

Governance

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- Important aspects of governance
- Sources:
 - NCERT- 9th, 10th, 11th and 12th class
 - 2nd ARC (Selective reports), Vision IAS Value-added Material, Class Notes
 - Current affairs
 - Previous year questions on the topics and their internal weightage in the UPSC exam on a yearly basis

BASIC TERMS

- **Nation**
 - The Idea of a Nation is very debatable. In simple terms, it is the group of people sharing the same language, culture and History who inhabit the particular territory or country
 - In simple terms, it is an imagined community and feeling of oneness
 - The idea of nationalism in India originates from the constitution which accepts diversity. Example- 5th Schedule, 6th Schedule, Article 371A
- **State**
 - State is the political manifestation or expression of organised community
 - The Major aspect of State are as follows: Fixed territory; Fixed population; sovereignty and organised government that is recognized
- **Democracy**
 - Democracy means peoples rule
 - Democracy is not just about elections but also it is the accountability on the part of the government towards the people
 - The Government should be of the People, For the People and By the People.
 - It is also promoted by the spirit of Constitutionalism
- **Democratic Governance**- It is the system of government where institutions function according to democratic processes and Norms both internally as well as in their interaction with the other institutions.
 - Democratic Governance Promotes No Taxation without representation and therefore No Tax shall be levied save by Authority of Law
- Rule of law promotes Democratic Governance and the Government is bound by Constitution and statutory laws which must be fair, just and reasonable
- Rule of law : Equality before the law; Supremacy of the constitution and Predominance of legal spirit
- **Governance:**
 - Governance means to run or to control.
 - Government is the group of people with an authority to Govern
 - UNDP definition of governance- "The exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences"
 - The act of Governance has the wide engagement of government and its agencies wherein they are involved in a multi-faceted way with the citizens to fulfil the mandate of the constitution
- **Welfare state:**
 - State which proactively protects and promotes, the economic and social well being of citizens is called a welfare state
 - It is based on the principle of equitable distribution of wealth, equal opportunity, and public responsibility for citizens
 - A welfare state promotes the concept of democracy and Good governance
- **Socialism**
 - The idea of socialism promotes community ownership of the economic resources and sectors of the economy
 - The kind of socialism that we Practice is actually Democratic socialism where we believe in evolutionary change rather than revolutionary change.
 - Socialism helps in the Promotion of Welfarism.

GOOD GOVERNANCE

- Governance by itself is a neutral term while Good Governance implies positive attributes and values associated with the quality of governance
- **UNDP defined eight characteristics as part of good governance-: (REDCARPET)**
 - **Transparency:** It is one of the most important facets of democracy wherein governance is essentially democratic when it is Transparent. The Right to Information Actually promotes access to government functioning through the statutory obligation put by RTI ACT 2005.
 - **Accountability:** Accountability is Promoted by transparency. The Executive Accountability is increased by the principle of collective responsibility towards House of People, An Active judiciary, Right to Information, etc.
 - **Responsible Behaviour:** The Responsible behaviour of the Government shall be ensured through - Being sensitive to the aspiration of the people; be adhering to the Directive Principles and other directions of the constitution; the Government should ensure citizen-centric governance
 - **Equitable and Inclusiveness:** The equity principle is promoted through the Principle of affirmative action and also people who are placed in similar circumstances shall be treated similarly and people who are not placed in similar circumstances shall not be treated similarly.
 - **Consensus-Based Approach:**
 - **Participatory Governance:** Participatory governance promotes inclusive democracy and also the role of civil society in promoting Participatory governance. Participatory Governance includes inviting comments from the

stakeholders along with their participation in policymaking. Participatory Governance also promotes the roles of Media in bridging the gap between the people and the government.

- o **Effective and Efficient Governance:** promotes both governmental functions exercised in a professional manner through the use of technology (**PRAGATI**) and also it should have an effect on the ground making qualitative changes.
- o **Follows the Rule of law:** was promoted by AV Dicey wherein the three elements of rule of law are: Equality before the law; Supremacy of the constitution and Predominance of legal spirit

- **Governance:**

- o Administrative and political affairs are a part of governance.
- o Service delivery to the public.
- o The retreat of the state: Private sector is playing a greater role.
- o After LPG reforms, elements of retreat of state have been seen in India.
- o The government has no business to be in business.
- o Hence the state acts as the facilitator of business, economy, etc.

What is governance?

- o Governance is the manner of governing and how the decisions are implemented or non-implemented.
- o According to **UNDP**, it is the exercise of administrative, political, and economic authority to manage a country's affairs at all levels.
- o It comprises mechanisms, processes, and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate on their differences.

- **Democracy**

- o Democracy is people's rule.
- o It is not about elections only, but the accountability on the part of the government towards the people.

Democratic governance

- It is a system of government, where institutions function according to democratic processes and norms, both internally and in their interaction with other institutions.
- Example: rule of law, no taxation without representation, etc.

- **Good Governance**

- o **Three facets of Rule of law:**
 - Equality before law.
 - The predominance of legal spirit (right: legally protected interests).
 - Supremacy of the Constitution.
- o **Good Governance** implies positive attributes and values associated with the quality of governance.
 - Good governance is linked to an enabling environment conducive to the enjoyment of human rights, promoting growth, and sustainable human development.

