS: same + ④ Emergency commissioned officers & short service comm-officer through a ltd competitive exam.

Kothari Committee Report, 1976

- 1) A unified civil service exam
- 2) 3 sequential stage - Pre + Mains + Post Training
- 3) 2 Attempts for all
- 4) 21-26 Age
- 5) Min. Educ Qualif'n - University degree
Govt. accepted the recomm'n & 1979 UPSC followed the new scheme.

Satish Chandra Committee Report, 1989

- 1) CSE should be combined one for 12 Services & delinking of 7 central Grp A & 8 Grp B services.

④ Pre - optional should continue, as CSE tests intellectual competence.

⑤ Essay paper of 250 marks

⑥ Interview 250 \rightarrow 300 marks

⑦ Psychological tests & lecture should not be a part of selection process, as it will benefit urban students

⑧ GD to be introduced

⑨ Adequate Publicity for CSE

⑩ More coaching centers by S.G.

Y K Alagh Cmt, 2001

• Advocated common subject test rather than optional sub in mains. ^{intellectual sluggishness}

• Introduction of Psychological Test, Aptitude

Hota Cmt, 2004

① Aptitude & Leadership test

② Favoured selection of Younger candi.

③ 21-24 yrs (+5 for SC/ST)

SARC, 2009

① National Institute of P. Admin to run Bachelor degree course, other candidates complete a Bridge course to become eligible.

② 21-25 yr +3 for OBC +4 for SC/ST

③ 3, 5, 6 Attempts

④ Pre & Main together on 2-3 consecutive day or Main + Interview together
 \Rightarrow To reduce overall time consumed in selection process.

⑤ No optional in Pre

⑥ UPSC \rightarrow common exam \rightarrow State civil servants (Grade A, >40 yrs, >10 yr exper)
 \rightarrow IAS, IPS, IFS, central service

Criticism of Rec^t System

① Interview sys is full of defects

A.D. Gorewala: Psychological tests
Interview Board should consist of diverse Members
Interview should be tape recorded
Candidates should be made comfortable

② More contact b/w Univ. & UPSC

③ Patterned Interview should be used

Sept 2015 - BS Baswan Out formed to review exam pattern
Former CEC TS Krishnamurthy - Entire Rec^t process should be revisited to make it more transp. & acc^t

ALL INDIA SERVICES

Arora

Features :

- Common to both Union and state
- Recruited on all India Basis
- Generalist
- Security of Tenure
- Deputation
- UPSC

Advantages : we pts from Generalist - specialist debate

- National Integration
- Broad Outlook
- High Calibre, Innovation, Rationality
- Consider Nat. Priorities & Grand Realities
- Liason b/w Central & S.G.
- Give independent, impartial & Objective advice to states
- U/A-356 - Repeal of C.G.
- Ensures Uniformity in Stand, Continuity

Criticism :

S.G. say -

- ① Agents → C.G. trying to ↑ its influen.
- ② Brain Drain
- ③ Violative of Federal Principle
- ④ Adverse implic'n on Morale of states
- ⑤ Involves larger expenditure → high pays
- ⑥ ↓ emp. oppor. for sons of the soil
- ⑦ cannot discipline exising officials

Other criticism

- ① Generalist - specialist conflict
- ② perceived as Elitist Interest gap
- ③ ↑ corrup'n → ↓ng credibility
- ④ Neutrality compromised
- ⑤ Intellectual sluggishness

Central Services

- Technical & functional pos'ns, Mgmt by concerned ministries, Tenure sys, move All India in charac. serve > 8-10 states IRS, IAS - clout.

Grp A - Organized → Tech, Non-Tech, Health, Other serv. forms Bulk
② General Civil Service
Grp B - Direct Recd (UPSC, SSC) & Promotion

Control over AIS

- S.G. - Posting, Suspension, Transfer & minor punishments.
- C.G. - Major " , in difference of opinion, C.G. opinion prevails.

Deputation

C.G. → circular issued to S.G. → S.G. prepares a list of officers willing to go, forwarded to C.G. → DOPT scrutinises → circulates new list to ministries → After ministerial pick → DOPT → Acc Approval
Tenure rules are strictly applied & extension to be approved by ACC.

State Reorg'n Comm'n, 1955

Indian Service for Engin., Forest, Med & Health.
1963 IFoS

1958 Law Comm'n All India Jud. Service
Sarkaria, 1988

- ① AIS should be further strengthened
- ② They remain as necessary as when ③ was framed
- ③ There should be element of Compulsion in Deput'n.
- ④ AIS. Mgmt Advisory Council h/by Cabinet say
- ⑤ 3 AIS - Eng, Med & Health & Educ'n

M M Punchhi - - " - - + Judiciary (4)

ICS

- Highly Elitist
- Outlook: Diverse
- Func: Regulatory
- High Integrity
- Master Mentality
- Horse Riding & Camping
- 3yr Tenure

IAS

- × Modest social backg.
- Homogenous
- Dulcrament as well
- ×
- Service Culture
- Glorified Clerk
- 9 months (Pol. Press)

IAS: Emerging challenges & problems

- ① Inter-service Rivalry
- ② ↓ in η → Reservn + Other career + Pol. Inter
- ③ Lost its aura & glamour - Reduced to 'bara babu'. Adhoc Appoi. by Pol. boss Manipulated to serve Idv & sectorial Interest
- ④ Lost their role of catalyst & change

UPSC (Arora)

- one of the 4 pillars of C [SC, EC, CAG, UPSC]
- Waterdog of the merit system
- "keeps the rascals out" & put the best man in

Evolution

- 1855 - CSC set up, exam in England
- 1919 - GOI Act provided for PSC in India, 5 memb a/b by SOS
- 1924 - Lee comm's'n - set up PSC immediately
- 1926 - FPSC 5 members a/b by Govt in consult'n with council, advisory func
- GOI Act 1935 - specifically mentioned func's

Various provisions related to UPSC

A-315: UPSC, SPSC, JPSC, UPSC can serve needs of a state Governor request, Prez approval.

