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DEMOCRATIZING EDUCATION

An Institute for Civil Services Examination



Second ARC

A brief summary of important issues for Public Administration

Useful for answer writing on various topics like:

- Good-Governance
- E-Governance
- Administrative Reforms
- Functioning of the Government
- Accountability & Control
- Ethics, Integrity
- Development Administration

BY

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CHAPTER 1

FUNCTIONS OF GOVERNMENT

The Constitution of India lays down the roles and functions of the three levels of government – Union, State and Local. These are spelt out in Part III on Fundamental Rights, Part IV on the Directive Principles of State Policy, Parts IX and IX A on local bodies, etc. All governments perform a wide range of functions. These functions could be classified as follows:

a) Self-preservation – The authority of the State needs to be preserved both from external aggression and internal disturbances. Government discharges this function by raising and maintaining a national army, a police force and other enforcement agencies and empowering these agencies through legislations.

b) Supervision and resolution of conflicts – Strengthening of democratic practices and processes, ensuring equity to all citizens, setting up of conflict resolution mechanisms and fair governance are some ways for minimization of conflicts.

c) Socio-economic development – Enactment and effective enforcement of laws, assuring welfare of the weaker sections, bringing about desirable social change are some measures which governments adopt to bring about socio-economic development.

d) Regulation of the economy – This has emerged as one of the most important functions of government. Adopting sound fiscal and monetary policies is one of the major duties of a government.

e) Provision of goods and services – With increasing emphasis on socio-economic

development, governments today are major providers of different types of goods and services such as education, health, public distribution of food-grains, etc.

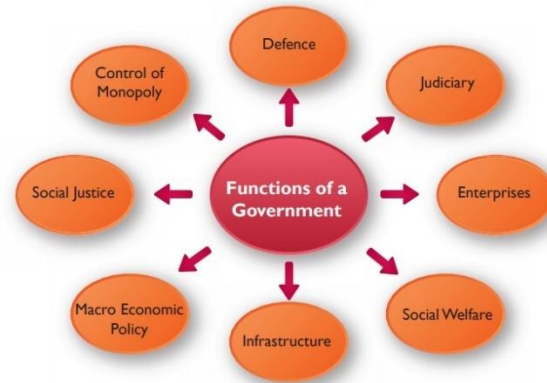


Figure 1: Functions of Government

The functions of a government could be broadly categorized as follows:

• **Regulatory Function**

Thomas Jefferson said government is created to secure the inalienable rights of all citizens - i.e., the right to life, liberty, and the pursuit of happiness. If everyone were to be allowed to pursue complete freedom for doing whatever he wants to do and to pursue his happiness, then it could lead to a situation where the rights and freedom of other persons may be affected. This necessitates the regulatory role of government. The State enacts laws which impose restrictions on the activities of citizens, in the larger interest of society. In order to enforce these laws, the State creates a large number of organizations which are charged with the implementation of these laws. However, attaining 'optimum regulation' is a challenging task, as a balance has to be achieved between an individual's freedom and society's interest.

In India, as stated earlier, the regulatory role of government stems from the provisions of the Constitution which empower the Union and



State Legislatures to make laws on various subjects. Besides, Article 19 of the Constitution empowers the State to impose reasonable restrictions on the exercise of various Rights - conferred by Article 19 - in the interest of public order, sovereignty, and integrity of India, protecting the interest of the general public, or in the interest of decency, morality etc. Consequently, there is a plethora of laws and rules which seek to regulate the activities of individuals and groups of individuals. These are in the form of municipal laws and bye-laws, laws governing vehicular traffic, laws governing possession of weapons, laws to prevent public nuisance, taxation laws which impose taxes and stipulate different requirements to be met by the assesses, laws relating to immigration etc.

As mentioned in an earlier paragraph, effective regulation is a delicate balancing exercise and both excessive regulation as well as loose regulation can cause the citizens a great deal of hardship. There are instances where government agencies regulate for the sake of regulation without keeping in mind the ultimate objective of public welfare. Sometimes systemic rigidities, needless complexity, and over-centralization lead to a situation where agencies of government function sub-optimally, and efforts of the government machinery do not yield the desired results. There are also large numbers of cases where public interest is sacrificed because of weak regulations.