- **UNDP recognizes 8 core characteristics of Good Governance:**

- o **Transparency:** Information should be accessible to the public and should be understandable and monitored. It also means free media and access of information to them.
- o **Accountability:** Good governance aims towards the betterment of people, and this can not take place without the government being accountable to the people. Governmental institutions, private sectors, and civil society organizations should be held accountable to the public and institutional stakeholders.
- o **Responsible government:** Institutions and processes should serve all stakeholders in a reasonable period of time.
- o **Equitable and inclusiveness:** Good governance assures an equitable society. People should have opportunities to improve or maintain their well-being.
- o **Consensus-based approach:** Consensus-oriented decision-making ensures that even if everyone does not achieve what they want to the fullest, a common minimum can be achieved by everyone which will not be detrimental to anyone. It mediates differing interests to meet the broad consensus on the best interests of a community.
- o **Participatory governance:** People should be able to voice their own opinions through legitimate immediate organizations or representatives. This includes men and women, vulnerable sections of society, backward classes, minorities, etc. Participation also implies freedom of association and expression.
- o **Effective and efficient governance:** Processes and institutions should be able to produce results that meet the needs of their community. Resources of the community should be used effectively for maximum output.
- o **Rule of law:** Legal framework should be enforced impartially, especially on human rights laws. Without rule of law, politics will follow the principle of the law of the jungle which means the strong will prevail over the weak.

- **Role of State with respect to Retreat of State**

- o Better allocation of resources.
- o Better and faster delivery of services.
- o The private sector better promotes research and development, wider choices for consumers.
- o Government can concentrate its priorities and energy on other important areas.
- o Spirit of competitiveness in the economy.
- o The state also promotes wider participation investment and growth.

Challenges of Retreat of State:

- o The state is better empowered to take care of the vulnerable and marginalized, and unprivileged sections of the society.
- o It gives rise to inequality, anti-competitive policies by the private sector (CCI checks that).
- o The idea of a welfare state getting diluted.
- o The principle of equity promoted through reservation is not promoted by the private sector.
- o The retreat of state also leads to issues like regional imbalance in development, price manipulation, etc.

Major Stakeholders of Governance:

- o Governance must promote the citizen-centric approach
- o And it must be both qualitative and sensitive towards the aspirations of the citizens.

- **Civil Society:**
 - An active citizenry keeps the government on its toes (accountable) by constantly raising issues.
 - Civil society acts as a bridge between people and government.
 - They improve the quality of governance by providing qualitative inputs.
 - The active citizenry actually also raises the awareness of the masses on various issues.
 - Civil society has also been at the forefront to promote human rights, decriminalization of politics.
 - The role of pressure groups and civil society is multiple, democracy is incomplete without active citizenry.
- **State as a stakeholder:**
 - The different organs of the government such as the executive, legislature, and judiciary, actually promote governance.
- **Markets:**
 - It involves the private sector, Not-for-profit organizations, both MNCs and PSUs, India incorporates, etc.
 - The market forces actually, influence governance a lot and they have a direct bearing on service delivery.

Dimensions of Governance

- As highlighted by the Department of Administrative Reforms and Public Grievances:
- **Political Dimensions:**
 - The exercise of the right to vote is a constitutional right as provided in Article 326 of the constitution
 - The making of laws also has an effect on governance
- **Administrative Dimensions:**
 - The executive through its policies and day to day delivery of services and interaction with various stakeholders accepting grievances, etc actually remains the most important dimension of governance
- **Economic Dimension:**
 - Allocation of resources should be through the principle of equity as well as maximization of the available resources through better efficiency
 - Article 39(b) promotes that community resources shall be used for maximum good
 - Economic justice is promoted through state commanding control over certain basic facilities like health, education, infrastructure development, etc
- **Social and environmental dimensions:**
 - The idea of social justice is enshrined in the constitution through various means
 - The provision of reservation, removal of untouchability, reducing inequality among groups, and affirmative action promotes social justice and Affirmative action
 - The idea of environmental justice is promoted through fundamental rights and Duties, along with DPSPs - Article 21, 48A and 51A
 - Though 42nd Amendment Wildlife and Forests were shifted from state list to concurrent list

Issues associated with Governance in India

- **Political Issue:**
 - Criminalization of Politics; Frequent defections
 - Case - Lily Thomas versus Union of India
 - Inner Party Democracy and Lack of political will
 - Democratic decentralization at PRIs and ULBs shall take place in a better way:
 - State Legislature giving more powers to ULBs and PRIs
 - De-facto representation of women rather than de jure
- **Legal and Judicial Issues:**
 - The pendency of cases, the low conviction rate, equal access to justice remains an important issue
 - It is due to reasons such as the high vacancies in subordinate judiciaries, lack of human resources in investigation, infrastructure in the judiciary, etc
- **Administrative Issue:**
 - Bureaucratic delays
 - Corruption
 - Lack of transparency
 - Abuse of authority, etc
- **Economic Issue:**
 - Fiscal deficit
 - Unemployment and Poverty
- **Social and Environmental Issues:**
 - Pollution
 - Disaster due to anthropogenic reasons, global warming
 - Inequality, caste-based discrimination, etc
 - Proper implementation of affirmative action should be there, etc
- **Strategies for Good Governance:**
 - Zero Based Budgeting where every item of the budget must be accepted after evaluating the outcome rather than systematically continuing the same
 - The fresh allocation will be after evaluation of previous performance
 - Better implementation of DPSPs
 - Citizen centric administration
 - Governance should be based on rule of law
 - Participation of civil society
 - The election of impeccable integrity and ethos
- **Purpose of Good Governance:**
 - The purpose of government is to promote the interest of citizens and the principal mandate of the state is to maintain the territorial sanctity of India
 - Confucius describes righteousness as the foundation of good governance and peace