A-316: a/b by Prez, strength → Prez (10 present) (Appt)
 $\frac{1}{2}$ members = ≥ 10 yrs under Govt.
Term: 6yr / 65 yr - 62 yr (SPSC)

ARC-I: consult chairman in app. of member & successor.
• ≥ $\frac{2}{3}$ mem from mem & chair. of SPSC

A-317: Removed by Prez on grnds of (Removal)
i) Misbehaviour & enquiry
ii) adjudged insolvent
iii) laid empl.
iv) infirmity of body & mind
v) interested in contract
suspend the members during enquiry

A-318: Prez determines no. of members, staff & conditions of service

A-319: Ineligible for further emp. ---
→ Indep., Impartiality, objectivity (Arb)

SC has applied the test of (i) Relationship of Master-servant (ii) Control of Employee by Employer
office of Governor, HC Judge are not empl. u/ GOI Adv. General. Further they can contest election

Independence

- ① Salary, Pension allowance CFI
- ② condition of service → change → disadv.
- ③ Not amenable to further control

Functions A320

- ① Conduct exams
- ② Assists states in joint rec't in requested
- ③ It is consulted on:
 - a) Rec't to civil service & civil posts
 - b) On Principles for app., Prom, Transfer
 - c) Disciplinary matters
 - d) on claim for cost incurred in legal proceedings for acts done in execu'n of his duty.
 - e) on claims for pensions due to injury sustained, while serving under Govt in civil capacity.
 - f) Temporary Appnts > 1 yr & Regularis'n
 - g) Any other matter related to Personnel Mgmt.

• Consult'n is mandatory when word shall is used in a rule of regul'n made by govt For eg. func's/matters u/A-320
• Prez can make regul'n's where UPSC consult'n isn't necessary → 14 days (P) approval
Eg. - UPSC (Consultation) Regulation.

• It is not consulted
A-335: Posts of highest Diplomatic nature, Bulk of Grp C & D jobs; Temp emp < 1 yr; chair & member of Tribunals or commissions.

• It is upto the govt to accept or reject the advice. "Kingdom within a Kingdom".

Samuel Hoare: Mandatory powers will set up two govts.

• 2 safeguards to maintain sanctity of Advice
① Approval of Appointment comt
② Annual Report u/A-323 (Explanatory Memo)
Also resultant wide publicity in case of non-acceptance. 1950-89 → 92 case 2010-15 case

Con Status: Oath x, Warrant under hand & seal x, no reference to (P) so status & prestige not comparable SC, HC, CAG.

Limitations

- ① 1991 Pre optional Papers leaked
- ② Confidential Method of Standardization, Secretly of Marks
- ③ Empl u/ Quasi-govt agency & PSU - outside
- ④ Maheswari: PSCs are menaced by 3 C's - Managerial, Technological, Political
- ⑤ Delays in discussion of Ann Report - official we release x

integrity & professional compet. - custodian of Pub. Justice

SC: it is directive not mandatory. If govt doesn't consult, it doesn't invalidate the dec.

ingly recomn not accepted Overbwd, end

CVC CAT reduce scope in discipl. matter

State PSC

- GoI Act 1919 was silent on Provincial comms'ns but provided that Prov. legles could be created by legis'n
- 1929, Madras Legre Council passed an Act and comms'n was set up.
- Simon Comms'n & 1st RTC - Prov. PSC with statutory status in every province
- GoI Act, 1935 Provided PSC for " "

Assessment

① App't of Chairmen & Members -

- Influenced by Pol. considerations Defeated Poli. & Retired Govt officials appointed for sake of Patronage
- Not made expeditiously → Exam'n & Interview delayed

② Accusations of State PSCs selecting candidates on basis of favouritism, casteism, communalism & even graft & corruption.

③ S.G. No of Posts outside SPSC

④ Annual Reports not prepared on time, continue to lie unattended in State assembly for years.

Suggestions to Improve SPSC & UPSC

① ARC-1

- Governor should consult chairman UPSC & of concerned SPSC while appointing members
- Official Members - 10 yr exper., Secy or HoD
- Non-off. " - 10 yr exp. in recognized profes.
- One member from diff. state
- Govt should consult SPSC in App'ts to Quasi-Govtl Bodies.

- Staffing should be diversified & Research cells should be set up in these comms'n

Parliamentary Cmt, 1995: UPSC deserved greater financial Autonomy & in this respect it should be brought at par with CAG & EC

- 21-26 yr - Kothari & Satish Chandra (2)
- 21-24 yr - Hota (3)
- 21-25 yr - 2nd ARC (3, 5, 6)

Post School Recruitment

Features:

- After class 12th, All India Entrance Exam → Interview → 3 year course in a institute → Merit list → service allotments → 2 yr service specific course → Tests → Merit → cadre Allotment.
- followed in Army (NDA), Railway (IRIMEE)

Advantage:

- ① Mind is open & receptive to Public services, ethos can be easily ingrained.
- ② closer observ'n → Right candidate
- ③ No. of streams ltd → ease of comparability
- ④ Bigger resource pool of Talent
- ⑤ End undesirable sys. of coaching institute
- ⑥ University educ privilege of less than 15%.