All regulatory functions should adhere to five principles – **simplification, transparency, objectivity, convergence, and speedy disposal.**

The recommendations to improve regulation functioning of government are:

a) **Regulation only where necessary:** It has been argued that India is an over-regulated country, but many of the regulations are not

implemented in right earnest. The reasons include – (i) the sheer number of such regulations; (ii) outdated regulations that continue to remain on statute books; (iii) the tendency to over-legislate - as a result, the legislation becomes an end itself; and (iv) the complex procedural formalities stipulated in these regulations. It is, therefore, necessary to have a detailed scrutiny of all laws and regulations – Union, State and Local – followed by the repeal of unnecessary regulations, updating of outdated ones and simplification of procedures so that compliance becomes easy.

b) **Regulation to be effective:** One of the consequences of a large number of regulations has been their poor enforcement. Social legislation is classic examples of this. Slack enforcement leads to corrupt and unethical practices and the objectives of the legislations are also not met. Another reason for the poor enforcement of regulations is the lack of attention to building capacity in the agencies entrusted with their enforcement. For example, the capacity and expertise of the Motor Vehicles Department has not kept pace with the explosive growth of vehicles on the road. Thus, in order to ensure that the regulatory measures do not degenerate into corrupt practices, it is necessary to have effective supervision of the agencies which carry out these regulatory functions. This supervision should primarily be done internally by the supervisory officers and should be supplemented by a periodic assessment by an independent agency.

c) **Self-regulation is the best form of regulation:** In the field of taxation, there has been a shift from departmental assessment to greater reliance on self-assessment. This holds good for Union taxes such as Income Tax, State taxes like the VAT and local taxes



like the Property Tax. This principle of voluntary compliance can be extended to other fields like building byelaws, public health regulations etc. To start with, this principle can straightaway be applied to cases where permission/license is required to be renewed periodically.

- d) **Regulatory procedures to be simple, transparent and citizen friendly:** These include, simplifying transactions, using IT, promoting transparency, reducing discretion, effective supervision etc.
- e) **Involving citizens' groups, professional organizations in the regulation activities:** The burden of the enforcement machinery can be shared by associating citizens' groups as well as professional organizations to certify compliance and report violations of the regulations to the concerned authorities. Recently, in Delhi the procedure for granting building permissions has been simplified and registered architects have been authorized to certify the building plans for houses. This has reduced the work of the civic agencies as also delays and corruption. This principle could also be extended to other spheres of activities.

• Service Providing Functions

Government provides a variety of services to citizens ranging from social services like education and health to infrastructural services like power, road, transport, and water etc.

One of the ways in which governments across the world have approached efficient and effective service delivery to citizens (and businesses) is by adopting a 'single window system'. The driving force behind this approach is the belief that citizens need not run around different government offices for getting various

services. This is achieved through a number of ways.

One approach allows a service providing organization to re-engineer its processes in such a way that all the services provided by it get delivered to citizens through a single outlet/unit.

Another approach is to establish an organization which would create an infrastructure through which different government organizations are able to provide services to citizens at a single point of delivery. Some governments have adopted an approach where no separate organization is created – all the organizations work in tandem to establish a common service delivery infrastructure.

Recommendations to improve service delivery are:

- a) There is need for a shift in emphasis in the crucial service delivery sectors of education and health from centralized control to decentralized action, from accountability to the State department to accountability to the local communities and from employment guarantee to service guarantee.
- b) It is necessary that all schools are made functionally self-sufficient, in as much as basic facilities and classroom requirements are provided in all urban schools within the next two years.
- c) The municipalities, especially the larger ones, should seek the help of NGOs, the corporate sector, and individual volunteers for assistance in running schools. Indeed, it would be useful to initiate a voluntary service element in our social sector to improve service delivery.
- d) The trend in urban areas to shift towards private healthcare needs to be seen as



an opportunity by the city authorities to concentrate on public health as distinct from clinical services, and on preventive and not only curative aspects of health care.

- e) Institution specific standards should be prescribed for schools and hospitals and third-party assessments should be carried out to monitor performance in service delivery. Performance-based incentives should be prescribed at all levels by braking salary ceilings to guarantee service outcomes and linking permanence in service to performance.
- f) Recruitment for hospitals and schools should be made to an institution/society, moving away from non-accountable State level recruitment.
- g) Local bodies should ensure convergence among health systems, sanitation facilities and drinking water facilities. Primary level public health institutions in urban areas should be managed by the urban local bodies.
- h) For all services provided by local governments there is a need to develop a set of performance indicators. The concerned Ministry should lay down broad guidelines for this purpose. Therefore, the State Governments could lay down norms for this purpose.
- i) The concerned Ministry should maintain a State-wise database about the performance of various service delivery systems. Similarly, the State should have a database for such services covering all municipal bodies.