- Gladstone said that the purpose of government is to make it easy for the people to do good and difficult to do evil

World Bank's project on Word Wide Governance Indicator:

- o Voice and accountability
- o Political stability and lack of violence
- o Governments effectiveness
- o Regulatory quality
- o Rule of law
- o Control of Corruption

RTI

Introduction - the Preamble of RTI Act sets out a political regime for citizens to promote transparency and accountability in governance

The preamble to the RTI ACT or Object and Reasons

- o To send out a Practical regime of RTI for citizens
- o To promote transparency and accountability.
- o To constitute state and central information commission
- o In a Democracy, the government is "**of, for and by the people**" and therefore accountability must be promoted
- o In a republic final sovereignty lies with the people and there is no privileged class. Therefore public offices should be open for access to the final sovereign who is the citizen
- o There is also a fiduciary relationship and interest of the state that must be harmonised while preserving the paramountcy of democratic ideals
- o "Public authority"- defined under Section 2(h) of RTI Act,2005 as a body constituted or established
 - by or under the constitution (Election commission of India).
 - by any other law made by Parliament;
 - by any other law made by State Legislature;
 - by notification issued or order made by the appropriate Government
 - It also includes -
 - body owned, controlled or substantially financed;
 - non-Government organisation substantially financed.
- o Right to information means the Right to inspect or take notes, take certified samples of material; obtain information
- o The Provision of Pro-active disclosure by Suo Moto in Section 4 by dissemination of information with effectiveness and local language that is easily accessible
- o Any information sought has to be given within 30 days of receipt of the request (not 30 working days)
- o If the information is related to life and personal liberty it shall be provided within 48 hours
- o Section 8 of RTI act deals with exemption furnishing of certain kinds of information
- o Information that affects sovereignty, integrity, security, economic interest
- o expressly forbidden by any court and constitute contempt of court
- o Information held in a fiduciary relationship
- o Trade secrets and commercial confidence
- o Information received in confidence from foreign Government
- o Under section 8 subsection 2- a public authority may allow access to information if the public interest in disclosure outweighs the harm to the protected interests.
- o Official Secrets Act, 1923 which governs the matters of secrecy and confidentiality provides for discretion to the public servant to actually classify information as confidential

Important provisions of RTI Act, 2005

- ✓ Section 4(1)(b):- Suo motu disclosure.
- ✓ Section 5:- Designation of PIOs/Deemed PIOs.
*Assistance u/Section 5(4).
- ✓ Section 6:- Request for obtaining information.
- ✓ Section 6(3):- Transfer within 5 days.
- ✓ Section 7:- Disposal of RTI application.
- *Section 7(6):- If not replied within timeline-free of cost.
- *Section 7(8):- Reasons of rejection be communicated.
- ✓ Section 7(9):- Denial due to voluminous info/diversion of resources.
- ✓ **Exemptions from Disclosure**:- Section 8(i)(a) to Section 8(i)(j).
- ✓ Section 10:- Redact the exempted.
- ✓ Section 11:- Third party procedure.
- ✓ Section 9:- Rejection on infringement of copyright subsisting in a person other than the state.
- ✓ Section 18 & Section 19:- Complaint/Appeal.
- ✓ Section 20:- Penalties.

LIMITATIONS TO RTI ACT

- o Civil services conduct rules 1964 prohibits the communication of official information in an unauthorised manner
- o Armed forces have been kept outside the ambit of RTI

Recommendations by 2nd ARC

- o The Official Secrecy Act, 1923 should be repealed and substituted by a chapter in National Security Act (NSA), 1980
- o Armed forces to be included under RTI
- o At least one day of training to all government employees in a year
- o Suo moto disclosure of information by the government departments
- o Disclosure of information by whistle blowers should be given protection
- o Thereafter the government passed the Whistle blower Protection Act, 2014

POLITICAL PARTIES UNDER THE AMBIT OF RTI

- o The issue of Political parties as Public authorities under the RTI act is a matter of long debate.

- On 3rd June 2013 in a historic decision, the CIC ruled that Political parties are also public authorities because they fulfil the criteria defined in the RTI act. The Ruling is yet to be implemented in the True sense.
- **The reasons were given by CIC while declaring Political parties as Public authorities-**
 - A) Allotment of land in Delhi
 - B) Accommodation/Bungalows at concessional rentals
 - C) Total tax exemptions under Section 13 A of the IT act
 - D) Free AIR time on Doordarshan/ Radio

3 KEY GROUNDS OF ARRIVING AT A DECISION

- Substantial Financing By the Government
- Political parties perform Public Duties
- Political parties have rights and Liabilities

Ramification/Effects of bringing Political parties under the ambit of RTI Act

- Financing shall be more transparent
- Promote inner-party democracy with respect to the selection of candidates
- Issuing of Whip
- It will bring transparency in Organisational Office bearer's elections
- Issues of Electoral bonds is linked with this and with the inclusion of Political parties under the ambit of the RTI act the electoral bonds financing will be more transparent.