Disadvantage

- ① quality of educ'n → Urban bias
 - ② University educ'n → well balanced Personality It is a great leveller & Matured Outlook
 - ③ It brings diversity & flexibility in educ → innovative entrepreneurs & courageous Adm.
 - ④ Coaching will start at school level
 - ⑤ Nature of duty & resp'ty is diff. from Army
- Majority of countries do not follow it.

Public Services - Post School Grooming

Why? Many of the optionals do not meet the job requirements of civil servants.

Modern adun is facing complex challenges. Syllabi should include ○ - - -

- It will create a large pool of Admins. which could be tapped by State, L.G. & Pvt.

ARC - NIPA + Bridge course by Univ.

-ve - Relevance lost with the changed syllabi

Age of Entry & Attempts

Late entrants Disadv.

- ① shorter service span → Non-eligible for secy
- ② Waste of vital human Res., loss of Productive yr
- ③ Promotes Cramming & Memoriz'n
- ④ Proliferation of coaching institutes

TRAINING

Mohanty Rishu

Terpey: It is the process of develping skills, habits, knowledge & attitudes in employees for the purpose of increasing the effectiveness of employees in their present govt. positions as well as preparing them for future govt. positions.
 continuing process

Importance

- Moulds and shapes the entrants to internalise org'nal skill & character
- Complements a person's educ, helps inculcate the ethos of job
- Govt & employee both gain
Emp. → ↑ Morale, ↑ in Mkt value
- Skills + Right values.

Objectives

- ① Envtl or Ecological Understanding
— Legal framework + social sc.
- ② Improving Adminstr capability

ARCI: "Training is a investment in HR"

- ① Improves n of Employee
- ② Imparts Basic knowledge & skill
- ③ Build up^{2nd} line of competent officers
- ④ Broadens the outlook & vision
- ⑤ Makes civil servant people oriented
- ⑥ Develping a sense of community service & belongingness in the pub. service
dedication

Methods

- ① On the Job - Employee on job is taught how to do it; un/semi skilled; clerks
- ② Job Instruction - vs skilled Trainee
- ③ Vestibule - classroom with equipment & machines; many employee trained simult.
Typist
- ④ Demonstration & Examples
- ⑤ Apprenticeship - crafts long period
weaver
- ⑥ Off the Job - Training is not a part of everyday Job Activity

⑦ Lecture - Annual seminar talk by specialist

⑧ Syndicate Method - small grp of trainees indepth study of a sub under guidance of faculty

⑨ Case study Method - Gives Practical exper.

⑩ Conference Method

⑪ Role Playing - Trainees act out a given role. employer-employee, Grievance, Appeal etc.

⑫ T-group Training → Provides opportunity for indvl employees to expose their behav. give and recieve feed back.

Types

① Informal - exper, slow, ineffective, frustrating
Formal - well Planned, specialist trainers

② short term (few weeks) Long term (> 6 mnt)

③ Pre-entry → Professional instruc. at colleges

Post-entry - LBSNAA, In service tr.

④ Departmental - Ltd to employees of a Dept.
Centralised - many Depts. LBSNAA

⑤ Orientation - Acquaints employee with basic concept of his job & envt.

⑥ Skill Training - Professional Income Tax
Background " - Mental Dvlpt, General sub.

TRAINING IN INDIA

Arora

History:

Before 1800 - No systematic provision, Working of accounts was essential

1800-02 Fort William Ctg - Oriental + Euⁿ studies

1809-58 Haileybury Ctg - " - ⊕ Espirit de corps
2 yr.

1858-1940 UK Recruits - 1 yr in UK + 1 yr in India
Indian " - 2 yr " + " - tr.

1941-44 camp training school, Dehradun

Instit's providing Training

① Central Govt. - Training Division u/DOPT
- administers Induction tr., sponsors, NTP
LBSNAA - Found. Course + Instnl Trai. for IAS
SVNPAA - Instnl & In-service tr.
NIRD - Functional Tr.

② Autonomous Sector -

Besides Research, consultancy & training = Govt
IIPA, New Delhi - GoI + PSU
PSU
Pvt

National Training Policy, 1996 ^{A2RC}

- Tr. should focus on — Accountability, Responsiveness, commitment, Awareness
- Emphasizes training for all, 3 levels
- 2010, Draft NTP
- Training Mgr in each Min/Dept
- Set up National Training Council
- Min Expendee \approx 2.5% of Ann Budget of Min.

Foci & Methods ^{Classical school of Orgz. theory}

- Dominant emphasis on ©, Law, Govt ^{W. In Vogue}
- structure, working procedure, service rules & all other Admin tools
- 1st emphasis on PERT, CPM, seminar, Workshops
- Dominant mode of imparting — Lecture Method
- Particpr Training Techniques — syndicate, GD, Seminars also used.
- Experiential Learning for Attitude & Beh. change.
- Behav. Jr. includes Mgmt games (eg. The Prisoner's Dilemma), Role Playing, socio-Psych. Tests etc. ^{We need a more intensive & vigorous Particpr & Behav Jr supported by a fav orgnized envt.}

Training for IAS

① Induction Training

- ① Foundational " (15 weeks)
- Obj — Espirit de corps + Attitudes & Values
- + basic understanding of Env't & Govt Machinery
- + computers + Physical fitness
- Village Visit + Trek + Extra-curricular

② Professional Training / Institutional Tra.