• **Developmental Functions of Government**

The government implements a large number of welfare and development programs for promoting the socio- economic upliftment of its

citizens. These include programs for poverty alleviation, employment generation schemes, schemes to strengthen infrastructure, measures for the welfare of weaker sections of society, programs to improve the health and nutritional status of citizens etc. These programs are implemented largely by the State Governments through their machinery and through Local Governments.

Recommendations are:

- a) Citizens should be involved in all stages of these programs and social audit should be made mandatory for all developmental programs.
- b) The principle of subsidiarity should be followed while deciding on the implementation machinery for any program.
- c) Mandatory social audit should be carried out for all programs.
- d) Impact assessment should be carried out for all programs at periodic intervals.

The principle of subsidiarity stipulates functions shall be carried out closest to citizens at the smallest unit of governance possible and delegated upwards only when the local unit cannot perform the task. The citizen delegates those functions he cannot perform, to the community, functions that the community cannot discharge are passed on to local governments in the smallest tiers, and so on, from smaller tiers to larger tiers, from local government to the State Governments, and from the States to the Union. In this scheme, the citizens and the community are the centre of governance. In place of traditional hierarchies, there will be ever-enlarging concentric circles of government and delegation is outward depending on necessity.



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Application of the subsidiarity principle has three great advantages in practical terms. First, local decision-making improves efficiency, promotes self-reliance at the local level, encourages competition and nurtures innovation. The demonstration effects of successful best practices will ensure rapid spread of good innovations and there will also be greater ownership of programs and practices by the local communities. Second, democracy is based on three fundamental assumptions: all citizens are equal irrespective of station and birth; the citizen is the ultimate sovereign; and the citizen has the capacity to decide what is in his best interest. Only when these principles are put into practice can a democratic system derive its full legitimacy. Subsidiarity is the concrete expression of these foundations of a democratic society. Third, once decision-making and its consequences are integrally linked at the local level, people can better appreciate that hard choices need to be made. Such awareness promotes greater responsibility, enlightened citizenship and maturing of democracy.



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CHAPTER 2

ISSUES IN ORGANIZATIONAL STRUCTURE OF GOI

Public administration in India faces immense challenges. These include the need to maintain peace and harmony, to alleviate deep poverty, to sustain a healthy and inclusive economic growth, to ensure social justice and to achieve ethical, efficient, transparent, and participative governance. The magnitude of these challenges is evident from India's ranking on various parameters such as: HDI; Global Corruption Perception Index, etc.

The sort of public administration needed to escalate the growth rate may not necessarily be the one that tackles deep poverty, seeks to remove inequality, tackles corruption, fights criminalization of politics, or ensures speedy justice. It is unlikely that a single design of the administrative machinery will fill all the bills. One needs to be bold and innovative in designing special purpose instruments, some of which may apparently be inconsistent with one another. For instance, further de-regulation may be required to foster economic growth, and the State may need to withdraw from some of the commercial activities that it is currently engaged in. At the same time, the State may need to devise measures to more effectively regulate certain sectors while pumping more money to improve the infrastructure, alleviate poverty and remove inequalities. Some de-regulation can reduce corruption, but other regulations may have to be put into place to fight corruption.

India has taken several significant initiatives to improve the quality of governance. These include the 73rd and the 74th Constitutional Amendments which aimed to empower the local

bodies, the 97th Constitutional Amendment which limited the size of the Council of Ministers, the new Value Added Tax regime and the Right to Information Act etc. These indicate that our political system is responding to the growing challenges of governance.

However, a lot more remains to be done. There is increasing lawlessness in several pockets of the country, and armed groups are resorting to violence with impunity for sectarian or ideological reasons. The State apparatus is generally perceived to be largely inefficient, with many functionaries playing a passive (and safe) role. The bureaucracy is generally seen to be tardy, inefficient, and unresponsive. Corruption is all-pervasive, eating into the vitals of our system, undermining economic growth, distorting competition, and disproportionately hurting the poor and marginalized citizens. Criminalization of politics continues unchecked, with money and muscle power playing a large role in elections. In general, there is a high degree of volatility in society on account of poor implementation of laws and programs and poor delivery of public services leading to unfulfilled expectations.

Thus, fulfillment of the human potential and rapid growth are the two fundamental objectives of public administration. The 'non-negotiable' role of the State lies in four broad areas:

1. Public order, justice, and rule of law.
2. Human development through access to good quality education and healthcare for every citizen.
3. Infrastructure and sustained natural resource development.
4. Social security, especially for the unorganized sector workers.



Propensity to centralize has been the dominant feature of our administration. We need to truly redesign the government on the basis of the principle of subsidiarity. A task which can be performed by a small, lower unit should never be entrusted to a large, higher unit.