INITIATIVES FOR GOOD GOVERNANCE IN INDIA

- The government started celebrating **25th December as Good Governance Day**
- **Good Governance Index** has been launched prepared by the Department of Administrative reforms and Public grievances
- **The Good governance index takes into account 10 sectors -**
 - Agriculture and allied sectors, commerce and industries, HRD, Public health, Public infrastructures and utilities; economic governance, Social welfare and development, Judicial and Public security, Environmental and citizen-centric governance
 - State and UTs have divided into 4 Categories-
 - Other state -Group A
 - Other states - Group B
 - North eastern Hills states
 - Union Territory

MINIMUM GOVERNMENT MAXIMUM GOVERNANCE

- To keep the people with minimum Governance and citizen-friendly and accountable administration
- It involves reducing the decision making layers to be minimum while allowing for faster means of information dissemination
- Reducing cabinet committees, merging similar departments and ministries, reducing bureaucratic hurdles, identification, and cutting short of various procedure
- Bringing technology to promote Robust governance

CITIZEN CHARTER

- It is not a legally binding document.
- It is a document that outlines the commitment of a public body towards standard, quality, time frame of service delivery along with a grievance redress mechanism.
- The very idea was initiated by John Major's government of the United Kingdom. It was based on 6 Principles such as Quality, Choice; Standard of services; Value for taxpayers' money; Accountability of individuals and organisations; Transparency of rules and procedures.
- It is **important for the following reasons :-**
 - It improves transparency and accountability
 - It ensures an effective engagement of civil society and active participation
 - It makes the government more responsive and enhances its credibility and trust it ensures that the services are demand-driven rather than supply-driven
 - It helps in Curbing corruption by giving information

Citizen charter in India

- Not legally binding
- The Department of administrative reforms and public grievances acts as a nodal department and provides guidelines for the formation and operationalisation
- **Components:**
 - It should contain the vision and mission statements of the particular departments
 - Details of the businesses and various services are provided by the department
 - Details of citizens who are eligible and apply for the particular service
 - Statement of Standard, Quality and timeframe
 - Grievance redressal mechanism
- **Issues associated -**
 - The absence of legal backing and does not have a legally binding character
 - Lack of consultation from citizens and NGOs during the framing of citizen charter
 - Absence of Citizen charter in vernacular language
 - The citizen charter does not exhibit or properly follow the grievance redressal mechanism
 - Citizen charters are not periodically reviewed. Periodic review, updating and changes must be done.
 - Lack of proper training of the staffs.
- **Recommendations of 2nd ARC -**
 - There should be a tailor-made citizen charter for each department and One size fit all should not be the case.
 - There should be wider consultation with the civil society
 - The charters must be precise and a firm commitment should be made to the citizens.

- It should be Periodically reviewed with end-user feedback
- There should be firm commitments and internal mechanisms to meet the demand of citizen charter
- **Sevottam Model** - Refers to excellence in service delivery. It is suggested by the 2nd ARC in its 12th report that is citizen-centric administration. The objective of improves the quality of public service delivery in the country.'
- It has **3 Modules** : Citizen charter; Service delivery capabilities; Public grievance redress mechanism
- The organisation is also obliged to get the BIS certification if it complies with the three modules.

SOCIAL AUDIT

- The audit is an unbiased examination of accounts.
- A social audit is a process in which details of resources used by a public agency for development initiatives are shared with the people through public platforms which allow end-users to scrutinize the impact of development programs.
- It is the instrument for measuring social accountability.
- **Significance of Social Audit:**
 - It helps the policymakers to understand the needs of stakeholders
 - Through the social audit we can target beneficiaries more effectively
 - To identify the problem area and challenges in the implementation of the scheme.
 - It makes the government more responsive
 - It increases accountability and checks corruption
 - It results in increased confidence of the people in the Government
 - Participatory governance
- **Limitations:**
 - There is no legal backing
 - There are no uniform guidelines detailing broad features
 - It is a lack of trained auditors and technical support.
 - There is no awareness among the masses about the importance of social audit and also relevance of it.
- **Way Forward:**
 - The social audit should be a continuous process as a concept of empowering stakeholders.
 - The mechanism of Social audit can be strengthened by Education and awareness of Gram Sabha members
 - Involvement of Civil Society.