- Phase I (i) 24 Week; Devlp the necessary skill, knowl., Attitude for first decade of service; P. Admn, Law, Eco., ©, Political

- includes Bharat Darshan; Sandwich Patti.
- (ii) District Tr. — 52 weeks applies the knowl. gained in Phase I to real life situation, under supervision of D.O.

- Phase II — reflect on & synthesize the skills & knowledge acquired during Phase I
- Problem-oriented; Seminars & GD
- marks after ① & ② are added to determine final ranking in Batch.

③ In-Service Training

- Premise for it — An officer's Job changes (nature)

Mugandhar Cmt Report, 2002

Mandatory Mid Career Training was commenced from 2007. Features —

- ① Entire batch of a particular year
- ② It is mandatory for further promotion at certain stages in career.

Ph III — 8 week, 7-9 yr, Project Mgmt & Exec'n

Ph IV — 8 week, 14-16 yr, Policy formul'n

Ph V — 4 week, 26-28 yr, Evalu'n of Pub Policy

- Foreign Training, Jr. at IIPA, IIMs

Limitation of Training + Sol'n

① Training Faculty

- Apex " instrs headed by Generalist assisted by "floating" faculty. Tr. requires specialized competence.
- Soln — Blend of Academicians & field experts. Create a separate Professional Pool of Trainers.

② Training Methods

- 1st emphasis on Particpr trai. & more vigorous, intensive Behav. training
- At present Training \approx Routine Classroom Teaching

③ Revamped NTP with a Perspective Tr. Plan

- Best implem'n, monitoring & control.

④ ↑ Coordination b/w Centre & State

- National Training comm'n & State " Board (vertical + Horiz. coop)

⑤ Integr'n of Training with Pub Adminn system

- ie formal educ'nal sys. ⇒ Broader socializ'n Process.

⑥ "Babu Bcy" Tr. neglected

- Reservoir of exper., memory bank. Soln — A massive year round progr., organized by Training inst'n specially created for this purpose. eg. Guj 3000 Trainee \rightarrow 15 lakh < 2000

⑦ Limitations of Induction Jr.

- Does not devlp Domain Expertise
- Not responsive to officer's indivl interest
- outdated Methodology
- Not taken seriously by trainees, often
- Immediate supervisors do not want to spare their best officers for tr.

Training not linked to
① Perf & prom
② Placement policy

Limitation of In-service Training

- Not linked to career Mgmt
- Training needs of a officer are not systematically identified.
- structural facilities & trainers lack
- Evaluation of in-serv tr isn't taken seriously
- Foreign Training - syllabix, selection process not transparent.
- Greater emphasis should be given on Domain Knowledge

SARC - Recomm'n

- ① Mandatory Training at induction stage for confirmation in service
 - ② Mandatory Training b4 each Promotion
 - ③ Obj of MCT - To Dvlp Domain Knowl. & Competence reqd for the changing Job profile of Officer
 - ④ National Institute of Gln, to identify, document & disseminate best practices & also conduct Training Prog.
 - ⑤ Tr → Placement ⑥ Tr → Perform ⑦ Individualise
- Despite lim, training for IAS has shown resilience & innovation.

NTP 2012

- 1) Appt of Jr. Mgr, set up Tr. cell
 - 2) Develop cadre Training plan linked to competencies
 - 3) Dvlp Ann. Trai. Plan by Min for all empl.
 - 4) Dvlp Domain trainers ---
 - 5) " Training instn as centres of excellence.
- Training for all, with priority to front line staff. focus on soft skills
 - NTC; 2.5%.

Kiran Agarwal cut 2014

- ① Duration 103-75 weeks
 - ② Lecture → Pedagogical method of ^{adult learning}
 - ③ Enrich syllabus with Leadership Dvlp
 - ④ Philosophy: skill → competency based
- 4E's - Ethos Ethics Equity Efficiency

Performance Appraisal

It is the periodic evaluation of an employees job perform. measured against the job's stated or presumed requirement. McGregor it has 3 func: ① ② ③

Purpose:

- ① Strength & Weakness of Employee
- ② ↑ Motivation & Morale
- ③ Forms basis to backup Promotion, Transfer, Demotion, ↑ in salary.
- ④ coaching & counselling of Employee
- ⑤ Discipline
- ⑥ ↑ the η of employee, HRD
- ⑦ Syncs Orgz'l goal with indv'l goal by dvlpg a sys. of Per. Mgmt.
- ⑧ Means of telling a subordinate, needed changes in attitudes, values, beliefs

Limitations

- ① Halo effect - Overall impression → some Rating to each factor.
- ② Stds of Evaluation - Differences in interpretation of rating words or nos.
- ③ Central Tendency - Tendency to rate within a narrow margin (A or B) only
- ④ Recent Behavioural Bias - Evaluated on perfo. in last few weeks than whole yr
- ⑤ Personal Biases

Objectives

(a) Work related

- Evaluation of Work done
- Planning future work Assignments
- Improve Work η.

(b) Career Dvlp Objectives

- Plan career goals
- Determine career Potential
- Identify Strong & Weak pts

(c) Communication

- feedback
- counselling

A good P.A. system Features

- Partcprn of employees in orgz'nal goals, clearly specifying what is expected of them.

Employees must be encouraged to express themselves freely.

Supervisor should be well trained in art & science of P.A.

Orgz'n should feel that P.A. is job-related, merit based & fair. P.A. reports should be examined meticulously before taking +ve or -ve action.

Rational Balance of Human traits & Results in P.A.; focus on OPR outcome PRP, supportive, flexible

Techniques

① Graphic Rating Scale:

- easiest, economical, Trait oriented, subject to no. of errors
- Rater checks off a block Adaptability

② Forced Choice rating

Rater selects most descriptive statement from several.

