

Indian political administration since 2000 to 2015- An Overview

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Abstract

This paper looks at the state of public administration in India in the new millennium especially the period from 2000 to 2015. India is a democracy. Before its independence its future leaders chose the liberal democratic system as the administration system of India. Nominally the head of the country is the President in whom all executive powers are vested, but the real administrator of the country is the Prime Minister. After the national elections are held the President calls the most suitable candidate to form a government, known as the central government. Normally this candidate is the head of the largest party in the parliament. In case the government resigns because of any reason, the President can call the other candidate to form the government. The President can also declare, according to government advice, on new elections and if necessary an emergency state. The President has the right to be updated about crucial government matters and other rights like giving amnesty to prisoners etc. According to the Constitution, elections are to be held once in every five years, unless the parliament dissolves earlier or on the other hand, emergency is declared and in such a case parliament can continue another year. The Indian Parliament consists of two houses. The Lower House called the Lok Sabha and the Upper House called the Rajya Sabha. In the national elections candidates are chosen for the Lower House. The candidates are elected in territorial constituencies.

Between 2000 – 2015 on an average, a deputy commissioner/collector (DC) of a district administers a budget of over Rs 1,000-odd crore for revenue, capital and developmental work. This money flows in both from the central and state government. The DC has a workforce of around 1,000 people at his disposal. The DC's core team consists of two additional deputy collectors (ADCs); one looking after general administration, and the other, development. He is further assisted by sub-divisional magistrates, and revenue and civic officials down the line. Not only is the administrative footprint very light on the ground per capita of population, even the quality of human resource is very poor. One remedy that the political Right suggests is mass privatisation of public services. From the late 1970s to the great economic meltdown in 2008, the world witnessed the denationalisation of public services, from sewages to the railways, as the State withdrew from its natural role. This got a fresh push after the collapse of the Soviet-instituted command economic model in 1989.

Keywords— Civil Servant Study, Public Administration, Public Enterprise, Major Reform

Introduction

In India 543 territorial constituencies. Two members from the Anglo-Indian community are nominated to the Lower House by the President. The law, which obliges Government office to reserve 15% from the Scheduled Castes and 7% from the Scheduled Tribes, also exists in the Parliament. At least 22% of the Indian Parliament members belong to these two communities (see Caste system in modern India). In the past few years there is an attempt to oblige a law to allow about 33% women as Parliament members. The Upper House, Rajya Sabha, consists of up to 250 members. Of these members 230 are elected by state legislatures and about 15 are nominated by the President. Unlike the Lower House, the Upper House cannot be dissolved, but one third of its members resign every two years. Most of the parliamentary activities, passing laws, no-confidence votes, budget bills, take place

in the Lower House. The Upper House together with the Lower House amends the Constitution. These two Houses together with the state legislatures also elect the President. The states have their own legislatures. Some states have two Houses and some only one House. The Lower House where most of the legislature activities happen is called the Vidhan Sabha. The state elections are held every five years unless the state government is dissolved earlier. In these elections members for the Lower House are elected.

Head of a state is called Chief Minister, who is member of the Lower House. Constitutionally the figurehead of the state is the Governor, who is appointed by the President according to the advice of the national government. After the state elections the governor calls for the suitable candidate to form the government. In general the governor has more legislative rights at state level than the President has at national level. The governor can call on early elections in the state, or fire the government if he thinks that the government has failed or is unstable. In the federal relations between the state and central government, the central government has more authority on state matters than the state government. For example the central government has the right to redistribute the state borders without consulting the state governments on this matter. If the political conditions in any state are not stable, the national government can call on the President to declare President's rule in that specific state. And so the government in that state is dissolved, which means an emergency rule is declared and sometimes if necessary the army is put to work in that state. Even though the Constitution determinates the rights of the different authorities in the administration process, there can be other pressures like strong lobbies or strong political parties, which, sometimes determinate the real administration process. Sometimes the authority implemented by the President is questioned by the government or by political parties as deviation from his constitutional rights as the nominal head of the Union. Since the earliest times, the monarchical system was used in public administration in the execution of governmental functions. In the long history of Indian administration, a number of administrative organisations rose and fell. However, there are two basic features of the Indian administrative system which continued right down the ages- the importance of the villages as a primary unit and co-ordination between the two opposite trends of centralisation and decentralisation. To put it in a nutshell the present administration is a developed since from Vedic period.