E-GOVERNANCE

- It refers to electronic governance.
- The 11th Report on E-governance by the 2nd ARC is an important one.
- **As per the UNESCO-** it may be understood as the **performance of governance via the electronic medium** in order to facilitate an **efficient, speedy and transparent** process of **disseminating information to the public** and other agencies and for **performing government administrative activities**.
- E-Governance is associated with carrying out the functions and achieving the results of governance through the utilization of ICT.
- **Benefits:**
 - Reduces the cost and time required for the delivery of the services
 - It expands the reach of governance
 - It empowers people through information
 - It increases the level of accountability and transparency.
 - It reduces corruption
 - The ranking in ease of doing business shall improve
- **E-governance in India –**
 - 1977 – National Informatics Centre was established.
 - 1999 – Min of IT was created
 - 2006 – National e-governance plan (NeGP) was launched under DARPG & Dept. of Electronics & IT. It had 27 mission mode projects. Examples – common service centre (CSC), SWAN – state-wide area network.
 - Digital India Mission- aims to transform the country into a digitally empowered society and knowledge economy.
 - There are 3 components of Digital India – Development of secure and stable Digital India infrastructure, Delivering government service digitally; Digital literacy.
 - **NeGP 2.0 or Mission e-Kranti** redefines the National e-governance plan to bring about transformational and outcome-oriented e-governance initiatives and to promote optimum use of the core ICT.
- **Models of E-governance**
 - **Government to business (G2B): Example** - SWIFT -single-window interface for trade, Online application for services, etc.
 - **Government to citizen (G2C):** all the interaction between govt and the citizens including feedback. Such as Digi-Lockers; online payment of taxes, filing complaints online, UMANG – unified mobile application for unified governance, MyGOV, etc.
 - **Government to Employee (G2E):** Attendance; salary distribution; service issues, etc
 - **Government to government (G2G) –** Interaction between one department to another, ministries.
- **Challenges involved in e-governance –**
 - **Social & environmental challenges** – digital illiteracy, digital divide, use of local languages, user-friendly e-technology apps and websites, resistance to change
 - **Technical issues** – data security, privacy issue, issue of interoperability, cyber security.
 - **Economical issues** – the high cost of implementation, high maintenance cost
- **Recommendations As per Second ARC**
 - Capacity Building of organization capacity with infrastructure development and training etc.

- o Technological development of national enterprise architecture NEA
- o Protect critical information infrastructure
- o Building a congenial environment with a political will to implement E-governance creates awareness in the public and also incentivises e-governance.

Role of Civil Services in Democracy:

- The theory of separation of powers provides for executives, legislature, and judiciary.
- The executive in India can be further classified into temporary and permanent executives.
- The real power lies with the temporary executives, who are part of the Council of Ministers and are collectively responsible to the House of People, Article 75 (3).
- The Constitution also provides for All India Services under Article 312 and Articles 309 to 322 deal with Civil Services, Public Service Commission, etc.
- The Office of Collector was established mainly to pursue revenue collection in 1772.
- The Charter Act of 1853, brought a competitive method for selection into Civil Services.
- Civil Services Commission was constituted under Lord Macaulay in 1854.
- In 1926, Public Service Commission was established, accepting the suggestions of the Lee Commission.
- The Constitution of India provides for Union Public Service Commission, State Public Service Commission, and Joint Public Service Commission.
- UPSC and State Public Service Commissions are constitutional bodies, while Joint Public Commission is a Statutory body.

Role of civil servants in India

- **Policy formulation:**
 - o The civil services in India are responsible for policy formulation, giving a framework to the policies, and advising the ministers in this regard.
- **Policy implementation:**
 - o The civil servants are responsible for the implementation of policies and laws.
 - o Basis of governance and administration:
 - o The civil servants are the critical link between the citizenry and the government and also run the day-to-day affairs of the administration.
 - o They also provide various services at the ground level.
- **Providing continuity and stability:**
 - o The civil servants provide for continuity in the administration wherein the governments may change after periodic elections.
 - o The civil servants are not or do not belong to political parties and have their affiliation only to the Constitution.
- **Crisis management and management of resources:**
 - o Civil servants are at the forefront in any crisis and manage resources for the overall welfare of the people.
- **Maintenance of Public Order:**
 - o The maintenance of public order is one of the prime responsibilities of civil servants.
- **Developmental Role:**
 - o They are responsible for various forms of development, i.e. socio-economic development, infrastructure development, and overall human development.
 - o The bureaucracy in India is based on the Weberian Model, wherein:
 - Organized and clearly defined hierarchy.
 - Merit-based recruitments.
 - Rigid and written rules.
 - There should be a promotion based on seniority.
 - o The Weberian Model, though has demerits like less scope for discretion, rigid rules, and promotions based only on seniority, still, it is one of the good models to bring objectivity.

Democracy and Bureaucracy (complementary and conflict)

- o Complementary:
 - The efficient delivery of services complements the goals of democracy.
 - The bureaucracy acts as the bridge between the citizenry and the government and understands the pulse of the citizenry.
 - The bureaucracy provides for an impartial setup and it is based on rule of law.
 - The bureaucracy must not centralize power and there must be decentralization.
 - Rigid structure gives rise to red-tapism.
 - They are not directly accountable to the people.
 - The elitist outlook of bureaucracy should change to a more sensitive, people-friendly, and responsive civil service.

Civil Services neutrality:

- o It is to maintain absolute neutrality, irrespective of the political party in power.
- o And it also ensures administration, that is, unbiased.
- o Civil services neutrality promotes efficiency, work without fear and bias, and work for even those who did not vote for the party in power.

Role of civil services post-LPG:

- o The Civil Services post-LPG has a different role because the government is retreating from loss-making sectors.
- o Civil services ensure that there is enough competition in the market.
- o Promote skill development, and take care of the weaker sections of society.
- o Integration of the Indian economy with that of the global economy.
- o Accommodate the aspirations of civil society and make them partners in development.
- o Promote ease of doing business.
- o Post 73rd/74th Amendment, there should be democratic decentralization at the Grassroot level, and civil services should promote participative governance.