③ Ranking - compare one emp. with other

④ Written Review - Essays & Critical Inci

⑤ Behaviourally Anchored Rating Scale

BARS - Mgr constructs sets of Beh. statements depicting good & bad performance. Combines GRS & Critical Incident

⑥ Annual Confidential Report

Written at end of one year. Records & grades officers achievements. Complete secrecy in process & result

Limitations:

- ① Subjective, Adhoc
- ② Does not solve problem of poor perform.
- ③ Like ^{obs} Watergion syndrome: valence -ve
- ④ Only shares adverse grading.
- ⑤ Not able to perform multi-utility

⑦ Performance Appraisal with openness

- setting of goals at starting
- Reviews during the year
- Transparent, officer is involved at diff. levels.
- Perf. graded on 1-10 scale.

Limitations:

- ① Doesn't recognize difference in perfor. parameters for civil servants working in completely diff. depts.
- ② Subjective grades 1-10
- ③ Doesn't Adequately assess potential of an officer

⑧ MAO ⑨ 360°

SARC

- ① P.A. of civil servants (other than AIS) should be made more consultative & transparent - 2 way consul. Process.
- ② PAR should be Job specific, share it
- ③ " " " Year Round
- ④ Detailed guidelines by DOP to guide the Reporting & reviewing officer for assigning numerical ratings.
- ⑤ 360 Degree Evaluation ie getting feedbacks from self, sup, subor, Peers, Internal / External customer & others
- ⑥ Govt should convert PAR into PMS

PMS Performance Mgmt system

- Principle - What gets measured gets done
- It is the systematic process by which Orgz'n involves its employees, as indivs and members of a grp, in improving orgz'nal effectiveness in achieving orgz'nal Mission & Goal.

Performance Related Pay PRP (6th Pay Com)

- Adv. - ① Produty Enhancement of Orgzn
- ② ↑ competitive competence of Orgzn
- ③ Creates a +ve Accountability Climate
- ④ Enhance Motivn to employee
- ⑤ Improved service delivery → customer satisf.

Key Issues:

- ① PRP should be customizable & flexible
- ② " " " implemented across all level
- ③ PRP should be a combn of Indvl & group reward scheme

evaluation sys.

Puri Test
broader
year rnd
continuous
2obj
Evalu. Dulp
active mnt.

PROMOTION

Importance:

- Means to hold best qualified men in the service.
- Act as Reward, Incentive
- ↑s Morale,
- Attracts Meritorious Young Men to join
- Keeps them contented, Disciplined & fit
- It is associated with Increased **pay, status, respbty, skill, duty**

Principles of Promotion

① Principle of seniority

Advantage:

- Objective, Automatic Promotion
- Senior → More experienced
- No Political Interference
- Everyone gets the opportunity
- More economical

Disadv.

- Senior doesn't guarantee competence
- Employees become complacent
- Resource pool narrow
- New blood x

② Principle of Merit

- Encourages employees to work hard
- New blood

Methods of Testing Merit

① Promotional Exam

- i) open competition - anyone can compete
- ii) Limited " - within dept; closed sys
- iii) Pass Exam

② Efficient Rating System - based on service records

③ Personal Judgement of Head

India: Security-cum-Merit
separate Promotion Boards for IAS/IPS
Grp B → A Central Service: UPSC Recommends

Criticism

- ① Personal records of employee not satisf. kept
- ② Discretion of HOD → Exclude some person
- ③ Seniority given too much importance
- ④ No effective system of Appeals
- ⑤ Promotion granted on extraneous base

Civil Service Board Pg 35 Yojana

Conference of Chief Ministers 1997 recommended to constitute CSB to streamline transfer & Promotion policy. Some Govts. also set them up.

Hota Committee:

• Such boards failed to inspire confid. as often they merely formalised the wishes of CM in matters of transfer of officials.

• It observed short tenure leads to

- Jaded implemⁿ of Govt policies
- Demotivⁿ, Admin. competence, exper.
- Lack of Acc^t
- Waste of Public Money, as no effective supervision
- Large scale Corruption
- Continuity of Policies, implemⁿ

• It recommended a statutory CSB should be estbd at both centre and state. Acc to be the final authority for central staffing scheme as C.M. for state service & AIS officers. CM will have to give reason, if goes against advice of CSB, otherwise officer can appeal to Ombudsman who will submit report to Governor to be laid before state legislature.

SARC: A 5 member central Civil Service Authority should fix tenures, assign domains.

→ Recognised R to GG as FR
1, 2, 3 will → tsd n in implemⁿ of LP: pub inter-
rest

SC Judgement on Civil Servants 31 Oct

1) constitute CSB at centre & state to regulate posting, transfer, inquiries, promotion, reward, punishment & disciplinary action within 3 months

2) Amend instructions under Admin. Acc^t

Goldman Sachs Report on Civil

Service reforms, Nov 2014:

By that is merit based rather than seniority based could add $\approx 1\%$ to India's per capita growth

ARC-2 also recommended it

↓ age of entry; attempts ↓; lateral entry

7 yr & 15 yr review

Sing Malay Jap promote solely on merit.

Civil Service Respbty

1) Traditional - LHO, Revenue Admin

2) Newer respbty - "socio-eco deplmt"

• monitoring projects, PPP

• managing PSEs • Regulating foreign

trade • collaborating with PRI,

• should be agents of change & soc. transform

• allotment of cadres to AIS

• Merit cum preference sys 1947-65

• Roster system 1966-77

• Ltd Zonal Preference sys 1978-83

• Roster system 1984-2007

Now based on cadre Allocation Policy

2008 - officers are allocated to

diff. cadres primarily based on basis

merit and their preference maintain

2 b/w Insiders & outsiders.

im: Balance Merit, Preference & need

x posting officers to diff parts of

the country.