Objective:

Public administration has been bone of contention in the new millennium this paper explore the various facets of the nature of public administration and the reforms that have taken place in the the period 2000 to 2015

HISTORICAL SETTING: Indian Administrative System

Abundant sources are available to get a clear picture of the history of Indian administrative system. A lot of information regarding the organisation and functions of Indian administration is obtained from Vedic literature, Buddhist treatises, Jain literature, Dharmasastras, Indian Puranas, Ramayanas, Mahabharata, Manu Smriti, Sukra Niti and Arthashastra. The powers of administering the states were centralised in the hands of the king during the ancient period in India. During the Vedic period the king was assisted in his work by many officers. He was surrounded by a circle of his friends and principal officers. There is a reference regarding this in the two epics of Ramayana and Mahabharata. A similar reference is also to be found in Manu Smriti and Sukra Niti. In Kautilya's Arthashastra is obtained a detailed account about the offices of the state for the first time in the history of India. By this time administrative system was fully developed. The decentralisation process had started in ancient India. As a result of this, empires were divided into provinces, provinces into districts and districts into urban and rural centers from administrative angle. During the ancient period state administration was divided into numerous departments. In Vedic times the number of such departments was limited. Gradually, the number of such departments increased and their jurisdiction extended.

For this we get many references can be obtained from Vedic literatures and subsequent sources. In ancient Indian administration there is also found a description of the principles of public administration.

Thus, the principle of hierarchy had been given a practical shape and seeds of co-ordination were present between different departments. Such a full-fledged administrative system existed in the reigns of Chandragupta Maurya and Ashoka. Great emphasis was placed on observation and inspection along with the principle of hierarchy. In brief, it can be said that the present Indian administration is the result of a rich legacy and continuity. It is true to say that the steps of its evolution are somehow or the other connected with the past. However, the existing administrative system in India may be said to be the contribution of the British government. Indian 'Administration' traces its earliest known form to the tribal system which later emerges as a monarchical system. We gain a lot of knowledge about ancient Indian Administration from ancient religious and political treatises. In the early Vedic period there were many tribes who elected their own chiefs and he handled all their responsibilities and the administration of the tribes and the Sabha (Assembly of elders) and Samiti (Assembly of people) were the tribal assemblies. The chief protected the tribe but had no revenue system or hold over land thus wars were resorted to and the booty shared among the tribes.

Generally there are three types of federation or federal system. K. C. Wheare is the propounder or strong supporter of one form. In this form the state and central governments shall be both separate and independent. There shall exist coordination between the two types of government and that shall function in accordance with the principles of the constitution. Some people have supported the concept of federalism on the grounds of geographical or natural diversities, religious or cultural differences.

But India's federation is of a different type or class. Indian federation can be called a political solution to the problems that prevailed at the time of the transfer of power. The framers of the Constitution wanted a federal form of government for India. But a pure federation, it was thought, was not suitable for India and primarily for that reason India's federation is a combination of unitary and federal features.

The first article of our Constitution starts with the following words: "India, that is Bharat, shall be the Union of States." Dr. B. R. Ambedkar, the Chairman of the Drafting Committee believed that a pure type of federal system is not suitable for India since numerous diversities exist. A true federation must give credence to all these diversities and, when done so, the unity and integrity of India shall be in great jeopardy. That is why the term "Union" has been deliberately used.

In the debate of the Constituent Assembly Ambedkar pointed out two things:

- (a) Indian federation was not the result of any agreement among several units as it was in the case of USA.
- (b) The constituent units of India's federation have no freedom to secede.

State Administration:

Part VI of the Constitution deals with state administration. The Governor shall be appointed by the President for a term of five years and he shall hold office during the pleasure of the President. The executive power of the state shall be vested in the Governor. These powers shall be exercised by him either directly or through the officers subordinate to him. In the state administration there shall be a council of ministers and the functions of the council of ministers is to aid and advise the Governor in the exercise of his functions.

So we find that the administration of a state is run by both the Governor and the council of ministers and at the head of the council of ministers there shall be the Chief Minister. What are the executive powers of a state government? The Constitution has not clarified the executive powers. Art. 162 says: Subject to the provisions of the Constitution, the executive powers of the state shall extend to the matters with respect to which the legislature of the state has power to make laws. It may be noted here that following the Government of India Act, 1935., the makers of the Constitution have divided the powers into three lists —Union List, State List and Concurrent List.