Existing Structure of Government of India:

The Constitution has provided an elaborate framework for the governance system in India. Part V, Chapter 1 deals with the Union Executive, Chapter II deals with Parliament and Chapter IV deals with the Union Judiciary. The Executive Power of the Union vests in the President and is exercised by him either directly or through officer's subordinate to him in accordance with the Constitution (Article 53). Article 74 provides that there shall be a Council of Ministers with the Prime Minister as the Head to aid and advice the President, who shall, in the exercise of these functions, act in accordance with such advice. Article 75 provides that the Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister. Article 77 provides for the Conduct of Government Business.

Exercising powers vested by virtue of Article 77, the President has made the "The Government of India (Allocation of Business) Rules". The Rules stipulate that the business of the Government of India shall be transacted in the Ministries, Departments, Secretariats and Offices.

The Rules provide that all business allotted to a Department shall be disposed of by, or under general or special directions of, the Minister-in-charge, subject to certain limitations where consultation is required with other departments or where cases have to be submitted to the Prime Minister, the Cabinet and its Committees or the President. These Rules also provide for the

constitution of the Standing Committees of the Cabinet and each Standing Committee shall consist of such Ministers as the Prime Minister may, from time to time, specify.

The Rules also provide for appointment of ad hoc Committees of Ministers for investigating and reporting to the Cabinet, and, if so authorized, for taking decisions on such matters. The Rules also stipulate that it shall be the responsibility of the Departmental Secretary, who shall be the administrative head thereof, to ensure observance of these Rules in the Department.

DEPARTMENT

- A department is responsible for the formulation of policies of the government in relation to business allocated to it and also for the execution and review of those policies.
- For the efficient disposal of business allotted to it, a department is divided into wings, divisions, branches and sections.
- A department is normally headed by a secretary to the Government of India who acts as the administrative head of the department and principal adviser of the Minister on all matters of policy and administration within the department.
- The work in a department is normally divided into wings with a Special Secretary/Additional Secretary/Joint Secretary in charge of each wing. Such a functionary is normally vested with the maximum measure of independent functioning and responsibility in respect of the business falling within his wing subject, to the overall responsibility of the Secretary for the administration of the department as a whole.
- A wing normally comprises a number of divisions each functioning under the



charge of an officer of the level of Director/Joint Director/Deputy Secretary.

- A division may have several branches each under the charge of an Under Secretary or equivalent officer.
- A section is generally the lowest organizational unit in a department with a well-defined area of work. It normally consists of assistants and clerks supervised by a Section Officer. Initial handling of cases (including noting and drafting) is generally done by assistants and clerks who are also known as the dealing hands.
- While the above represents the commonly adopted pattern of organization of a department, there are certain variations, the most notable among them being the desk officer system. In this system the work of a department at the lowest level is organised into distinct functional desks each manned by two desk functionaries of appropriate ranks e.g. Under Secretary or Section Officer. Each desk functionary handles the cases himself and is provided adequate stenographic and clerical assistance."

Each Department may have one or more attached or subordinate offices. The roles of these offices are:

Attached and Subordinate offices:

- (1) Where the execution of the policies of the government requires decentralisation of executive action and/or direction, a department may have under its executive agencies called 'Attached' and 'Subordinate' offices.
- (2) Attached offices are generally responsible for providing executive direction required in the

implementation of the policies laid down by the department to which they are attached. They also serve as repository of technical information and advise the department on technical aspects of questions dealt with by them.

(3) Subordinate offices generally function as field establishments or as agencies responsible for the detailed execution of the policies of government. They function under the direction of an attached office, or where the volume of executive direction involved is not considerable, directly under a department. In the latter case, they assist the departments concerned in handling technical matters in their respective fields of specialisation."

Besides the attached and subordinate offices there are a large number of organizations which carry out different functions assigned to them. These may be categorized as follows:

1. **Constitutional Bodies:** Such bodies which are constituted under the provisions of the Constitution of India.
2. **Statutory Bodies:** Such bodies which are established under the statute or an Act of Parliament.
3. **Autonomous Bodies:** Such bodies which are established by the Government to discharge the activities which are related to governmental functions. Although such bodies are given autonomy to discharge their functions in accordance with the Memorandum of Associations etc., but the Government's control exists since these are funded by the Government of India.
4. **Public Sector Undertakings:** Public Sector Undertaking is that part of the industry which is controlled fully or partly by the Government. These undertakings have been set up in the form of companies or corporations in which the shares