SATHI HRM Model of Govt. DoPT has

undertaken pilot project to implement

in ED, FDA. It will improve the

processes of Recd, training, coordⁿ & connectivity

depts

Back to Root initiative

Principles which should govern Pay

① State should act as model employer

② pay at par with Pvt sector

③ related to cost of living

④ — " — per capita income of country

⑤ Equal Pay for Equal work

⑥ pay linked to what is necessary to recruit and retain an efficient staff.

⑦ pay must promote equity across hierarchy.

Whitley Council 4 Aims

① Address grievances ③ further educ of staff

② Enhance coop ④ use ideas & experience for E² of Orgⁿ.

5th Pay Commsⁿ Recommⁿ

① Pay commsⁿ should be given cⁿal status

② made permanent

③ Recommⁿ to be binding

④ Annual Pay revision.

Whitley Council in India

First Pay Commsⁿ recomⁿ estbld staff councils.

Unsatisfactory so JCM estbld in 1966 Joint

commsⁿ & compulsory Arbitration with above 4 obj

Admne culture in India

• BP sinha - culture of Aaram

• RB Jain - " " chalta hai attitude

• Fifth Pay Comsⁿ - Govt is the biggest orgzn named

by people who don't have service orientation.

It is elitist, secretive and has 3 concerns

with 3Ps - Pay, Promotion & Privileges.

• India's proverbial steel frame has become rusted

and sickly, and this is largely because of its

failure to adjust to the changing praxis of deplmt.

• If India is marching forward, the positive

role of Govt cannot be denied, demerit

or disputed.

• CSB-C.G. amended AIS Rules to comply with SC

direct

• SK Das study aug tenure Timings of D.O.

to inculcate Govt from Pvt interference eg.

Bts in line of fire in Delhi's LG-CM battle.

RURAL DVLPT

Evolution of LSG in India

Indus Val' Civ → 1st eg. of Urban admn

Aryan age → Rural Admn Sabha/Samiti

Gupta age → Panch Mandals

Chola → Autonomous Local Assemblies-Sabha

Decline in Medieval age - Political Instab

& centralizing tendency in Sultanate period

British

Reasons why they set up Local Bodies:

- Further their imperial interest
- Effective Local Bodies → Modern'n → Market
- Prevent disaffection among the natives
- Not most demanded orgz. of Local Govt.

Phase I 1687-1882

1687 - 1st Munc. corp'n, Madras

1720 - Mayors court in Presidency Towns

1793 - Municipalities " " "

1842 - " in Bengal + Town cmts for Sanith

1870 - Mayor's Resol'n: 1st Indian Assocn

Phase II 1882-1914

1882 - Lord Ripon's Resol'n (Father, magna carta)

- official members $\frac{1}{3}$
- chairman - elected non official
- Local sources of revenue
- Local Body Personnel u/control of Local Body
- Control on LB by Govt to be indirect
- Creation of Local Boards
- Provincial govts pass necess. acts to implement key aspects of Resol'n

Oppos'n by Bcg & domination by Deputy Cee
Momentum was lost - L. Curzon Reactionary Pol.

1907 - Royl Comm'n on Decentr'n said LB

suffer from excessive official control, inadequate res. & People's apathy.

Phase III 1914-37 ^{Recomm: ① chairman - Elected}
② Elected non-official majority.

Act of 1919: Local Govt → Transferred sub

Momentum lost: communal riots, Objx

Phase IV 1937-47

• 1937 - 28 months govt

Mom. lost: Resig'n → WWII → Transfer of Power

During the British Raj, the growth of LSG in

India was neither continuous nor appreciable not even uniform.

Post-Independence

25

① → Art 40, Entry 5 of State List

1952 **CDP** CD Block, BDO, several schemes Peo. Pptn

1953 **NES** NES Block, BDO + Extension officer

Failed: ① By unappreciative of People's pptn

② Illiterate, lacked skill, willingness & ability

③ No Inst'l framework

1957 **Balwant Ray Mehta Cmt**

① 3 tier PRI, Regular Elec - 5 yrs

② Transfer adequate resources

③ " " Powers

④ ZP: coordinating & supportive role, Do-chairp.

⑤ Chairperson of Pan. at one level to be ex officio members at next level.

⑥ PS to be effective exve body

⑦ Political Parties must not be allowed to contest elections.

1959-65 **1st Gen PRI** Nagaur → An. P

Panc. were to assist DA. DA → Dual Charac. ^{Dete} _{Betc}

1965-69 **P. of Stagn.** Reasons:

• 1st d tendency towards centraliz'n Election Postpo

• corrup'n & Inefficiencies, Resources x

• Lack of Pol. will & Betc resistance

• Period of Instability

• Nehru's death

1969-79 **P. of Decline**

1977 **Ashok Mehta Cmt**

① 2 Tier: ZP and Mandal Panc. + Nyaya Panch.

② Rsrv'n, CEEA ^(ARC 1)

③ ZP: exve body, Dvlptl functions, Planning

④ Pol. Parties based elections

⑤ Powers of Taxation

⑥ Min. for Panc. Raj, Social Audit, Social Justice Cmt

2nd gen PRI: Kar, A.P., W. Ben, J & K

Not Pan India, Political in character

1984: **Hanumanth Rao** separate DPC for Planning

1985 **G.V.K. Rao CAARD**

① ZP: Principal Planning Body, DDCEE, BDO → ADCEE

② Regular Elections

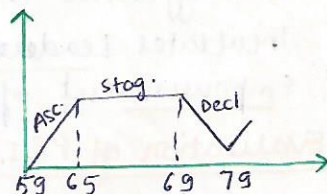
1986 **LM Singhvi Cmt**

cnal Status, effective Gram Sabha, Nyaya Panch.