Major controversies since 2000

The state government enjoys authority to make laws on State List and to run the administration accordingly. The powers of the state government on the Concurrent List is limited or qualified. But the state government has no power to make law for running administration on a subject that falls under the jurisdiction of union legislature. Apart from these the President, in order to meet certain contingencies, may direct the Governor to do some work to meet any contingency.

Though the Governor discharges his functions according to the aid and advice of the council of ministers he is not constitutionally bound to take such advice according to Art. 163(2). The provision of this Art. is If any question arises whether any matter is or is not a matter as respects which the Governor is or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in discretion. We thus find that the decision of the Governor out of discretion is final and cannot be challenged. Even if the Governor takes any advice in exercising discretion any power from any minister that cannot be questioned at all.

The discretionary power of the Governor is one of the most controversial issues of our Constitution. The main points of controversy are:

- (1) The Governor is not an elected person and naturally he cannot neglect the Opinion of ministers who are elected by the people.
- (2) This power of the Governor contradicts the federal structure of India. The Governor is the representative or spokesperson of Central Government and the decision of the Governor is, ipso facto, the decision of the union government. Through the Governor the union government can impose its decision upon the state government and in this way the federal structure will be in jeopardy.
- (3) Since the discretionary power has not been clearly specified, the Governor can claim any issue or matter as discretionary and in this way the Governor can establish his overall supremacy which may be called the supremacy of Central Government.

Another part of state administration is the council of ministers. In Art 163(1) we find the following. There shall be a council of ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his function, except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion. We, therefore, find that both the Governor and the council of ministers constitute the administration of an Indian state.

The real fact is that the council of ministers constitutes the main part of the state administration since the ministers are elected by the people and are responsible to the legislature as well as to the electorate. The council of ministers is the policy-making mechanism of the state and under its guidance the civil servants implement the policy.

Chief Minister centre state relations since 2000

The Chief Minister is the head of the state council of ministers. He is appointed by the Governor. In appointing a person as Chief Minister the Governor has no choice. The leader of the largest party in the lower house of the state legislature is invited by the Governor to be the Chief Minister. Though the state administration is conducted by the council of ministers, the Governor keeps an eye on the day-to-day administration of the state.

Sometimes some Governors have been found to be active or overactive and take interests in the administration of the state. If the state is under political turmoil, the over activeness of the Governor draws public attention and he becomes the centre of political controversy. Normally the Governor acts according to the advice of the council of ministers. But it has been found that the Governor very often exercises his personal view in respect of state administration and in that case the council of ministers cannot criticise the Governor. Here appears the role of the Governor.

The Governors are generally top politicians of the ruling party at the Centre or retired bureaucrats of general administration or retired army officers. Viewed from this background the posts of the Governors are prize posts. In such situation the clash between the Governor and the council of ministers happens to be a reality. But under normal circumstances the clash between the Governor and the Chief Minister is not very common. When the clash of opinion between the Governor and the Chief Minister comes to be a reality the state administration suffers.

Art. 166 states that all executive action of the government of the state shall be expressed in the name of Governor. In the administrative system of state, orders and other related matters shall be in the name of Governor and shall be authenticated by him. Though in practice the state administration is managed by the Chief Minister along with other ministers every aspect of administration shall be communicated by the Chief Minister to the Governor.

Jan Lokpal Bill (Citizen's ombudsman Bill) Landmark

The Jan Lokpal Bill (Citizen's ombudsman Bill) is a draft anti-corruption bill drawn up by prominent civil society activists seeking the appointment of a Jan Lokpal, an independent body that would investigate corruption cases, complete the investigation within a year and envisages trial in the case getting over in the next one year.

Drafted by Justice Santosh Hegde (former Supreme Court Judge and former Lokayukta of Karnataka), Prashant Bhushan (Supreme Court Lawyer) and Arvind Kejriwal (RTI activist), the draft Bill envisages a system where a corrupt person found guilty would go to jail within two years of the complaint being made and his ill-gotten wealth being confiscated. It also seeks power to the Jan Lokpal to prosecute politicians and bureaucrats without government permission.