- o Promoting India's interest abroad as diplomats and also ensuring the multinational corporations work in tandem with the domestic laws/rules, etc.

All India Services:

- o As per Article 312, All India Services are envisaged.
- o There are three All India Services, namely, Indian Administrative Service, Indian Police Service, and Indian Forest Services.
- o A new All India Services is created by the Parliament after Rajya Sabha passes a resolution in that effect, by a majority of not less than $\frac{2}{3}$ of the members present and voting.

Benefits of All India Services:

- o To promote national integration.
- o For promoting effective governance, uniform training, uniform pay scale, etc. is required.
- o The All-India servants act as the bridge between centre and state.
- o The cadre-based deputation system provides for the same officer at the state and the union levels.
- o The deputation provides opportunities to the civil servants from the ground level to participate in policy-making.
- o It promotes coordination between the civil servants at the state level and those posted at the union level.

Recap of previous class

- o The separation of the Judiciary and Executive in public services is mentioned in Article 50.
- o As per the CrPC, Judicial Magistrates are the lowermost tier of the criminal Judiciary.
- o It is every accused person's right to be produced before a Judicial Magistrate within 24 hours of his arrest.
- o Executive Magistrates, also called District Magistrates, are officers of the Executive, and hold administrative positions in the governance of the district.

Difference between the Indian Penal Code (IPC) 1860 and The Code of Criminal Procedure (CrPc) 1973:

- o IPC is the principal criminal code of India that defines crimes and provides punishments for almost all kinds of criminal and actionable wrongs.
- o CrPc is the procedural law that provides a detailed procedure for punishments under penal laws.
- o **For example:** If anyone is accused of murdering someone, he/she will be charged under section 302 of IPC. He will be produced before the magistrate, his statement will be recorded, he will undergo cross-questioning, etc. as per CrPc.

• Issues with Civil Services in India

- o Corruption.
- o Red Tapism.
- o Culture of Secrecy.
- o Elitist outlook as a colonial legacy.
- o Frequent transfers.
- o Workload.
- o Lack of sensitization.

Generalist v/s Specialist debate:

- o Generalists work as specialists through generalized training.
- o IAS, as generalists, tend to over-weigh their experience of the process and form an understanding of policy content.
- o The debate gets starker when specialized departments like the Office of the CAG get headed by a generalist, despite the existence of a specialized Indian Audit and Accounts Services.

Issues with All-India Services:

- o It diminishes the character of Pan-India posting to the limits of the states concerned.
- o This is because the All-India services officers mostly serve within their respective cadres, and states have thus a limited pool of officers to choose from.
- o It at times leads to collusion with the local politicians.
- o Many states are reluctant to release them for central deputation, and many times they are reluctant to go back to their parent cadre.
- o It opposes any lateral entry.

Reforms suggested by the second ARC:

- o Reduction in the age and attempts of applicants:

Category	Recommended age limit	Recommended attempts
General	21-25	3
OBC	21-28	5
SC/ST	21-29	6

- o The main reason behind this was to ensure that civil servants get to spend a longer career, which will do justice to the amount spent on them during training.
- o The entire money spent on training is paid back to the Central government by the cadre states
- o Specialized training at the national institute of public administration.
- o Doing away with the optional subjects so that the playing field gets leveled.
- o Objective and Subjective papers must be held together-prelims are being held since 1979 when the number of aspirants was felt too large for direct subjective exams.
- o There should be an initial appointment for twenty years with two reviews in the 14th and 20th years.
- o A comprehensive management system with new numerical ratings.
- o Promotion should be based on merit and not only seniority.
- o A comprehensive performance appraisal system.
- o At the Secretary level, the positions must be open for All- India Services and Central Services and not only IAS.

- o At least 13 years of domain experience in specialized positions.
- o There must be a well-defined procedure for recruitment with wide publicity and open competition.

Supreme Court's recommendations in the TSR Subramanian case 2013

- o Officers in All India Services must have a fixed minimum tenure.
- o AIS officers must not be made to function on oral instructions of the political executive.
- o Establishment of Civil Services Board to recommend transfers and postings of All India Services officers.
- o The **Cabinet Secretary** is the Chairman of the Civil Services Board at the national level.
- o The recommendations can be overruled by the political executive for reasons to be recorded in writing
- o **Difference between removal and dismissal from a service:**
 - The only difference between dismissal(debarred from future employment) and removal is that in the latter case there is no disqualification for reemployment.
- o The reforms in cadre allocation are through the New Cadre Policy 2017 wherein the country is divided into five zones and the allocation is based on the first option of each zone is a chronology
- o **Zone 1 : AGMUT Cadre, himachal Pradesh, Uttarakhand, Panjab, Rajasthan, Haryana**
 - It is currently the second-largest civil service cadre, comprising three states — Arunachal Pradesh, Goa, and Mizoram — and eight UTs, namely Andaman & Nicobar, Chandigarh, Daman & Diu, NCT Delhi, Lakshadweep, Puducherry, J&K, and Ladakh.
 - **DANICS:**
 - The Delhi, Andaman & Nicobar, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Civil) Services (DANICS) provide officers to administer the Civil Administration of the Union Territory segments.
 - It is a Group 'B' service.
 - **DANIPS:**
 - The Delhi, Andaman & Nicobar, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Police) Services (DANIPS) provide officers to administer the Civil Administration of the Union Territory segments.
 - It is a Group 'B' service.
- o **Pondicherry** Civil Service and Pondicherry Police Service are administered by the central government as a central service.
 - It comes under Group 'B' civil services.
- o **Zone 2 : UP, Bihar, Jharkhand, Odisha**
- o **Zone 3 : Gujarat, MH, MP, Chhattisgarh**
- o **Zone 4 : WB, Sikkim, Assam, Meghalaya, Manipur, Nagaland, Tripura**
- o **Zone 5 : Telangana, AP, Karnataka, TN, Kerala**
- **Changes in cadre can be done by:**
 - o **Inter cadre marriages** - Only if not going to home care and both the states must agree.
 - o Empanelment by the **ACC**- Appointment Committee of Cabinet.