1989 64th CAA failed in RS

1990 V.P. Singh Pol. upheaval failed

1992 73 CAA Act



Advantage: 2 Tier

Avoiding Delays; Better coord'n, avoids expressional ^{anarchy}
Some prog. become viable only when planned
for a larger Jurisd'n; Skills x at Glanc. level
Irrig.

Advantage: 3 Tier

Grassroot Dcy; Beneficiaries identific'n
Immediate sol'n for Local Prob, 1st Account

Advantage: Pol. Parties in Election

People pptn becomes more organized
Local People → better Evaluation
Future leaders MORE Rs.

Disadvantage

Interparty conflict, Rivalry
↑ violence, corruption, Fragment'n of Polity
Domin. of senior Party leaders

Advantage of PRI

- Grassroot Dcy, Direct Dcy realized
- Reviving Peoples spirit of Responsible citizenship and self confidence
- Relieving burden of C.G. & S.G.
- ↑ legitimacy of sys. of governance
- Planning becomes more realistic
more effective implem'n, Vehicles for Holistic ^{Dvlpt}
- Inculcates Leadership among Rural Folk.
- Empowerment of Rural folk

Evaluation of PRIs till 1992

Diff. models

1) Raj - PS nucleus of Dvlpt activity & P advisor
Adv. - Block viable for pptn/popl'n/implem.
It has already emerged as a unit of Dvlpt ^{coord}

2) Mah, Guj - ZP strongest

Adv. → Better Expertise, Holistic & Balanced view

3) Odisha, Hary - ZP abolished

Autonomy x, Bcy was strengthened at
expense of PRIs

S.G. Power of Dissolving these inst'ns

removing members, interference

Bcy given crucial veto Powers

MPs MLA fear their Pol. signif will ↓

73rd C.A. Act

Compulsory Provisions:

Gram Sabha, 3 tier, Direct elections, Indirect
elections for chairperson of ZP & PS, 21 yrs,

Voluntary Provisions

Voting rights to MPs/MLAs, revn for BCs,
Financial Powers, Making them Autonomous
Devolution of Powers: 29 item XIth Sch.

Gram Sabha

All voters, atleast 2 meeting/yr, Quorum - 1/10
Deliberative Inst'n, Secy → Panch Secy

Functions:

- Considers Ann. Budget & Audit Report, Admn Report
- Fresh Tax & Enhancement of Taxes
- Selection of schemes & beneficiaries
- Assists Panch in implem'n of Dvlpt scheme
- Appointing Vigilance Cmt. Unity & Harmony
Suggestions

• They can strengthen Dcy through
Social Audit, Awareness, beneficiaries,
vigilance, review of policies.

• Power of Recall

• Arrangements to ensure continuous
flow of info.

• Relationship b/w GS & GP should be
similar to P & COM.

Gram Panchayats

GS → Ward → Panch → Sarpanch

Functions:

Water, sanitation, elec, well, streets,
Census, cooperatives, agric, cattle etc.

Finances: Tea stall, market, Rickshaw etc

Admnve Personnel: VLW, a multipurpose agent
officer of PS but is P. secy to GP

Functions ① As a Gram sevak

Helps PS, Extension officer, Encourages Pptn

② Secy. → Prepares Agenda, records, staff

registers, awares people, manages Finance of GP

Limitations

- Sarpanch centralizing Powers
- State Guidance x, Secretarial Assist. x
- Lack of Resources
- Panch - Interest x
- Complex Rules

Panchayat Samiti

Dis → Blocks → PS → Pradhan (NCM remove)

Functions

Primary school, Health Centres, Youth Org'n

Roads, Water, Drainage, irr, soil, seed etc

Finances

Managed by BDO, most states-specific

items of taxation like Tolls, surcharge on

Adminve Personnel: BDO

① Incharge of PS office

Admve control over PS Personnel

Presents detailed a/c of inc & exp of PS② Captain of Extension officers

EO are subject specialist, posted at Junior positions, sent by S.G. on Deput'n
Provides Technical assistance to PS
Work under Dual control (BDO + Parent Dept)

③ Manages Dvlpt Prog. Formul'n at PS④ sets Agenda, issues notice, record, report

Limitation: ① Directed formally & informally by D.O, DDO, Pradhan, MP, MLA → Viol'n of Unity of Command → Ambiguity & Delay

② Service cond'ns & pay are lower than State Admve Service → Demotiv'n

Zila Parishad

Zila Pramukh

Functions: Coord'n + Superv'n + Advisory

Approves Budget of PSCoordinate Dvlpt Plans of PS

Issues Directions, Distributes funds

Advises S.G. on Dvlpt Activities & Work Allocn

Finances

managed by CEO/DDO

Major source: Govt grants & loans

Can levy tax, raise loans (limit set by S.G.)

Adminve Personnel

CEO from State Services on Deput'n,

PRIs have very little control on him.

Group C & D → Selection Comms'ns set by state

* Local Fund Audit + Dept at all 3 levels,

autonomous body, submits report to DDOs

* 73 AA, SFC recommends Quantum
+ Tied Grants for CSS + Levies Tax, cess etc.