Retired IPS officer Kiran Bedi and other known people like Swami Agnivesh, Sri Sri Ravi Shankar, Anna Hazare and Mallika Sarabhai are also part of the movement, called India Against Corruption. Its website describes the movement as "an expression of collective anger of people of India against corruption. We have all come together to force/request/persuade/pressurize the Government to enact the Jan Lokpal Bill. We feel that if this Bill were enacted it would create an effective deterrence against corruption."

Anna Hazare, anti-corruption crusader, went on a fast-unto-death in April, demanding that this Bill, drafted by the civil society, be adopted. Four days into his fast, the government agreed to set up a joint committee with an equal number of members from the government and civil society side to draft the Lokpal Bill together. The two sides met several times but could not agree on fundamental elements like including the PM under the purview of the Lokpal. Eventually, both sides drafted their own version of the Bill.

The government has introduced its version in Parliament in this session. Team Anna is up in arms and calls the government version the "Joke Pal Bill." Anna Hazare declared that he would begin another fast in Delhi on August 16. Hours before he was to begin his hunger strike, the Delhi Police detained and later arrested him. There are widespread protests all over the country against his arrest.

State Secretariat new developments

In our analysis of central administration, we made a detailed analysis about the term secretariat. In several respects the state secretariat is simply a repetition of the central secretariat. Both secretariats consist of career bureaucrats. Experienced and efficient bureaucrats sit at the top of every department or ministry. A secretariat is the nerve-centre of the state administration. There are several ministers in a state government and each minister is the head of a ministry. A minister may be in charge of several departments or ministries. However, he heads all departments or ministries. The minister is the political executive of a department and plays the important role in policy-making affairs. But he is assisted by the head of the ministry who is an experienced bureaucrat. A secretariat represents all the ministries. In public administration the secretariat is a complex term and means governmental administrative office. Each department or ministry is headed by a secretary and his most important function is to advise the minister in policy-making affairs. In a secretariat there are all the departments or ministries and these combinedly form the secretariat.

There is no fixed rule about the number of departments that will constitute a secretariat. The number of departments varies from state to state. Normally there are thirty to thirty-five departments in a secretariat. The dictionary meaning of directorate is a section of a government department in charge of a particular activity. The state administration is divided into different departments e.g., education department, agriculture department, transport department. Each department is headed by a person who is called the head of the department. The head of the department is known in Indian and state administrative system as directorate. For example, education directorate, agriculture directorate. The functions of the head of the directorate are to give directions for the management and functions of the department. The state legislature sanctions funds for different departments and these funds are at the disposal of the heads of the department or directorate. The funds are allotted for the departments and the directorate spends

the money for the implementation of policies determined by the minister in consultation with the departmental heads or secretaries—once the funds are sanctioned by the government, it's the duty of the head of the department or directorate to spend the fund and submit the utilisation certificate. There is a Public Accounts Committee (PAC) which scrutinises the expenditure. Naturally the post of directorate is very important. He is responsible for the use (or misuse) of funds and for misuse he is to give explanation to the PAC. The PAC is the highest body which will verify whether the funds have been properly spent or not. The leader of the opposition in the assembly is the Chairman of the PAC. The directorate performs the following functions.

The second was constituted on August 31, 2005, under the chairpersonship of Veerappa Moily. It also had an extensive 13-point mandate. Organisational structure of the GoI; ethics in governance; refurbishing of personnel administration; strengthening of financial management systems; steps to ensure effective administration at the state level; steps to ensure effective district administration; local self-government/panchayati raj institutions; social capital, trust and participative public service delivery; citizen-centric administration; promoting e-governance; issues of federal polity; crisis management and public order.

Conclusion

India has a rich history of measuring political participation of women since its independence. The decentralization of governance which is taking place for last two decades has increased the importance of measuring participation of women in decision making. Proper gender budgeting has already been worked out for inclusive growth of women & girls by ear-marking one third budget for the women in all the schemes. The Indian Government has a lot of emphasis on utilizing real time data for measuring different social indicators and using them for policy intervention.

With more responsive data on women participation, better gender budget initiatives aim to move the country towards a gender equal society. The one thing that stands out is that no government, irrespective of its political colour and character, would do any cosmetic administrative reform. Therefore, it is incumbent on the legislature to step in. Parliament must constitute a Permanent Standing Committee, chaired by the Speaker of the Lok Sabha to study, update, recommend and, if necessary, legislate through even the Private Member Bill process, comprehensive administrative reforms. Since Parliament was elected only eight months ago, it has a full 42 months to complete the single most important task confronting the nation.

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