Lateral entry

- o Induction of candidates into civil services at higher levels of organized services through bypassing the regular mode of recruitment.
- o Lateral entry officers are outside the regular organized services.

Arguments in favor of lateral entry:

- The need for expert knowledge in the post-globalization world demands the services of domain experts.
- It might not work originally with the government apparatus but long-term efficiency could emulate the private sector.
- The element of professionalism from the private sector can facilitate better public-private-partnership.
- It will help in filling the vacancies.
- It will lead to a wider talent pool for the government.
- It will induce competition into the established bureaucracy.

Arguments against lateral entry:

- It may demotivate the existing civil servants as their career progression prospects might get hampered.
- They may lack on-field experience or requisite administrative experience.
- There is an element of subjectivity in the process.
- The entrants may find it difficult to adjust to the bureaucratic structure.
- The wage gap between the private sector and the public sector is wide and this may induce them to corruption.

Way forward:

- There should be transparency and objectivity in the recruitment procedure.
- The recommendation of the **second ARC** like lateral entry at both union and state governments should be promoted and institutionalized.
- There should be the development of domain expertise in the already serving bureaucracy.
- The tenure can be increased.
- The lateral entry should be extended into the state governments with a more institutionalized process and be sector-specific.
- **Mission Karmayogi**
 - It is a national program for civil services capacity building launched in 2020.
 - The mission intends to provide civil services which are more creative, constructive, imaginative, innovative, proactive, and technology-enabled.
 - The program aims to establish a new architecture for civil services capacity building.
 - A Special Purpose Vehicle (SPV) is set up under the companies act to run the mission.
 - The SPV will manage the **Integrated Government Online Training (IGOT) digital platform**.

The six key pillars of mission Karmayogi are as follows:

- Policy Framework.
 - Institutional Framework.
 - Competency framework.
 - Digital Learning Framework.
 - Electronic Human Resource management system.
 - Monitoring and evaluation framework.
- There is the **Prime Minister's Public Human Resource Council** for providing directions to civil services reforms and capacity building.

Salient features of Mission Karmayogi:

- In the transition from rule-based to role-based services - the focus is to allocate the work as per their competencies.
- On-site learning is to complement off-site learning.
- The **Framework of Roles, Activities, and Competencies (FRAC approach)** - The civil servant's profession would be synced with the process in which all learning content shall be calibrated and an ecosystem of shared training infrastructure.
- Behavioral, functional, and domain competencies should be self-driven and there should be learning paths to promote skill development and competency.
- Partnerships with universities, startups, etc for capacity building.

Development:

- Development is about bringing social change that allows people to achieve their **social and human potential**.
- As per IBRD (International Bank for Reconstruction and Development) the challenge of development is to increase the quality of life which includes income level, better education, health, clean environment, etc.
- **Aspects of Development:**
 - **a) Economical** - involves reduction of poverty, and inequality, achieving demographic dividend, balanced economic development, and achieving maximum utilization of available resources.
 - **b) Social** - involves reducing social inequality such as caste discrimination, untouchability, patriarchy.
 - **c) Political** - it removes various types of unnecessary restraints and aids the development of reasoning and expansion of human choices. The political aspect of development promotes liberty, that is, the absence of unnecessary restraints and responsible use of freedom under rule of law.

Development and Government Policy:

- The state-led development model has undergone a fundamental change, wherein, the state now promotes competition by being a neutral empire.
- It has moved from a top-down approach to a bottom-up or fountain approach.
- The neo-liberal paradigm supports the minimum role of govt. with the reduced public sector.
- It promotes macro-economic stability, trade liberalization, and the role of the private sector in vast areas of the economy.
- The govt. promotes healthy competition, reserves certain strategic sectors like atomic energy and space for itself, and promotes the welfare of vulnerable sections.

Sustainable development:

- This kind of development caters to the needs of the present without compromising future generations.

Participatory development:

- The process is based on people's participation and empowerment.
- Civil societies and self-help groups (SHGs) promote participatory development

Policy Formulation:

- The proposed course of action of a government within a given environment provides opportunities and obstacles that the policy aims to utilize and overcome to realize a given role.