Control over PRIs

Why? Guidance, Public-fund proper utilis'n, Mt & economical, Balanced Dvlpt
How?

① Institutional Control - c^{nal} Provisions

② Adminve Cntrl of - S.G. can Dissolve (Proper reason) on grounds of negligence, mal-admn, irregularities, inefficiency

③ Financial Control - Local fund Audit, Social

Audit, CAQ Audit → MGNREGS. State govt determines the taxation powers, loans, grants.

④ Technical Control - Plans & schemes approval
" Guidance.Problem Areas

① Domination of PRIs by Bureaucracy

More experience, technical ^{Politics of PRI Civil Service - SR Maheshwari}

② Parastatals DRDA deprive PRI of core func.

③ Several Govt registered society & cooperatives

④ Centrally sponsored schemes SSACS RKS

⑤ MP & MLALADS

⑥ Deficient on 3Fs Function, Functionary, fund

⑦ GS demand, no effort to educate & train

⑧ use of Money & muscle power during elec.

⑨ S.G. reluctant to share & devolve power

⑩ Lack of Resources

⑪ centralized Planning

⑫ state FC: inadequately staffed, Professional Knowledge is weak, Database is weak, need to energize the scheme of Fiscal Decentralisation.

⑬ 25% GP - official Buildings x

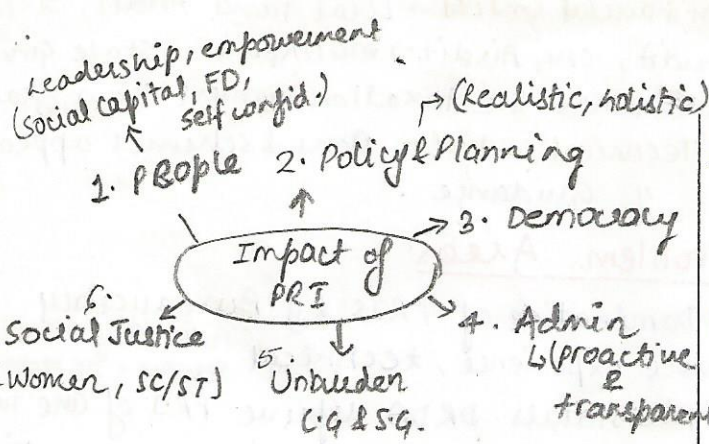
Only 20% GP - computer facility
Local leaders like edu, skills, capacity.

Municipal Services & PRI Personnel

① Higher level adminve posn - AIS or state serv. prevents local bodies from promoting their own adminve leadership.

② Discriminatory status demoralizes local body personnel③ selection commission defunct④ Promotion avenues scant⑤ scarcity of training instr⑥ Transfers characterized by Ad-hocism⑦ large vacancyImp words related to LG

Dtc decentralⁿ; Repsve Dty → Pptve Dty, Grassroot dty, direct dty, critical dty, Deliberative dty; P of subsidiarity; citizen centrality

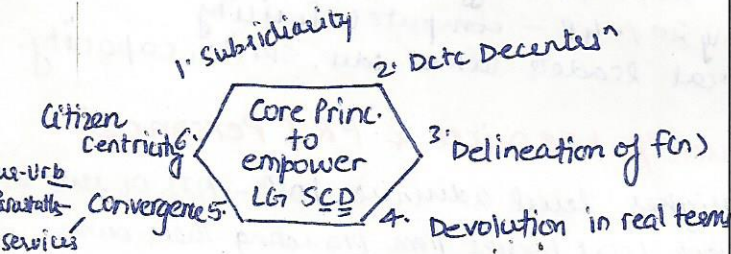


The growth of LSGs, despite C.A.A, has been "uneven, halting & slow".

PRI exists as overstructured and under-empowered organs, boasting of 2^{nd} status but suffering from lack of effective devn of powers & functions from the S.G.

If Day is to be real and meaningful, the locus of power should shift as close to the citizen as possible.

Citizen is the ultimate sovereign
" " at the heart of decs sys.



Gandhi - Gram swaraj; Life should be an organic circle with village as the centre; power flow from bottom to top; every village self-reliant, indep yet interdependent

MPLADS 1993 Aim to ^{execute} launch small works of local nature to meet the urgent needs of constituency

- 1) Assigns exve fn to legislator, violates SOP
- 2) Undermines utility of LSG
- 3) Guidelines for implementing scheme violated
MPs went to the extent of creating their own asset.
- 4) 15 LS Not a single MP fully utilized it
- 5) Internal audit of MOSPI say Money has not been used with competence
- 6) It benefitted a certain strata, precisely Politician - Bct - contractors.
- 7) NCRWC, SARC said abolish them

TISS study prepared the devolution index
found Ker, Sikkim, Mah, Karn, WB as better performing states; UP Bih Jhar - poor performer
found in states where devn was effective PRI & Gs were vibrant

Restrictions on Qualification

① Edu - Raj Har ② Jolets - Chatt

Karn (amd) to PR Act to bring transp.; all elected members to report their Assets & liabilities

C.G. Budget slashed PR Ministry's Plan outlay to ₹ 94 Cr from 7000 Cr and transferred its flagship scheme BRGF & RGPSA to states
Mo PR becomes irrelevant.

Under 14 FC, each Panch. will get = ₹ 20 lakh/yr

Odisha SFC 2015 Recommn

Empower local bodies to levy any tax w/o prior approval of SG, which "they think feasible", except for those items where CG, SG levy taxes

Empower local bodies to levy property tax
SG have been reluctant to part with tax levying power

+ve ① Bihar Flood Rehab, Tsunami Works