Cabinet Secretariate vs Central Secretariate:

- Central Sec. is the totality of all ministries and departments at the union level. There are departments inside the ministries, like the dept of revenue, economic affairs, in Finance ministry, except ministry of external affairs where you have divisions.
- In rare cases, some departments like the dept of atomic energy and dept of space do not come under any ministry but come under PMO.
- Cab. Sec. is mainly concerned with the cabinet-related works of the union. It also aids the Prime Minister in his or her cabinet-related responsibilities.
- The Cab Secretariate is headed by the **Cabinet Secretary who is the chairman of the Civil services board**.
- The Cab secretariate prepares the agenda for the cabinet meetings, and minutes of the discussion and communicates the decision taken to various ministries and departments.

Public policy

- **Stages of Public Policy:**
 - Agenda setting, Policy formulation, Policy adoption, policy evaluation, policy implementation
- **Characteristics of a Good Public policy:**
 - The policy should be evolved after wide consultation,
 - The policy should be dynamic and evolve with time.
 - The policy should be target-oriented keeping objectivity in mind.
- **Challenges to Policy Making:**
 - Too much Centralization,
 - Fewer incentives to the private sector,
 - Absence of feedback mechanism, etc.
- **Planning:**
 - **Single Level Planning** :- Plans made at the central or national level is called single-level planning

- **Multi-level planning** - is the utilization of a number of well-defined area levels performing well-understood functions not only during the implementation but also during planning.
- **Decentralized Planning** - A planning where the task of formulation, adapting, executing, and supervising the plan is dispersed rather than entrusted to a central authority. It is to promote greater freedom in planning at the grassroots or local level.

Civil Society and Role of Civil Society:

- Civil Society refers to a wide array of organizations, community groups, NGOs, Labour Unions, indigenous groups, charitable organizations, faith-based organizations, etc.
- **Civil Societies promote the interests of the society in various ways such as-**
 - Lobbying Campaigning.
 - Writing articles online, and online campaigns and movement, etc.
 - In a democracy, the role of civil society is of prime importance to promote accountable governance and informed citizenry.
 - Societies Registration Act 1860 provides for their registration.
- **Type of Civil societies:**
 - NGOs, Resident Welfare Association (RWA), Farmer's organization, labour unions, cooperatives, civil liberty organizations, trade unions, etc.

NGOs:

- A civil society when organized in a structure and specialized in function takes the form of NGOs.
- **Characteristics:**
 - The NGOs help in aiding the govt and promoting the goals of development.
 - They play a vital role in channelizing communities and giving voice to their concerns.
 - They promote qualitative service delivery.
 - They improve the quality of governance, by providing their qualitative inputs
 - They also help in conflict resolution.
 - They promote pluralism, diversity, and freedom.
 - They are seen rural and urban areas.
- **Way Forward:**
 - A national accreditation council for qualitative certification
 - More transparent funding,
 - Better use of technology,
 - They should be better regulated with more professionalism,
 - NGOs should also promote wider consultation and collective work.

Self promote evaluation and monitoring and also capacity building.

- **Issues with NGOs:**
 - The NGOs lack funds and they many times are starved of even basic funds.
 - Accreditation is missing and that provides a void in qualitative certification.
 - NGOs have also come under the radar for stalling development at the behest of outside forces.
 - The financing mechanism should be transparent to bring about qualitative funding and regular audits.
 - Lack of Professionalism,
 - Lack of Internal democracy
- **Lack of parity between Self Help Groups (SHG):**
 - SHG is defined as a self-governed peer-controlled group of people with similar socio-economic backgrounds having a desire to collectively perform a common purpose.
- **Objectives -**
 - Financial mobilization through developing common fund
 - Promotes financial literacy
 - Helps in Women's empowerment
 - Helps in decision-making roles in family and society,
 - Example - Kudumbashree in Kerala, etc.
 - They bring Social and Economic change thereby aiding govt in their welfare mandate.
- **Major Challenges:**
 - Funding,
 - Skill Development,
 - Access to technology,
 - They also at times face political interference,
 - Socio-cultural challenges due to poverty, due to out-migration, etc.
 - Lack of professionalism, etc.
- **Suggestions:**
 - Institutionalized access to credit
 - Skill development
 - Access to technology,
 - They need to diversify,
 - Internal democracy,
 - There should be an institutional framework for collaboration among the SHGs to facilitate peer learning.
- **Foreign Contribution Regulation Act (FCRA):**
 - The law seeks to regulate foreign donations to individuals and associations so that they function in a manner in a manner consistent with democratic principles.
 - The Act prohibits the receipt of foreign funds by candidates for elections, journalists, govt servants, or political activities (Foreign companies now can contribute to Political parties through electoral bonds)

- **Changes to the Act-**
 - The administrative expenses should be up to 20% (section 8(1)(b))
 - The center can direct an organization to not utilize foreign contributions till the time an inquiry on a suspected violation is pending. (Section 11(2))
 - Newly added sections 12 and 17 states that foreign contributions must be deposited in the FCRA account designated for the purpose.
 - The center can take the Aadhar number of the main functionaries of the organization.
- **Reasons for Amendments:**
 - Noel Harper and others vs UOI SC upheld these changes
 - To bring transparency to the funding
 - To promote the better utilization of funds rather than a substantial chunk used in administrative expenses.
 - To fix accountability.
- **Way Forward:**
 - There should be a balance between transparency and Independent functioning
 - There should be no hindrance to collective welfare through active citizenry.
 - The Act has been amended as upheld by SC and will promote objectivity, better regulation, and transparency in the funding of NGOs.